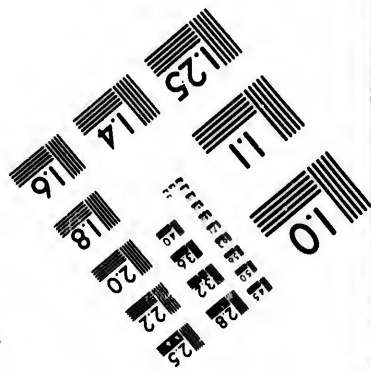
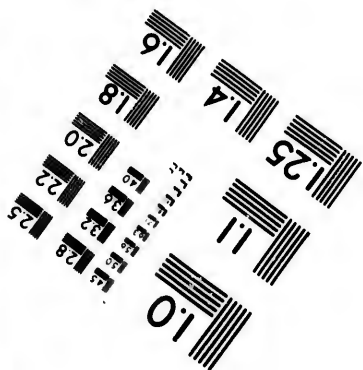
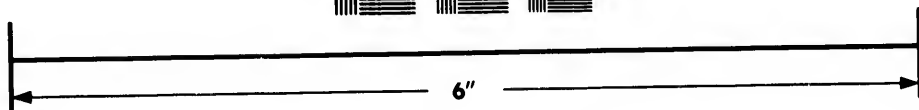
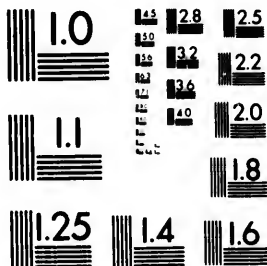


**IMAGE EVALUATION  
TEST TARGET (MT-3)**



**Photographic  
Sciences  
Corporation**

23 WEST MAIN STREET  
WEBSTER, N.Y. 14580  
(716) 872-4503

28  
25  
22  
20  
18

**CIHM/ICMH  
Microfiche  
Series.**

**CIHM/ICMH  
Collection de  
microfiches.**



**Canadian Institute for Historical Microreproductions / Institut canadien de microreproductions historiques**

11  
10  
57

**© 1981**

Technical and Bibliographic Notes/Notes techniques et bibliographiques

The Institute has attempted to obtain the best original copy available for filming. Features of this copy which may be bibliographically unique, which may alter any of the images in the reproduction, or which may significantly change the usual method of filming, are checked below.

L'Institut a microfilmé le meilleur exemplaire qu'il lui a été possible de se procurer. Les détails de cet exemplaire qui sont peut-être uniques du point de vue bibliographique, qui peuvent modifier une image reproduite, ou qui peuvent exiger une modification dans la méthode normale de filmage sont indiqués ci-dessous.

- Coloured covers/  
Couverture de couleur
- Covers damaged/  
Couverture endommagée
- Covers restored and/or laminated/  
Couverture restaurée et/ou pelliculée
- Cover title missing/  
Le titre de couverture manque
- Coloured maps/  
Cartes géographiques en couleur
- Coloured ink (i.e. other than blue or black)/  
Encre de couleur (i.e. autre que bleue ou noire)
- Coloured plates and/or illustrations/  
Planches et/ou illustrations en couleur
- Bound with other material/  
Relié avec d'autres documents
- Tight binding may cause shadows or distortion  
along interior margin/  
La reliure serrée peut causer de l'ombre ou de la  
distortion le long de la marge intérieure
- Blank leaves added during restoration may  
appear within the text. Whenever possible, these  
have been omitted from filming/  
Il se peut que certaines pages blanches ajoutées  
lors d'une restauration apparaissent dans le texte,  
mais, lorsque cela était possible, ces pages n'ont  
pas été filmées.
- Additional comments:/  
Commentaires supplémentaires:

- Coloured pages/  
Pages de couleur
- Pages damaged/  
Pages endommagées
- Pages restored and/or laminated/  
Pages restaurées et/ou pelliculées
- Pages discoloured, stained or foxed/  
Pages décolorées, tachetées ou piquées
- Pages detached/  
Pages détachées
- Showthrough/  
Transparence
- Quality of print varies/  
Qualité inégale de l'impression
- Includes supplementary material/  
Comprend du matériel supplémentaire
- Only edition available/  
Seule édition disponible
- Pages wholly or partially obscured by errata  
slips, tissues, etc., have been refilmed to  
ensure the best possible image/  
Les pages totalement ou partiellement  
obscurcies par un feuillet d'errata, une pelure,  
etc., ont été filmées à nouveau de façon à  
obtenir la meilleure image possible.

This item is filmed at the reduction ratio checked below/  
Ce document est filmé au taux de réduction indiqué ci-dessous.

10X	12X	14X	16X	18X	20X	22X	24X	26X	28X	30X	32X
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The copy filmed here has been reproduced thanks to the generosity of:

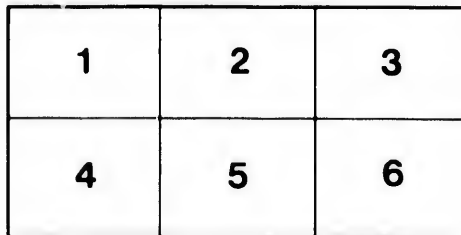
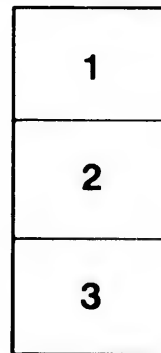
Vancouver Public Library

The images appearing here are the best quality possible considering the condition and legibility of the original copy and in keeping with the filming contract specifications.

Original copies in printed paper covers are filmed beginning with the front cover and ending on the last page with a printed or illustrated impression, or the back cover when appropriate. All other original copies are filmed beginning on the first page with a printed or illustrated impression, and ending on the last page with a printed or illustrated impression.

The last recorded frame on each microfiche shall contain the symbol  $\rightarrow$  (meaning "CONTINUED"), or the symbol  $\nabla$  (meaning "END"), whichever applies.

Maps, plates, charts, etc., may be filmed at different reduction ratios. Those too large to be entirely included in one exposure are filmed beginning in the upper left hand corner, left to right and top to bottom, as many frames as required. The following diagrams illustrate the method:



L'exemplaire filmé fut reproduit grâce à la générosité de:

Vancouver Public Library

Les images suivantes ont été reproduites avec le plus grand soin, compte tenu de la condition et de la netteté de l'exemplaire filmé, et en conformité avec les conditions du contrat de filmage.

Les exemplaires originaux dont la couverture en papier est imprimée sont filmés en commençant par le premier plat et en terminant soit par la dernière page qui comporte une empreinte d'impression ou d'illustration, soit par le second plat, selon le cas. Tous les autres exemplaires originaux sont filmés en commençant par la première page qui comporte une empreinte d'impression ou d'illustration et en terminant par la dernière page qui comporte une telle empreinte.

Un des symboles suivants apparaîtra sur la dernière image de chaque microfiche, selon le cas: le symbole  $\rightarrow$  signifie "A SUIVRE", le symbole  $\nabla$  signifie "FIN".

Les cartes, planches, tableaux, etc., peuvent être filmés à des taux de réduction différents. Lorsque le document est trop grand pour être reproduit en un seul cliché, il est filmé à partir de l'angle supérieur gauche, de gauche à droite, et de haut en bas, en prenant le nombre d'images nécessaire. Les diagrammes suivants illustrent la méthode.

rrata  
to

pelure,  
n à



32X





**CONFIDENTIAL.**

(7340.)

**PART XI.**

---

**FURTHER CORRESPONDENCE**

**RESPECTING THE**

**BOUNDARY BETWEEN THE BRITISH POSSESSIONS IN  
NORTH AMERICA**

**AND THE**

**TERRITORY OF ALASKA.**

[For Correspondence from 1st January to 31st March, see Joint Commission Series.]

---

**February to December 1899.**

## TABLE OF CONTENTS.

No.	Name.	No.	Date.	SUBJECT.	Page
1	Sir J. Pauncefote ..	11 Tel.	Feb. 9, 1899	Proposed Treaty. Thinks United States' Government would not include Alaska boundary question in Suggests pressing for arbitration under conditions .. ..	1
2	" "	27 Tel.	Mar. 22,	Provisional boundary. Proposals of United States' Government respecting .. ..	2
3	Question asked in the House of Commons (Mr. Hogan)	..	23,	No <i>modus vivendi</i> has been arrived at, and Foreign Office knows nothing of collisions arising out of disputed border .. ..	2
4	To Colonial Office ..	Confidential	23,	Provisional boundary. Transmits No. 2. Requests that views of Canadian Government be obtained by telegraph .. ..	2
5	Sir J. Pauncefote ..	99	21,	Provisional boundary. Transmits note from Mr. Hay containing proposals respecting ..	3
6	Colonial Office ..	..	30,	Civil Government of Alaska Bill. Transmits telegram from Canadian Government showing alterations desired in text of proviso to section 10 .. ..	3
7	" "	Confidential	Apr. 1,	Provisional boundary. Transmits telegrams to and from Canadian Government. Arrangements for settlement of permanent boundary should be made at same time .. ..	4
8	Sir J. Pauncefote ..	34 Tel.	11,	Provisional boundary (see No. 5). May be communicate Minute of Canadian Privy Council to United States' Government? ..	5
9	To Colonial Office ..	Confidential	12,	Provisional boundary. Transmits No. 8. What reply? .. ..	5
10	Sir J. Pauncefote ..	105	7,	British Columbia mining legislation. Transmits note from Mr. Hay inclosing Petition of United States' subjects in Atlin district ..	6
11	Colonial Office ..	Confidential	17,	Modification of Clayton-Bulwer Treaty. Discussion should be deferred until United States' Government agree to an arrangement for settling Alaska boundary question. Transmits telegram from Canadian Government .. ..	9
12	" "	Confidential	17,	Provisional boundary (see No. 5). Minute of Privy Council not received .. ..	10
13	To Sir J. Pauncefote ..	87	20,	Modification of Clayton-Bulwer Treaty. Transmits No. 11 .. ..	10
13*	Sir J. Pauncefote ..	43 Tel.	23,	British Columbian Mining Laws. Critical situation in region of Lynn Canal. United States' Government suggest <i>modus vivendi</i> ..	10*
14	To Colonial Office ..	..	25,	British Columbia mining legislation. Transmits No. 10. What instructions should be sent? .. ..	10
14*	Mr. Tower ..	45 Tel.	27,	Situation in region of Lynn Canal (see No. 13*). Text of telegram from Governor-General of Canada denying danger of conflict ..	10*

No.	Name.	No.	Date.	SUBJECT.	Page
15	Colonial Office ..	..	Apr. 28, 1899	Provisional boundary (see Nos. 13* and 14). Canadian outposts have not been advanced. No danger of conflict. Lord Minto suggests special consideration of case of United States' miners prevented from recording claims owing to lack of machinery. United States' Government should definitely agree to arbitration before provisional line can be fixed. Transmits correspondence. Minute of Canadian Privy Council (No. 9) may be communicated to United States' Government .. .. .	11
16	" ..	..	28,	Civil Government of Alaska Bill. Transmits despatch from Canadian Government respecting amendment of .. .. .	14
17	To Mr. Tower ..	68 Tel.	29,	Provisional boundary (see No. 8). Minute may be communicated to United States' Government .. .. .	15
18	To Colonial Office ..	..	29,	Provisional boundary. Informs of No. 17 ..	15
19	Colonial Office ..	..	,	British Columbia Mining Laws (see No. 14). Transmits despatch to Canadian Government recommending that case be brought before Government of British Columbia ..	15
20	" ..	.. Confidential	May 1,	Modification of Clayton-Bulwer Treaty. Transmits documents. Opportunity favourable for urging Alaska Boundary Arbitration on United States' Government .. .. .	16
20*	Mr. Tower ..	46 Tel.	5,	Military post at Pyramid Harbour. Intention of United States' Government to establish ..	18*
21	To Colonial Office ..	Confidential	6,	Modification of Clayton-Bulwer Treaty (see No. 20). United States' Government would not consent to deal with any other question but the Inter-oceanic Canal in the new Treaty .. .. .	18
22	Mr. Tower ..	124 Confidential	Apr. 28,	British Columbia legislation. Transmits letter from Lord Minto expressing conviction that Mining Laws would be disallowed if United States' Government consented to arbitration	19
23	" ..	.. 127	29,	Provisional boundary (see No. 17). Has communicated Minute to United States' Government .. .. .	20
24	To Mr. Tower ..	70 Tel.	May 11,	Military post at Pyramid Harbour (see No. 20*). Express to Mr. Hay regret of Her Majesty's Government at contemplated establishment of, and hope that decision will be suspended for the present ..	20
25	Mr. Tower ..	135 Secret	4,	British Columbian Mining Laws and provisional boundary. Substance of conversation with Mr. Hay. Desirability of agreeing on a temporary <i>modus vivendi</i> . United States' Government would be prepared to agree to arbitration on whole frontier .. .. .	20
26	Colonial Office ..	.. Secret	13,	Final settlement. Transmits telegram to Canadian Government suggesting arbitration on basis of Venezuelan Treaty, with modifications .. .. .	21
27	To Mr. Choate ..	..	13,	Final settlement. Summary of conversation of 3rd May. Proposes to refer boundary dispute to arbitration on lines of Venezuelan Treaty .. .. .	22

Page

tea' ..  
ska for ..  
1 ..  
ted ..  
2 ..  
and ..  
ons ..  
2 ..  
2. ..  
rn- ..  
.. 2 ..  
om ..  
g .. 3 ..  
nits ..  
ow- ..  
to .. 3 ..  
s to ..  
age- ..  
ary .. 4 ..  
he ..  
rivy .. 5 ..  
8. .. 5 ..  
.. 5 ..  
an- ..  
tion ..  
ict. .. 5 ..  
Dis- ..  
ited ..  
nge- ..  
ion. ..  
ern- ..  
.. 9 ..  
nute ..  
.. 10 ..  
noe- ..  
.. 10 ..  
tical ..  
ited ..  
ndi. .. 10\* ..  
rans- ..  
d be .. 10 ..  
(3\*) ..  
eral .. 10\*

No.	Name.	No.	Date.	Subject.	Page
28	Colonial Office	.. Confidential	May 13, 1899	Modification of Clayton-Hulwer Treaty (see No. 21). Canadian Government desire Alaska boundary negotiations to proceed <i>pari passu</i> with those as to canal ..	23
29	" "	.. Confidential	16,	Proposed arbitration. Transmits telegrams from Canadian Government objecting to suggested modifications of Venezuelan Treaty. Canada must have Pyramid Harbour in return for Dyea and Skagway ..	23
30	Mr. Tower	.. 47 Tel.	17,	United States' military post for Pyramid Harbour. Government have decided not to send for the present ..	24
31	To Mr. Tower	.. 71 Tel. Confidential	17,	Proposed arbitration. Suggest to United States' Government that Canada should have Pyramid Harbour in return for Dyea and Skagway ..	24
32	To Mr. Choate	.. ..	17,	Proposed arbitration. Informa of suggested addition to rules in Venezuelan Treaty (see No. 31) ..	25
33	Mr. Choate	.. ..	19,	Proposed arbitration. Unable to understand suggestion with regard to Pyramid Harbour. Is awaiting instructions from his Government ..	25
34	Colonial Office	.. Confidential	19,	Proposed arbitration. Transmits telegram to Canadian Government informing of No. 31 ..	26
35	Mr. Choate	.. ..	18,	Proposed arbitration. Very gratifying. Has reported suggestion to United States' Government (see No. 27) ..	26
36	Colonial Office	.. Confidential	20,	United States' troops for Pyramid Harbour. Transmits telegram to Canadian Government informing of No. 30 ..	27
37	Mr. Tower	.. 49 Tel.	20,	Proposed arbitration. United States' Government unable to accept suggestion with regard to Pyramid Harbour (see No. 31) ..	28
38	" "	.. 30 Tel.	20,	Pyramid Harbour. Official intimation of suspension for the present of dispatch of troops to ..	28
39	To Mr. Tower	.. 119	20,	Proposed arbitration. Substance of conversation with Mr. Choate. United States' Government utterly unable to accept Pyramid Harbour proposition ..	29
40	Mr. Tower	.. 141	12,	Newspaper comments in London and Washington on unsatisfactory state of negotiations. Conversation with Mr. Hay respecting ..	29
41	" "	.. 142	12,	United States' troops for Pyramid Harbour. Transmits copy of note to United States' Government informing of views of Her Majesty's Government ..	31
42	Colonial Office	.. ..	20,	Reassembling of Joint Commission. Transmits telegram from Governor-General giving conditions on which Canadian Government would consent to ..	31
43	" "	.. Confidential	22,	British Columbian Mining Laws. Reciprocity of treatment granted by United States' Mining Laws illusory. Suspension of British Columbian law cannot be urged unless equality of treatment be accorded to Canadians in United States' territory. Transmits despatch respecting position of Atlin miners ..	32

TABLE OF CONTENTS.

v

Page	No.	Name.	No.	Date.	Subjct.	Page
	44	Colonial Office	Confidential	May 22, 1899	Provisional boundary. Should be easy to arrange as part of agreement for reference of whole question to arbitration ..	34
23	45	Mr. Tower	148 Confidential	16,	Senator Fairbank's proposed trip to Alaska. Comments on (see No. 104) ..	34
23	46	" "	149	18,	Proposed arbitration. Transmits copy of note to United States' Government communi- rating suggested addition to Rule (C) (see No. 31) ..	35
24	47	" "	150	19,	United States' military establishment in Alaska. Transmits Report by Lieutenant-Colonel Lee ..	35
24	48	Colonial Office	Confidential	29,	Proposed arbitration. United States' Govern- ment have interpreted British proposal in- correctly, but some other compromise should be proposed. Transmits for approval draft of telegram to Canadian Government suggesting compromise ..	36
25	49	Mr Hay to Mr. Choate	Telegraphic Confidential	27,	Provisional boundary. Suggests line ..	38
25	50	To Mr. Tower	125	29,	Proposed arbitration (see No. 46). Approves terms of note ..	38
	51	Nil.				
26	52	Mr. Tower	151	20,	Proposed arbitration (see Nos. 31 and 46). Mr. Hay was about to accept the former proposal (see Nos. 26 and 32). This one is unacceptable ..	38
26	53	" "	152	20,	United States' troops for Pyramid Harbour. Transmit copy of note from United States' Government informing of suspension of proposed dispatch of, but maintaining right to send troops ..	39
27	54	To Mr. Tower	127 Confidential	31,	Proposed arbitration. Transmits No. 48. Make communication accordingly ..	41
28	55	To Colonial Office	(A) Confidential	31,	Provisional boundary. Complaints of Canadian encroachments. Mr. Choate suggests provisional line passing north of Klukwan ..	41
29	56	" "	(B) Confidential	31,	Proposed arbitration. Mr. Tower will call attention to the points referred to in third and fourth paragraphs of No. 48. Concurs in telegram to Lord Minto ..	41
	57	To Mr. Tower	131	June 2,	Provisional boundary (see No. 55). Interview with Mr. Choate ..	42
29	58	Colonial Office	Confidential	2,	Provisional boundary. Telegram sent to Lord Minto on No. 55 ..	42
31	59	" "	Confidential	3,	Joint Commission. Correspondence with Canada. Canadian Ministers consider that other questions could have been disposed of if Alaska boundary could have been settled ..	43
31	60	Memorandum by Sir J. Pauncefote	Private	5,	Arbitration. Suggests fresh draft of rules varied from terms of Treaty with Vene- zuela ..	45
	61	Colonial Office	Confidential	6,	Provisional boundary (see No. 55). Canada would accept line if it runs south of the junction of the two rivers ..	46
32	62	To Mr. Choate	..	6,	Provisional boundary. Transmits text of telegram inclosed in No. 61 ..	47

No.	Name.	No.	Date.	SUBJECT.	Page
63	To Colonial Office ..	Confidential	June 6, 1899	Transmits No. 62. Lord Minto should repeat his telegram to Washington .. ..	47
64	To Mr. Tower ..	77 Tel.	7,	Substance of No. 63 .. ..	48
65	Mr. Tower..	162	May 30,	Misleading statements in American press. Has called Mr. Hay's attention to them ..	48
66	Mr. Choate ..	..	June 10,	Provisional boundary (see No. 62). Text of agreement which his Government would accept .. ..	49
67	Colonial Office ..	Private	12,	Arbitration. Canada would object to Sir J. Pauncfote's proposal (see No. 61). Lord Minto has been asked to send one of his Ministers to London .. ..	50
68	" "	Confidential	13,	Arbitration. Views of Canadian Government in reply to telegram inclosed in No. 48 ..	50
69	Question asked in the House of Commons (Mr. Hogan)	..	13,	No understanding has been arrived at with the United States' Government .. ..	51
70	To Colonial Office ..	Confidential	13,	Provisional boundary. Transmits No. 66 ..	51
71	" "	Confidential	14,	Arbitration. Reply to No. 68. Concerns in sending for a Minister from Canada ..	52
72	Colonial Office ..	Secret	16,	Transmits telegram to Lord Minto as to visit of Canadian Minister .. ..	52
73	" "	Confidential	20,	Provisional boundary. No. 70 has been referred to Canada. Transmits Canadian reply with proposal for a line running north-east and south-west .. ..	52
74	To Mr. Tower ..	82 Tel.	21,	Provisional boundary. Canadian Government will communicate their reply which has been sent to Mr. Choate .. ..	53
75	To Mr. Choate ..	..	21,	Provisional boundary. Substance of No. 73..	53
76	To Mr. Tower ..	137	21,	Provisional boundary. Conversation with Mr. Choate .. ..	54
77	To Colonial Office ..	Confidential	21,	Transmits No. 75. Suggests that Canadian Government should communicate their reply to Mr. Tower (see No. 73) .. ..	55
78	Mr. Tower..	174	11,	Arbitration. Transmits copy of note to Mr. Hay (see Nos. 39 and 52) .. ..	55
79	" "	176	12,	Military posts in Alaska. Changes of names	56
80	Colonial Office ..	Confidential	23,	Provisional boundary. Lord Minto will repeat his telegram to Mr. Tower .. ..	57
81	To Mr. Tower ..	138	24,	Approves note to Mr. Hay in No. 78 ..	57
82	Colonial Office ..	Confidential	26,	Arbitration. No Canadian Minister can come over at present, but a Memorial will be sent	57
83	Mr. Tower..	55 Tel.	27,	Provisional boundary. Mr. Choate will make an urgent appeal against the last Canadian proposal (see No. 73) .. ..	58
84	Mr. Choate ..	..	28,	Provisional boundary. Urges acceptance of the line of the Klehini river as originally proposed by the United States (see No. 75)	58

Page	No.	Name.	No.	Date.	SUBJECT.	Page
47	85	Colonial Office	(A) Confidential	June 30, 1899	Provisional boundary. Comments on No. 84. Suggests that No. 84 should be repeated to Canada, and that Canadian Government should be asked to undertake that all <i>bona fide</i> rights of American citizens would be respected	59
48	86	" "	(B) Confidential	30,	Provisional boundary. Transmits telegram to Lord Minto pointing out that the American proposal is based on the <i>status quo</i>	61
49	87	To Mr. Choate	..	July 1,	Arbitration. Proposes that the Venezuela Treaty, as it stands, shall be applied to the Alaska boundary question	62
50	88	To Colonial Office	.. Confidential	4,	Provisional boundary. Reply to No. 85	62
50	89	Mr. Tower	.. 57 Tel.	5,	Has received telegram from Lord Minto	63
51	89 <sup>a</sup>	" " ..	.. 184	June 27,	Provisional boundary (see No. 55). Mr. Hay's observations	63 <sup>a</sup>
51	90	Colonial Office	.. Confidential	July 7,	Provisional boundary. Transmits telegrams exchanged with Lord Minto who proposes a line involving some concession	63
52	91	Mr. Choate	.. ..	8,	Asks for reply to No. 84	64
52	92	" "	.. ..	8,	Substance of No. 87 has been telegraphed to Washington	64
52	93	Colonial Office	.. Confidential	12,	Arbitration. Transmits Canadian Memorial (see No. 82)	65
52	94	To Mr. Tower	.. 147 Confidential	12,	Provisional boundary. Lord Minto's telegram of 11th July communicated to Mr. Choate. Proposal made to Mr. Choate for a concession to Canada of land on the Lynn Canal on the same conditions as the Chinde Concession	66
53	95	To Colonial Office	.. Confidential	12,	Transmits No. 94. Asks for concurrence in terms of proposed Concession	67
54	96	Colonial Office	.. Confidential	12,	Provisional boundary. Transmits telegram from Lord Minto of 11th July (see No. 94) suggesting that exact line should be traced in order to avoid complications as regards mining camps	67
55	97	Mr. Tower..	.. 191	1,	Has repeated No. 83 to Ottawa, and sent copy of No. 89 <sup>a</sup>	68
56	98	Colonial Office	.. Confidential	18,	Concurs in proposal for a lease of land on the basis of the Chinde Concession (see No. 94)	68
57	99	To Mr. Choate	.. ..	18,	Proposal for lease of land on similar conditions to those of Chinde Concession	69
57	100	To Mr. Tower	.. 91 Tel.	19,	Provisional boundary. To suggest line described in Lord Minto's telegram of 4th July (see No. 90)	69
57	101	" "	.. 154	19,	Transmits Nos. 98 and 99	69
58	102	" "	.. 155	19,	Transmits lease of Chinde Concession (see No. 101)	69
58	103	" "	.. 160	19,	Chinde Concession. Mr. Choate has telegraphed proposal to Washington (see No. 99.) Provisional boundary. Mr. Choate informed that instructions have been sent	70
58	104	Mr. Tower..	.. 196	10,	Senator Fairbanks' visit to Alaska. Transmits newspaper account of interview with him and with Senator Foster	70
	105	Colonial Office	.. ..	19,	Boulder and Porcupine Creek. As to position of	70



No.	Name.	No.	Date.	SUBJECT.	Page
105*	Colonial Office ..	Confidential	July 19, 1899	Chinde Concession. Substance of proposal telegraphed to Canada .. ..	71*
106	Mr. Tower..	60 Tel.	20,	Provisional boundary (see Nos. 90 and 100). Mr. Hay's remarks on Canadian proposal. Senator Fairbanks has reported that there is little fear of a collision on the frontier ..	71
107	Colonial Office ..	Secret	21,	Chinde Concession (see No. 105*). Explanations and arguments in favour of the proposal, as telegraphed to Canada .. ..	71
108	Question asked in the House of Commons (Mr. Davitt)	..	21,	Answer: It would not be practicable to lay any papers at the present time .. ..	72
109	Colonial Office to Lord Minto	Telegraphic	24,	Substance of Nos. 100 and 106 .. ..	73
110	To Mr. Choate ..	..	24,	Observations on his note (see No. 84). Substance of instructions sent to Mr. Tower (see No. 100) .. ..	73
111	Colonial Office ..	Confidential	24,	Copy of No. 100 .. ..	74
112	Mr. Tower..	61 Tel.	24,	Provisional boundary (see No. 106). Mr. Hay's reply. He subsequently agreed to a modification .. ..	75
113	To Mr. Tower ..	92 Tel.	25,	Informs him of note to Mr. Choate (see No. 110) .. ..	75
114	To Colonial Office ..	..	25,	Transmits No. 112 for observations .. ..	76
115	Colonial Office ..	Confidential	26,	Provisional boundary. Line suggested by Mr. Hay in No. 112 is inadmissible. It seems useless to attempt an arrangement unless the United States' Government will second our efforts .. ..	76
116	" "	Confidential	27,	Chinde Concession. Proposal not acceptable to Canada (see Nos. 107 and 149) .. ..	76
117	To Mr. Tower ..	93 Tel.	28,	Provisional boundary. Instructions in sense of No. 115 .. ..	77
118	Mr. Tower..	210	20,	Provisional boundary. Extends No. 106 .. ..	77
119	Colonial Office ..	Confidential	29,	Canadian delegate. When may he be expected? .. ..	79
120	" "	Confidential	Aug. 2,	Canadian delegate will leave by 15th September.. ..	79
121	To Mr. Tower ..	182 Confidential	2,	Arbitration. Long explanation of views of United States' Government as stated by Mr. Choate in conversation (see No. 138)..	79
122	Mr. Tower..	218	July 25,	Provisional boundary. Extends No. 112, inclosing Mr. Hay's Memorandum.. ..	82
123	" "	223	28,	Mr. Hay's views as to prospects of a satisfactory arrangement. Transmits article from "New York Tribune" .. ..	84
124	" "	63 Tel.	Aug. 6,	Provisional boundary. Reply to No. 117. Mr. Hay makes two proposals, by the letter of which the line would not cross the Klehini .. ..	86
125	Mr. Choate ..	..	9,	Arbitration. Text of his statements on 2nd August (see No. 121) .. ..	86
126	Colonial Office ..	..	10,	Provisional boundary. Substance of No. 124 as telegraphed to Canada .. ..	88

No.	Name.	No.	Date.	SUBJECT.	Page
127	Mr. Tower..	225	July 29, 1899	Provisional boundary. Transmits copy of his note to Mr. Hay (see No. 117) ..	89
128	Colonial Office	Confidential	Aug. 15.	Canadian delegate. Departure delayed ..	91
129	Mr. Tower..	232	6,	Provisional boundary. Extends No. 124, and incloses Mr. Hay's note ..	91
130	" "	235 Very Conf.	7,	Provisional boundary. Transmits private letter from Mr. Hay ..	92
131	To Mr. Tower	184	17,	Provisional boundary. Approves note included in No. 127 ..	93
132	Mr. Tower..	239	10,	Application for passage of a Canadian detachment from White Pass. Has addressed note to Mr. Hay ..	93
133	To Colonial Office	Confidential	19	Arbitration. Transmits No. 121 for observations ..	94
133*	To Mr. Tower	91 Tel.	21,	Canadian maps (see No. 129) should be obtained for Mr. Hay ..	94*
134	Colonial Office	Confidential	22,	Provisional boundary. Canadian Government will agree to Mr. Hay's alternative proposal in No. 124, provided line follows high bank of river ..	94
135	To Colonial Office	Confidential	23,	Provisional boundary. Transmits No. 129 ..	95
136	To Mr. Tower	95 Tel.	24,	Provisional boundary. To communicate Canadian proposal in No. 134 ..	95
137	To Colonial Office	Confidential	24,	Provisional boundary. Instructions sent to Mr. Tower ..	95
138	Colonial Office	Confidential	24,	Sir Louis Davies will be sent to London, starting on 6th or 9th September ..	96
139	To Colonial Office	Confidential	26,	Sir Louis Davies. Either of the dates named will be convenient ..	96
140	Mr. Tower..	240	14,	Passage of Canadian detachment. Permission granted ..	96
141	" "	242	15,	Fort Gibbon (see No. 79). War Department order specifying limits of military reservation ..	97
142	Colonial Office	Confidential	28,	Provisional boundary (see No. 134). "High bank" means "south bank" ..	98
143	" "	Confidential	29,	Sir Louis Davies (see No. 139). Lord Minto has been informed ..	98
144	Mr. Tower..	65 Tel.	Sept. 7,	Provisional boundary. Mr. Hay's reply to proposal in No. 134 accepting Canadian modification ..	99
145	To Mr. Tower	97 Tel.	9,	Provisional boundary. "High bank" means "south bank" ..	99
146	To Colonial Office	Confidential	9,	Provisional boundary. Transmits No. 144. Canadian Government should be asked to give assurance required ..	99
147	Mr. Tower..	246	Aug. 27,	Provisional boundary. Transmits copy of his note to Mr. Hay (see No. 136) ..	100
148	Colonial Office	Confidential	Sept. 12,	Provisional boundary. No. 144 has been repeated to Canada ..	101
149	" "	Confidential	12,	Chinde Concession. Views of Canadian Government. Extends No. 116..	101

No.	Name.	No.	Date.	SUBJECT.	Page	No.
150	Mr. Tower..	255	Sept. 7, 1899	Provisional boundary. Extends No. 141. and incloses Mr. Hay's note (see No. 157) ..	103	167
151	" "	260	10,	Provisional boundary. Has explained meaning of "high bank" (see No. 145) ..	105	168
152	" "	265	14,	Canadian maps have been supplied to Mr. Hay (see No. 133*) .. ..	106	169
153	Colonial Office	..	27,	Provisional boundary. Transmits Memorandum by Sir L. Davies, and draft of agreement as modified in accordance with his views (see No. 144) .. ..	106	170
154	Mr. Tower..	271	21,	Canadian police at Skagway. United States' Government object to presence of two members of the force, and suggest that a Consular Agent should be appointed (see No. 178) .. ..	108	171
155	Colonial Office	Confidential	30,	Arbitration. Statement on behalf of Her Majesty's Government in reply to Mr. Choate (see No. 121) .. ..	109	172
156	To Mr. Tower	204 Confidential	Oct. 3,	Provisional boundary (see No. 143). Transmits modified draft of agreement with instructions (see No. 159) .. ..	114	173
157	Mr. Tower	273	Sept. 23,	Provisional boundary (see No. 150). Has communicated Mr. Hay's note to Canadian Government .. ..	114	174
158	To Mr. Tower	213	Oct. 14,	Arbitration (see No. 121). States views of Her Majesty's Government at length (see No. 177) .. ..	115	175
159	Mr. Tower..	68 Tel.	18,	Provisional boundary (see No. 156). Secretary of State accepts all modifications, and suggests inserting in British note accepting Agreement words to effect that it becomes binding from that date (see No. 160) .. ..	119	176
160	To Mr. Tower	103 Tel.	19,	Provisional Boundary Agreement (see No. 159). Suggests verbal alterations; but signature should not be delayed. Authorizes insertion in note of words proposed (see No. 162) ..	119	177
161	To Colonial Office	..	19,	Provisional boundary. Transmits No. 160 for concurrence (see No. 163) .. ..	120	178
162	Mr. Tower..	69 Tel.	20,	Provisional boundary (see No. 160). Notes exchanged to-day (see No. 167) .. ..	120	179
163	Colonial Office	..	19,	Provisional boundary. Concurs in terms of No. 160 .. ..	120	180
164	Question asked in the House of Commons (Mr. Hogan)	..	24,	Provisional boundary. Agreement with United States has been arrived at ..	120	181
165	Colonial Office	Secret Confidential	25,	Permanent boundary. Transmits, for concurrence, draft of proposed despatch to Canadian Government, embodying views of Her Majesty's Government on present position of question, and forwarding draft of addition to rules of proposed Arbitration Treaty (see No. 169) .. ..	121	182
166	Mr. Tower..	71 Tel.	27,	Provisional boundary. When will Her Majesty's Government be ready to consider question of delimitation? (see No. 168) ..	123	183

No.	Name.	No.	Date.	SUBJECT.	Page
167	Mr. Tower ..	295	Oct. 20, 1899	Provisional boundary (see No. 162). Transmits copies of notes exchanged (see No. 173) .. .. .	123
168	To Colonial Office ..	Confidential	26,	Delimitation of provisional boundary. Transmits No. 166. What reply? (see No. 171)	126
169	" " ..	Secret	30,	Permanent boundary (see No. 165). Concurs in terms of proposed despatch to Canadian Government .. .. .	126
170	" " ..	..	Nov. 1,	Provisional boundary (see No. 167). Transmits for concurrence, draft of despatch to Mr. Tower, approving action (see No. 172)	126
171	Colonial Office ..	..	1,	Delimitation of provisional boundary (see No. 168). Transmits telegram to Lord Minto, inquiring as to selection of officers for (see No. 180) .. .. .	126
172	" " ..	..	2,	Provisional boundary (see No. 170). Concurs in terms of proposed despatch .. .. .	127
173	To Mr. Tower ..	224	3,	Provisional boundary (see No. 167). Approves terms of note .. .. .	127
174	Mr. Tower..	303	Oct. 27,	Provisional boundary (see No. 167). Transmits copies of Agreement with map .. .. .	127
175	To Mr. Tower ..	108 Tel.	Nov. 7,	Provisional Boundary Agreement. Have United States' Government any objection to publication here of notes exchanged? (see No. 176) .. .. .	129
176	Mr. Tower..	77 Tel.	8,	Provisional Boundary Agreement (see No. 175). No objection to publication .. .. .	129
177	" " ..	309	Oct. 30,	Arbitration. Has communicated No. 158 to Mr. Hlay .. .. .	129
178	" " ..	322	Nov. 6,	Canadian police at Skagway (see No. 154). Transmits Minute of Canadian Privy Council, explaining matter. Has communicated copy to United States' Government (see No. 179).. .. .	129
179	Lord Pauncefote ..	327	11,	Canadian police at Skagway (see No. 178). Transmits note from Mr. Hay. Action of Privy Council does not meet United States' objections (see No. 182) .. .. .	130
180	To Lord Pauncefote ..	113 Tel.	24,	Delimitation of provisional boundary (see No. 171). Inform United States' Government of selection of Mr. King as British officer (see No. 188) .. .. .	131
181	To Colonial Office ..	..	25,	Provisional boundary. Informs of No. 180 .. .. .	131
182	" " ..	..	27,	Canadian police at Skagway. Transmits No. 179 (see No. 187).. .. .	131
183	Colonial Office ..	..	29,	Canadian police at Skagway (see No. 178). Presumes Mr. Tower's action will be approved (see No. 185) .. .. .	132
184	" " ..	Confidential	29,	Permanent boundary. Transmits copies of Memorandum respecting .. .. .	132
185	To Lord Pauncefote ..	247	Dec. 2,	Canadian police at Skagway (see No. 183). Approves Mr. Tower's action .. .. .	132

## TABLE OF CONTENTS.

No.	Name.	No.	Date.	SUBJECT.	Page
186	To Colonial Office ..	..	Dec. 2, 1899	Permanent boundary. Thanks for No. 184 ..	133
187	Colonial Office ..	..	2,	Canadian police at Skagway (see No. 182). Is awaiting communication from Canadian Government .. .. .	133
188	Lord Pauncefote ..	91 Tel.	13,	Provisional boundary delimitation (see No. 180). Mr. O. H. Tittman appointed American officer .. .. .	133
189	Colonial Office ..	Confidential	22,	Permanent boundary. Transmits copies of Sir L. H. Davies' Memorandum ..	134

CONFIDENTIAL.

Further Correspondence respecting the Boundary between the British Possessions in North America and the Territory of Alaska.

PART XI.

No. 1.

Sir J. Pauncefote to the Marquess of Salisbury.—(Received February 9.)

(No. 11.)

(Telegraphic.) P.

Washington, February 9, 1899.

IN reply to your Lordship's telegram No. 22 of the 2nd February, inquiring whether the Alaska boundary could be settled in the proposed Treaty, and any assurance obtained as to the Navigation Laws applicable to Cuba, Porto Rico, and the Philippine Islands, I regret to say that I feel convinced this Government would never consent to deal in that Treaty with any question but the Nicaragua Canal. If any concession is obtained, it will only be given separately, and in recognition of the friendliness of British policy, and must not appear in the Treaty, where it would arouse the violent opposition of the Extremists. It is all that the Government can do to maintain "the general principle" of the Clayton-Bulwer Treaty against them.

I have strongly urged upon the Secretary of State your Lordship's views as to the importance of removing at this juncture all causes which might bring the two countries into conflict. These are now practically reduced to the settlement of the Alaska boundary, particularly the delimitation of the Lynn Canal, for Canada agrees to waive the four limitations in Article I of the Treaty of 1818 in the general settlement. I understand that the American Commissioners fear that they would run the risk of being dislodged from Dyea and Skagway if the question were submitted to a foreign Tribunal. They are, therefore, averse to arbitration, and I doubt if any agreement is possible.

Failing any other settlement, I think the best course would be to press the United States' Government to consent to arbitration under conditions. Such arbitration might be on the lines of Section 6 of the General Arbitration Treaty, with special provisos securing to Canada on the one hand access to the Lynn Canal in the event of the Award going against Great Britain, and on the other guaranteeing to the United States the retention of Skagway and Dyea, if the Award were in our favour.

I cannot hold out any hope of present concessions respecting the Navigation Laws. The most I can suggest is that the President might be induced to give an assurance of his intention to endeavour to obtain from Congress a declaration that it would be right, in consideration of the friendly attitude of Great Britain on the question of the Clayton-Bulwer Treaty, to place British shipping on the same footing as American shipping as far as concerns the transport trade between the United States and the territory recently acquired by them beyond the sea. Such an assurance might be recorded in our exchange of diplomatic notes.

Should your Lordship approve of the above views I shall be guided by them.

## No. 2.

*Sir J. Pauncefote to the Marquess of Salisbury.—(Received March 22.)*

(No. 27.)

(Telegraphic.) P.

Washington, March 22, 1899.

MY despatch No. 235 of the 20th July, 1898: Canada-Alaska boundary.

United States' Government have addressed a note to me, proposing a provisional boundary in the region of the Lynn Canal, without prejudice to the claims of either Party, in the definite adjustment of the frontier. This provisional boundary is described as being "at the watershed on the summit of White and Chilkoot Passes, and at a point 30 miles from Pyramid Harbour, on the Chilkat Pass, and otherwise known as the Dalton Trail."

It is stipulated in this proposal that provisional boundary monuments are to be jointly erected, and that the respective outposts are not to be advanced.

## No. 3.

*Question asked in the House of Commons, March 23, 1899.*

*Mr. Hogan.*—To ask the Under-Secretary of State for Foreign Affairs whether a *modus vivendi* has been arrived at in the matter of the Alaskan border pending a permanent settlement of the question:

And, whether any information has reached the Foreign Office concerning collisions arising out of this disputed border.

*Answer.*

The answer to both questions is in the negative.  
[The Colonial Office have been consulted, and are of opinion that the answer should be confined to the above statement.]

## No. 4.

*Foreign Office to Colonial Office.*

(Confidential.)

Sir,

Foreign Office, March 23, 1899.

I AM directed by the Marquess of Salisbury to transmit to you, for the information of the Secretary of State for the Colonies, a copy of a telegram which has been received from Her Majesty's Ambassador at Washington, giving the terms of a proposal put forward by the United States' Government for a provisional boundary in the region of the Lynn Canal.\*

I am to request that the views of the Canadian Government with regard to this proposal may be obtained by telegraph.

A copy of the note addressed to Sir J. Pauncefote on the subject by the United States' Government has been forwarded by him to Ottawa, and a copy of the despatch referred to by his Excellency in his telegram is inclosed herewith for convenience of reference.†

I am, &c.  
(Signed) F. H. VILLIERS.

\* No. 2.

† Sir J. Pauncefote, No. 235, June 20, 1899.

No. 5.

*Sir J. Pouncefote to the Marquess of Salisbury.—(Received March 30.)*

(No. 99.)

My Lord,

Washington, March 21, 1899.

WITH reference to previous correspondence on the subject of a *modus vivendi* to be observed on the Alaska boundary, I have the honour to report that, in consequence of certain rumours which have been published in the American press of a conflict having taken place between the Canadian and United States' prospectors on the Porcupine River, I have recently spoken to the United States' Secretary of State on the desirability of establishing a provisional boundary-line without prejudice to the rights of either Party, in the vicinity of the Lynn Canal, as was suggested previously to the meeting of the Joint High Commission.

Mr. Hay yesterday transmitted to me a definite proposal on the subject, contained in a note, a copy of which I have the honour to inclose herewith.

It appears to be highly desirable and advantageous that such an arrangement be arrived at as early as possible.

I have this day forwarded a copy of Mr. Hay's note to the Governor-General of Canada.

I have, &amp;c.

(Signed) JULIAN PAUNCEFOTE.

Inclosure in No. 5.

*Mr. Hay to Sir J. Pouncefote.*

Excellency,

Department of State, Washington, March 20, 1899.

RECALLING the recent interviews which I have had the honour to hold with you respecting the desirability of establishing a provisional boundary-line between the territorial possessions of the United States and Canada in the vicinity of Lynn Canal, and referring to the notes exchanged between this Department and your Embassy during the past year, to wit, your *pro-memorid* of the 19th April, the note of Secretary Day of the 9th May, and your reply thereto of the 20th July, I feel warranted in submitting to you the following proposition:

It shall be agreed between the two Governments that the boundary-line between Canada and the territory of Alaska in the region about the head of Lynn Canal shall be provisionally fixed, without prejudice to the claims of either Party in the permanent adjustment of the international boundary, at the watershed on the summit of White and Chilkoot Passes, and at a point 30 marine miles from Pyramid Harbour on the Chilkat Pass and otherwise known as the Dalton Trail; and the two Governments further agree that the respective Customs outposts shall not be advanced beyond the points indicated. Steps shall be taken without delay to establish by international co-operation a provisional boundary monument at each of the three points herein established.

An acknowledgment from you accepting this understanding, which embodies the proposals made in your communications of last year, and which, it appears, had been virtually observed as to the passes above Lynn Canal since July of last year, would accomplish the desired result by exchange of notes.

I have, &amp;c.

(Signed) JOHN HAY.

No. 6.

*Colonial Office to Foreign Office.—(Received March 31.)*

Sir,

Downing Street, March 30, 1899.

WITH reference to the letter from this Office of the 14th instant, I am directed by Mr. Secretary Chamberlain to transmit to you to be laid before the Marquess of Salisbury a paraphrase of a telegram from the Governor-General of Canada showing



the alteration desired by his Ministers in the text of the proviso to section 10 of the Civil Government of Alaska Bill.

Lord Salisbury will observe that this amendment carries out the suggestion made in the letter from this Office of the 29th ultimo, with the exception that the words "British subjects born or domiciled in Canada" are substituted for "native born citizens of the Dominion."

Mr. Chamberlain presumes that Her Majesty's Ambassador at Washington will be instructed to communicate the proposal of the Dominion Government to the United States' Secretary of State.

I am, &c.  
(Signed) C. P. LUCAS.

Inclosure in No. 6.

*Governor-General the Earl of Minto to Mr. Chamberlain.*

(Telegraphic.) P.

[Undated.]

ALASKA Government Bill, section 10. Your Confidential despatch of the 4th March, and your telegram of the 13th March. My Ministers recommend substituting the following words: "that British subjects, born or domiciled in Canada, shall be accorded in the said district of Alaska the same mining rights and privileges as are accorded to the citizens of the United States in such territory or territories as are administered directly by the Government of the said Dominion" for the words "that native-born citizens" to "rules and regulations" (inclusive) which should be struck out.

No. 7.

*Colonial Office to Foreign Office.—(Received April 1.)*

(Confidential.)

Sir,

*Downing Street, April 1, 1899.*

I AM directed by the Secretary of State for the Colonies to transmit to you, for the information of the Marquess of Salisbury, with reference to the letter from your Department of the 23rd March, copy of two telegrams on the subject of the provisional boundary of Alaska, in the neighbourhood of the Lynn Canal.

I am, &c.  
(Signed) EDWARD WINGFIELD.

Inclosure 1 in No. 7.

*Mr. Chamberlain to the Earl of Minto.*

(Telegraphic.)

*Downing Street, March 27, 1899, 6:40 P.M.*

PAUNCEFOTE'S despatch as to provisional boundary in region of Lynn Canal. Telegraph views of your Ministers on proposals of United States.

Inclosure 2 in No. 7.

*The Earl of Minto to Mr. Chamberlain.*

(Telegraphic.)

[Undated.]

YOUR telegram of 27th March.

Referring to question of provisional boundary between Alaska and Canada, I send by next mail a Minute of the Council stating the views of my responsible advisers, the gist being that arrangements should be made for permanent delineation of boundary at the same time as provisional boundary is agreed to.

No. 8.

*Sir J. Pouncefote to the Marquess of Salisbury.—(Received April 11.)*

(No. 34.)

(Telegraphic.) P.

*Washington, April 11, 1899.*

MY despatch No. 99 of the 20th ultimo, respecting the provisional boundary proposed between Canada and Alaska.

Mr. Hay is anxious to have some reply. I understand that the Canadian Government have sent to your Lordship, through the Colonial Office, the Canadian Privy Council Minute of the 30th March, dealing with the boundary proposed by the United States.

May I communicate this Minute to the United States' Government?

No. 9.

*Foreign Office to Colonial Office.*

(Confidential.)

Sir,

*Foreign Office, April 12, 1899.*

WITH reference to my letter of the 8th instant, I am directed by the Marquess of Salisbury to transmit to you the decypher of a telegram from Her Majesty's Ambassador at Washington,\* stating that the United States' Government are pressing for an answer to their proposal for the establishment of a provisional boundary-line between Canada and the territory of Alaska, in the neighbourhood of Lynn Canal.

Sir J. Pouncefote asks whether he may communicate to the United States' Secretary of State the Minute of the Canadian Privy Council of the 30th ultimo.

I am to inquire whether a copy of the Minute has yet been received by Her Majesty's Secretary of State for the Colonies, and, if so, what reply should be sent to Sir J. Pouncefote's telegram.

I am, &amp;c.

(Signed) F. H. VILLIERS.

No. 10.

*Sir J. Pouncefote to the Marquess of Salisbury.—(Received April 18.)*

(No. 105.)

My Lord,

*Washington, April 7, 1899.*

I HAVE the honour to transmit herewith a copy of a note which I have received from the Secretary of State, inclosing a Petition to the President from citizens of the United States resident in the Atlin district of British Columbia, representing the hardship to their interests of recent mining legislation of that province.

I have forwarded a copy of this Petition to the Governor-General of Canada, and I have informed him of Mr. Hay's desire that it be submitted to the Dominion Government without raising thereby any issue as to the general effect of the legislation in question.

In connection with this subject, I would refer to your Lordship's telegram No. 46 of the 31st ultimo, and to previous correspondence respecting Section 10 of the Civil Government of Alaska Bill recently before Congress.

I have, &amp;c.

(Signed) JULIAN PAUNCEFOTE.

106

Inclosure I in No. 10.

Mr. Hny to Sir J. Pauncefote.

Excellency,

Department of State, Washington, April 3, 1899.

I TAKE the liberty to inclose herewith a copy of a letter of the Commissioner of the General Land Office of the United States and its accompanying paper, which is a Petition to the President of the United States by citizens of the United States resident in the Atlin district of British Columbia engaged in mining.

It will be seen that the petitioners complain that the recent Act of the Assembly of the Province of British Columbia as to mining works inflicts upon them great hardship and injustice.

I have thought that the Petition was of such a nature that you might deem it well, without thereby raising any issue as to the general effect of the Act in question, to submit the representations of the petitioners to the Government of the Dominion of Canada, in the hope that it might see such equities in their claims as to find a means of affording them some relief.

I have, &c.  
(Signed) JOHN HAY.

Inclosure 2 in No. 10.

Mr. B. Hermann to the Secretary of the Interior.

Department of the Interior, General Land Office,  
Washington, D.C., March 15, 1899.

Sir,

I HAVE the honour to acknowledge the receipt, by your reference, of a Petition signed by J. C. Wilber and four other citizens, who represent that they are a Committee representing 500 American citizens now residing at Atlin city, in British Columbia.

Your indorsement upon said Petition is to the effect that this Office should take such action as might be deemed proper in the premises.

Upon a careful examination of said Petition, I am convinced that the statements therein contained are true, and that they are not exaggerated.

I am impressed that said petitioners present a case of such merit as to warrant action by this Government in their behalf.

These petitioners represent that they went to British Columbia long before the enactment of the local Law, dated the 15th January, 1899, and complied, in good faith, with every provision of the then existing Law relative to mining rights and privileges, but that it was impossible to have their claims duly recorded and thus maintain their interests because of the failure of the Local Government to provide the necessary facilities for recording such claims.

Accepting the petitioners statements as being true, it would seem that they possess material and valuable equities, which, if urged by the proper officials of this Government, the Government of British Columbia might be induced to respect and protect.

I am unable to see that it is possible for this Office to take any definitive action having in view the relief of said petitioners.

Upon carefully considering this matter, I have deemed it proper to return said Petition, with recommendation that the attention of the Honourable Secretary of State be invited thereto.

Very respectfully,  
(Signed) BINGER HERMANN, Commissioner.

## Inclosure 3 in No. 10.

*Petition.*

To his Excellency William McKinley, President of the United States of America.

Honourable Sir,

YOUR petitioners would respectfully represent to your consideration the following facts for such action as may seem just and proper, and for such aid in securing to the citizens of the United States, now residing in Atlin mining district, their property and vested rights:—

1. Your petitioners represent some 500 citizens of the United States now residing in the Atlin gold-fields of British Columbia, who have become "free miners" by invitation of the Government of Great Britain, as embraced in the Statutes of British Columbia, a province of the Dominion of Canada, which enactments were made by Her Britannic Majesty Queen Victoria, by and with the advice and consent of the Legislative Assembly of the province of British Columbia, which enact as follows:—

*"Extract of Laws.*

"Every person over but not under 18 years of age, and every Joint Stock Company, shall be entitled to all the rights and privileges of a free miner upon taking out a free miner's certificate.

"A free miner's certificate may be granted for one or more years, to run from the date thereof, or from the expiration of the applicant's then existing certificate, upon the payment therefor of the fees set out in the Schedule of fees to this Act.

"If any person or Joint Stock Company shall apply for a free miner's certificate at the Mining Recorder's office during his absence, and shall leave the fees required by this Act with the officer or other person in charge of the said office, he or it shall be entitled to have such certificate from the date of such application.

"And any free miner shall at any time be entitled to a free miner's certificate, commencing to run from the expiration of his then existing free miner's certificate, provided that when he applies for such certificate, he shall produce to the Mining Recorder, or in case of his absence, shall leave with the officer or other person in charge of the Mining Recorder's office such existing certificate.

"Every free miner shall, during the continuance of his certificate, but no longer, have the right to enter, locate, prospect, and mine for gold and other precious metal upon any lands in the province of British Columbia, whether vested in the Crown or otherwise, except Government reservations for town sites, land occupied by any building, and any land falling within the curtilage of any dwelling-house, and any orchard, and any land lawfully occupied for placer mining purposes, and also Indian reservations.

"Every free miner shall be entitled to locate and record a placer claim on each separate creek, ravine, or hill, but no more than two claims in the same locality, only one of which shall be a creek claim. He shall be allowed to hold any number of claims (placer) by purchase; any free miner may sell, mortgage, or dispose of his claims or any interest therein."

2. Your petitioners would further respectfully represent that, reposing trust and confidence in Her Majesty the Queen of Great Britain, and believing that Her Majesty's Government was acting in good faith, and desiring her mines to be developed, and would in common amity and fairness extend a welcome to energetic and law-abiding citizens of the United States, and in good faith execute and carry out the provisions of her said enactments thus advertized to the world, have expended large sums of money and performed great and arduous labours many times at risk of life and health, and suffered much from hardships and exposure in coming to this remote and inhospitable country in order to secure these privileges.

3. Your petitioners would further respectfully represent that Her Majesty has, by and with the advice and consent of the Legislature of British Columbia, repealed certain provisions of the Placer Mining Act hereinbefore recited (under which citizens of the United States have become free miners) by an Act of said Legislature bearing date the 18th January, A.D., 1899, thus abrogating and annulling nearly all

108

the vested rights secured to the citizens of the United States who became free miners under said Acts, prospected and located claims, only allowing them to work claims that are placed on record before the 18th January, A.D., 1899.

4. Your petitioners would further respectfully represent that the mining season closed the 15th September last, since which time no Recorder's Office has been kept here and no Recorder has been accessible to the miners of Atlin district; and much of the time prior to the 15th September last, either there was no Recorder in this locality, or he was not furnished with the necessary blanks and books of record, and could not record claims, and, in consequence, a large portion of the claims which have been prospected and located could not be recorded, owing to absence or inability of Recorder to make the record; and now the rights of the citizens of the United States are annulled and a record of said claims refused, although they hold a "free miner's certificate," and are entitled to the fruits of their labour under the provisions of the Law which constituted them free miners, and after expending much time, labour, and capital, in prospecting for and locating said claims.

5. Your petitioners would further respectfully represent that when they accepted Her Majesty's invitation, as evidenced by said enactments, and came into this country, at great expense and hardship, and took out and paid for a free miner's certificate for one or more years, with a right of renewal, as provided for by said Placer Mining Act, they acquired a vested right as such free miner, which secured to them the right to prospect for, locate, and have recorded, and work, one or more claims (placer), in accordance with the provisions of said Acts then in force, as long as their then-existing free miner's certificate shall run, with the further right to have said free miner's certificate renewed from time to time, so long as they complied with the existing Placer Mining Acts in force at that time.

6. Your petitioners would further respectfully represent that all their capital, labour, and knowledge, has been rendered valueless, not by any laxness of theirs, but in consequence of Her Majesty's Government refusing to recognize the rights and privileges accorded to them under the laws in force when they took out their free miner's certificate; and when said Government failed to provide a Recorder, with proper books and instructions, to make record of claims; and when said Government refused to acknowledge the validity of said free miner's certificate, with all the rights and privileges guaranteed to them by the laws of Her Majesty's Government; and when said Government refuses to record claims prospected and located under the provisions of said enactments when said claims are prospected and located by a citizen of the United States as free miner in good standing under the laws of Her Majesty's Province of British Columbia.

7. Your petitioners would further respectfully represent that nearly all of the citizens of the United States now in the Atlin district who have taken out a free miner's certificate are miners of small means; that not only their rights as free miners to prospect and locate mining claims have been taken away, but also the right to earn their subsistence by labouring for British subjects is denied them, as they cannot secure a free miner's certificate, except to work out mining claims they had secured and recorded prior to the 18th January, 1899, the date of said amended Act.

8. Your petitioners would further respectfully represent that, in consequence of the said recent enactments by Her Majesty's Province of British Columbia excluding citizens of the United States and other aliens from the Atlin mines, the business of the country has been prostrated, and the property of the citizens of the United States has become almost valueless; all improvements in Atlin city and other places have been suspended, and large numbers of people are leaving the country; that a large majority of the miners and business men of Atlin district are citizens of the United States; that four-fifths of the claims prospected and located belong to said citizens of the United States, while extensive improvements have by them been commenced in Atlin city and other places; and that in consequence of said exclusion enactments no one feels secure in his rights and interests, and no one is disposed to risk capital and labour in the development of the country; and that hydraulic, mining, and other extensive works requiring large expenditures of capital and labour will be abandoned, or cease to engage the attention of capitalists and miners, on account of the insecurity of the rights of property and scarcity of labour, owing to the discrimination against aliens, thus causing the tide of emigration to be diverted to other localities, where laws are more liberal and the vested rights more sacred.

9. Your petitioners would further respectfully represent that, in consequence of the recent enactments of Her Majesty through the Legislative Assembly of British Columbia depriving the citizens of the United States of their vested rights which

were guaranteed to them when they took out free miners' certificates and prospected and located mining claims, the citizens of the United States in this district alone have been damaged to the extent of many millions; and unless they are relieved from this unjust legislation, many of them will be compelled to ask assistance from their Government to remove to other sections where the rights of labour and property are better protected and respected.

Now, your petitioners would respectfully ask and pray that, in behalf of the citizens of the United States now in Atlin mining district who have taken out a free miner's certificate, you bring to the notice of Her Majesty's Government of Great Britain the foregoing facts, and ask that the vested rights of the citizens of the United States who became free miners under Her Majesty's enactments be respected and secured, and that the amended Placer Mining Act of the Province of British Columbia, passed the 18th day of January, A.D. 1899, if not repealed, be so modified as to give to the said citizens of the United States who emigrated to this country and took out a free miner's certificate all the rights and privileges accorded to them under the various enactments of her said Majesty's Government in force at the time said miner's certificate was issued.

(Signed) J. C. MILLER, *New York City*, }  
A. HUGHES, *New York City*, } Committee.  
J. Q. LEIGHTY, *Frontin, Ohio*, }  
W. H. FRENCH, *California*, }  
D. P. OGILVIE, }

*Atlin City, British Columbia, February 10, 1899.*

No. 11.

*Colonial Office to Foreign Office.—(Received April 18.)*

(Confidential.)  
Sir,

*Downing Street, April 17, 1899.*

WITH reference to the letter from this Department of the 18th February respecting the proposed modification of the Clayton-Bulwer Arrangement, and to your letter of the 31st ultimo, inclosing copy of a despatch No. 37 of the 15th February, addressed to Her Majesty's Ambassador at Washington on the same subject, I am directed by Mr. Secretary Chamberlain to transmit to you, for the consideration of the Marquess of Salisbury, copy in paraphrase of a telegram from the Governor-General of Canada notifying the despatch of a Minute of the Dominion Privy Council, in which his Ministers represent the desirability, while such a modification is being considered by Her Majesty's Government, of insisting on the Alaska Boundary question being referred to arbitration on the terms agreed to in the case of the Venezuelan dispute, and also of urging the injury now done to Canadian trade with Porto Rico by the operation of the United States' coasting laws.

Mr. Chamberlain is strongly of opinion that until the United States' Government are prepared to agree to a reasonable arrangement for settling the Alaska Boundary question, Her Majesty's Government should defer proceeding with the discussion of the proposed modification of the Clayton-Bulwer Treaty.

I am, &c.  
(Signed) H. BERTRAM COX.

Inclosure in No. 11.

*Governor-General the Earl of Minto to Mr. Chamberlain.*

(Telegraphic.) P.

[Undated.]

I ENCLOSE in my Secret despatch of the 10th April a Minute of the Privy Council suggesting that it would be wise to insist upon referring the Alaska Boundary question to arbitration on terms of Venezuelan reference, before Her Majesty's Government agree to modification of the Clayton-Bulwer Treaty, and also that the injury now done to Canadian trade with Porto Rico by American coasting laws should be urged while that Treaty is being considered.

## No. 12.

*Colonial Office to Foreign Office.—(Received April 18.)*

(Confidential.)

Sir,

*Downing Street, April 17, 1899.*

IN reply to your letter of the 12th instant, inclosing copy of a telegram from Her Majesty's Ambassador at Washington reporting that the United States' Government are pressing for a reply to their proposal for the establishment of a provisional boundary between Canada and Alaska, I am directed by Mr. Secretary Chamberlain to request you to inform the Marquess of Salisbury that the Minute of the Dominion Privy Council, promised by Lord Minto in his telegram of the 30th ultimo, and referred to by Sir Julian Pauncefote, has not yet been received in this Department.

I am, &amp;c.

(Signed) H. BERTRAM COX.

Inclosure in No. 12.

*Governor-General the Earl of Minto to Mr. Chamberlain.*

(Telegraphic.) P.

*[Received April 10, 1899, 10:50 P.M.]*

I ENCLOSE in my Secret despatch of the 10th April a Minute of the Privy Council suggesting that it would be wise to insist upon referring the Alaska boundary question to arbitration on terms of Venezuelan reference before Her Majesty's Government agree to the modification of the Clayton-Bulwer Treaty, and also that the injury now done to Canadian trade with Porto Rico by American coasting laws should be urged while that Treaty is being considered.

## No. 13.

*The Marquess of Salisbury to Sir J. Pauncefote.*

(No. 87.)

Sir,

*Foreign Office, April 20, 1899.*

IN continuation of previous correspondence, I transmit herewith, for your Excellency's information, copy of a further letter from the Colonial Office, as marked in the margin,\* respecting the Alaska boundary question.

I am, &amp;c.

(Signed) SALISBURY.

## No. 14.

*Foreign Office to Colonial Office.*

Sir,

*Foreign Office, April 25, 1899.*

WITH reference to the letter from this Office of yesterday's date, inclosing copy of telegram No. 43 of the 23rd instant from Her Majesty's Ambassador at Washington, respecting the condition of affairs in the region of the Lynn Canal, I am directed by the Marquess of Salisbury to transmit to you a copy of a despatch from Sir Julian Pauncefote, covering copy of a Petition to the President of the United States from American residents in the Atlin district of British Columbia, representing the hardship to their interests of recent mining legislation of that province.†

I am to inquire what instructions Mr. Chamberlain would desire should be sent to Sir J. Pauncefote in the matter.

I am, &amp;c.

(Signed) FRANCOIS BERTIE.

\* No. 11.

† Sir J. Pauncefote (Telegraphic), No. 43, April 23, 1899.

## No. 13\*.

*Sir J. Pannecote to the Marquess of Salisbury.—(Received April 23.)*

(No. 43.)

(Telegraphic.) P.

Washington, April 23, 1899.

REFERRING to your telegram No. 64 of the 18th instant:

It has been reported to the Secretary of State by the Governor of Alaska that the condition of affairs in the Lynn Canal region has become dangerous. This is due to the further advance made by Canadians since last year, and also to the presence in the disputed territory of some 2,500 American miners within the line claimed by the United States and laid down on the maps as United States' territory. I have been asked by Secretary of State whether British Columbian authorities would agree not to enforce the provisions of their mining laws, which excludes aliens, against these American miners in order to avert conflicts and pending the settlement by arbitration of the boundary. A more satisfactory *modus vivendi* to Canada than that which they have proposed in the Chilkat Pass and the adjustment of a provisional boundary-line would thereby be greatly facilitated if they agreed to this.

This telegram has been communicated to the Governor-General of Canada, and I hope an arrangement may be arrived at.

## No. 14\*.

*Mr. Tower to the Marquess of Salisbury.—(Received April 27.)*

(No. 45.)

(Telegraphic.) P.

Washington, April 27, 1899.

REFERRING to Sir J. Pannecote's telegram No. 43:

The Governor-General of Canada reported on the 25th instant:—

“With reference to your telegram of the 23rd April.

“The United States' Government have evidently been given an incorrect impression of the position of affairs in the region of Lynn Canal by the Report of the Governor of Alaska. It was agreed last year that the summits in the White and Chilcot Passes were to form the provisional boundary. At this provisional boundary Canadian police are stationed. Canadian police are also posted more than 10 marine leagues from tide-water in the Chilkat route. No ground for difficulty exists. Since last year there has been no further advance by Canada. The information we have received as to the position of affairs is fairly accurate, and indicates no danger of conflict.”

A private letter follows.



(See  
Sir,

lett  
the  
of t  
from  
and  
been  
Uni  
the  
mac

imp  
eno

favo  
fote  
incl  
will  
in I  
arra  
just  
alie  
to a  
valu

slig  
Gov  
a de  
agre

lain  
com

(Te

7th  
the  
pur  
and  
mat  
allo

(Se

the  
this

*Colonial Office to Foreign Office.—(Received April 28.)*

(Secret.)

Sir,

*Downing Street, April 28, 1899.*

I AM directed by Mr. Secretary Chamberlain to acknowledge the receipt of your letters of the 24th instant, covering copy of Sir J. Pauncefote's telegram No. 43 of the 23rd instant, and also of your letter of the 25th instant, inclosing his despatch of the 7th April, and I am to transmit to you, in reply, a paraphrase of a telegram from the Governor-General, stating that the Canadian outposts have not been advanced, and that there is no danger of conflict; and also a paraphrase of a telegram which has been sent to Lord Minto in reply, suggesting special consideration of the case of any United States' miners who may have been prevented from recording their claims before the date fixed by the law through the failure of the Provincial Government to provide machinery for the purpose.

2. In the interests of peace, Mr. Chamberlain has also requested Lord Minto to impress upon his Ministers the desirability of having in the Atlin district a force strong enough to prevent the possibility of disturbances.

3. In his mention of a provisional boundary-line on the Chilkat Pass more favourable to Canada than that proposed by the Dominion Government, Sir J. Pauncefote no doubt refers to the Minute of the Canadian Privy Council, of which a copy is inclosed, but Mr. Chamberlain is of opinion that unless the United States' Government will agree to arbitration on the lines proposed by the British Commissioners, as reported in Lord Herschell's despatch No. 3 of the 24th February last, simultaneously with an arrangement for a provisional boundary-line, Her Majesty's Government would not be justified in asking the British Columbian Government to suspend their laws forbidding aliens to acquire mining rights, while the United States' Government refuse to agree to arbitration except upon terms which would assure to them in any event the most valuable points in dispute.

4. A more favourable provisional line on the Chilkat is, moreover, a matter of slight importance compared with the concession now asked for by the United States' Government, and to grant this concession and consent to fix a provisional line without a definite agreement as to arbitration, would render the prospect of arriving at such an agreement still more doubtful than it is at present.

5. I am to add, with reference to your letter of the 12th instant, that Mr. Chamberlain has no objection to the accompanying Minute of the Canadian Privy Council being communicated by Her Majesty's Ambassador to the United States' Secretary of State.

I am, &c.

(Signed) H. BERTRAM COX.

Inclosure 1 in No. 15.

*Mr. Chamberlain to Governor-General the Earl of Minto.*

(Telegraphic.) P.

*April 27, 1899.*

REFERRING to your telegram of yesterday, see Pauncefote's despatch of the 7th April, forwarding a Petition from United States' miners prevented from recording their claims through failure of Provincial Government to provide machinery for the purpose. If facts are as stated, these miners appear to have claims for consideration, and Her Majesty's Government hope that if your Ministers agree, they will bring the matter before the Government of British Columbia with a view to equitable relief being afforded in such cases.

(Secret.)

Most important to have in the Atlin district a force sufficiently strong to prevent the slightest possibility of peace being disturbed by alien miners. You should impress this on your Ministers.

113

Inclosure 2 in No. 15.

*Governor-General the Earl of Minto to Mr. Chamberlain.*

(Telegraphic.) P.

[Received April 26, 1899.]

PAUNCEFOTE has sent following telegram :—

"April 23.—Secretary of State has received from Governor of Alaska . . . *modus vivendi* in Chilkat Pass more satisfactory to Dominion Government than their own proposal."

I have telegraphed in reply as follows :—

"April 25.—United States' Government have evidently received from the Governor of Alaska an incorrect idea of the state of affairs in the Lynn Canal region. Provisional boundary on summits of White and Chilcoot Passes was agreed on last year, and on this provisional boundary the Canadian police are stationed. On the Chilkat route they are posted more than 10 marine leagues from tide water. There is no ground for difficulty, there has been no further advance by Canadians since last year.

"We do not anticipate any danger of conflict from our information as to position of affairs, which is fairly accurate."

Inclosure 3 in No. 15.

*Governor-General the Earl of Minto to Mr. Chamberlain.*

Sir,

*Government House, Ottawa, April 6, 1899.*

WITH reference to my despatch No. 60 of the 24th ultimo, with which I transmitted to you a copy of a despatch from Her Majesty's Ambassador at Washington communicating certain proposals of the United States' Government in regard to the demarcation of a provisional boundary-line in the vicinity of the Lynn Canal, I have the honour to inclose herewith a copy of an approved Minute of the Privy Council containing the observations of my Ministers upon these proposals.

I have forwarded a copy of the Minute to Her Majesty's Ambassador at Washington.

I have, &c.  
(Signed) MINTO.

Inclosure 4 in No. 15.

*Extract from a Report of the Committee of the Honourable the Privy Council, approved by the Governor-General on the 30th March, 1899.*

THE Committee of the Privy Council have had under consideration a despatch from Mr. Hay, United States' Secretary of State, dated the 20th March last, to Her Majesty's Ambassador to the United States, suggesting the establishment of a provisional boundary-line between the territorial possessions of the United States and Canada in the vicinity of Lynn Canal, together with the letter dated the 21st March last, from Her Majesty's Ambassador to the Marquess of Salisbury, inclosed, and the cable despatch of the 27th March last, from the Secretary of State for the Colonies asking for the views of your Excellency's advisers upon said subject.

The Minister of the Interior, to whom said matter was referred desires to call attention to the fact that the provisional boundary-line which is suggested in the note of Mr. Hay on the White and Chilcoot Passes, has been accepted by the Government of the United States and the Government of Canada as provisional about two years ago.

The Minister, with regard to the provisional delimitation of the boundary on the Chilkat Pass, cannot agree to the proposition that it should be placed at the distance of 30 miles from the shore. He contends that it should be placed at the crest of the mountains nearest to the coast; but whilst he, the Minister, thinks it quite advisable that the line on the Chilkat Pass should be provisionally established, he represents

that at the same time, and concurrently, the United States' Government should agree to have the whole line between Alaska and Canada from Prince of Wales Island to Mount St. Elias determined by arbitration.

The Minister further states that this assent to a provisional line is not in any way to be construed as a deviation from the contention of Canada that the boundary-line by the terms of the Treaty should pass at the entrance of the Lynn Canal.

The Committee concur in the foregoing report and advise that your Excellency do communicate the sense of this Minute to the Most Honourable the Marquess of Salisbury, and to Her Majesty's Ambassador to the United States.

All which is respectfully submitted to your Excellency's approval.

(Signed) JOHN J. MCGEE,  
Clerk of the Privy Council.

*Sir J. Pauncefote to Governor-General the Earl of Minto.*

My Lord,  
Washington, March 21, 1899.  
I have the honour to transmit to your Excellency herewith copy of a despatch which I have this day addressed to the Marquess of Salisbury, covering a note received from the United States' Secretary of State, on the subject of a provisional boundary-line in the vicinity of the Lynn Canal.

I have, &c.  
(Signed) JULIAN PAUNCEFOTE.

*Sir J. Pauncefote to the Marquess of Salisbury.*

My Lord,  
Washington, March 21, 1899.  
With reference to previous correspondence on the subject of a *modus vivendi* to be observed on the Alaska boundary, I have the honour to report that in consequence of certain rumours which have been published in the American press of a conflict having taken place between the Canadian and United States' prospectors on the Porcupine River, I have recently spoken to the United States' Secretary of State on the desirability of establishing a provisional boundary-line without prejudice to the rights of either party, in the vicinity of the Lynn Canal, as was suggested previously to the meeting of the Joint High Commission.

Mr. Hay yesterday transmitted to me a definite proposal on the subject, contained in the note a copy of which I have the honour to inclose herewith.

It appears to be highly desirable and advantageous that such an arrangement should be arrived at as early as possible.

I have this day forwarded a copy of Mr. Hay's note to the Governor-General of Canada.

I have, &c.  
(Signed) JULIAN PAUNCEFOTE.

*Mr. Hay to Sir J. Pauncefote.*

Excclency,  
Department of State, Washington, March 20, 1899.

Recalling the recent interviews which I have had the honour to hold with you respecting the desirability of establishing a provisional boundary-line between the territorial possessions of the United States and Canada in the vicinity of the Lynn Canal, and referring to the notes exchanged between this Department and your Embassy during the past year, to wit, your *pro-memoria* of the 19th April, the note of Secretary Day of the 9th May, and your reply thereto of the 20th July, I feel warranted in submitting to you the following proposition:—

It shall be agreed between the two Governments that the boundary-line between Canada and the territory of Alaska in the region about the head of Lynn Canal shall be provisionally fixed, without prejudice to the claims of either party in the permanent adjustment of the international boundary, at the watershed on the summit of White

115

and Chilkoot Passes, and at a point 30 marine miles from Pyramid Harbour on the Chilkat Pass, and otherwise known as the Dalton Trail; and the two Governments further agree that the respective Customs outposts shall not be advanced beyond the points indicated. Steps shall be taken without delay to establish by international co-operation a provisional boundary monument at each of the three points herein established.

An acknowledgment from you accepting this understanding, which embodies the proposals made in your communications of last year, and which, it appears, had been virtually observed as to the passes above Lynn Canal since July of last year, would accomplish the desired result by exchange of notes.

I have, &c.  
(Signed) JOHN HAY.

No. 16.

*Colonial Office to Foreign Office.—(Received April 29.)*

Sir, *Downing Street, April 28, 1899.*  
I AM directed by the Secretary of State for the Colonies to transmit to you, for the information of the Marquess of Salisbury, with reference to the letter from your Department of the 30th ultimo, a copy of a despatch from the Governor-General of Canada, on the subject of the Alaska Government Bill of the United States' Congress.

I am, &c.  
(Signed) EDWARD WINGFIELD.

Inclosure 1 in No. 16.

*Governor-General the Earl of Minto to Mr. Chamberlain.*

(Confidential.)

Sir, *Government House, Ottawa, April 4, 1899.*  
WITH reference to my telegraphic message, in cypher of the 29th ultimo, suggesting an amendment of the Alaska Government Bill of the United States' Congress, I have the honour to forward herewith a copy of the approved Minute of the Privy Council upon which that message was based.

I have, &c.  
(Signed) MINTO.

Inclosure 2 in No. 16.

*Extract from a Report of the Committee of the Honourable the Privy Council, approved by the Governor-General on the 29th March, 1899.*

THE Committee of the Privy Council have had under consideration documents respecting the Alaska Government Bill now pending in the United States' Congress and a cable paraphrase hereto attached, dated the 13th March, 1899, from the Right Honourable Mr. Chamberlain asking for the views of your Excellency's advisers as therein set forth:—

The Minister of the Interior to whom the matter was referred recommends that a despatch be sent to Mr. Chamberlain recommending that the United States' authorities be asked to amend the said Bill by striking out of Section 10 the following words: "That native-born citizens of the Dominion of Canada shall be accorded in said district of Alaska the same mining rights and privileges accorded to citizens of the United States in British Columbia and the north-west territories by the laws of the Dominion of Canada or the local laws, rules and Regulations," and that in lieu of the words so struck out the following be substituted: "That British subjects born or domiciled in Canada shall be accorded in said district of Alaska the same mining rights and privileges as are accorded to citizens of the United States in such territory or territories as are administered directly by the Government of said Dominion."

The Committee advise that your Excellency be moved to communicate by cable in the sense of this Minute to the Right Honourable the Secretary of State for the Colonies.

All which is respectfully submitted for your Excellency's approval.

(Signed) JOHN J. MCGEE,  
Clerk of the Privy Council.

No. 17.

*The Marquess of Salisbury to Mr. Tower.*

(No. 68.)

(Telegraphic.) P.

*Foreign Office, April 29, 1899.*

REFERRING to my telegram No. 64 of the 18th instant, relative to the provisional Alaska boundary, you are authorized to communicate the Minute of the Canadian Privy Council of the 30th March to the United States' Government.

A further telegram will be sent to you shortly with regard to the Columbian Mining Laws.

No. 18.

*Foreign Office to Colonial Office.*

Sir,

*Foreign Office, April 29, 1899.*

WITH reference to the concluding paragraph of your letter of yesterday's date, I am directed by the Marquess of Salisbury to state, for the information of Mr. Secretary Chamberlain, that Her Majesty's Chargé d'Affaires at Washington has been authorized by telegram to communicate to the United States' Government the Minute of the Canadian Privy Council of the 30th March, respecting the provisional Alaska boundary.

Mr. Tower has also been informed that, with regard to the question of the Columbian Mining Laws, a further communication will be addressed to him later by telegraph.

I am, &c.

(Signed) FRANCIS BERTIE.

No. 19.

*Colonial Office to Foreign Office.—(Received May 1.)*

Sir,

*Downing Street, April 29, 1899.*

I AM directed by the Secretary of State for the Colonies to transmit to you, for the information of the Marquess of Salisbury, with reference to the letter from your Department of the 25th instant, a copy of a despatch to the Governor-General of Canada on the subject of the Petition addressed to the President of the United States by certain Americans residing in British Columbia respecting the mining laws of that province.

I am, &c.

(Signed) EDWARD WINGFIELD.

*Inclosure in No. 19.*

*Mr. Chamberlain to the Earl of Minto.*

(Confidential.)

My Lord,

*Downing Street, April 28, 1899.*

WITH reference to my telegram of the 27th instant, I have the honour to advert to the Petition addressed to the President of the United States by American citizens resident in the Atlin district of British Columbia, of which I understand that you have received a copy from Her Majesty's Ambassador at Washington.

2. The petitioners appear to me, if the facts are as stated, to have a real claim to consideration, and I shall be glad if you will request your Ministers, should they

concur in this opinion, to bring the case of such United States' citizens as were prevented from recording their claims through no fault of their own specially before the Government of British Columbia, with a view to some action being taken for their relief.

I have, &c.  
(Signed) J. CHAMBERLAIN.

No. 20.

*Colonial Office to Foreign Office.—(Received May 2.)*

(Confidential.)

Sir,

*Downing Street, May 1, 1899.*

I AM directed by the Secretary of State for the Colonies to transmit to you, for the information of the Marquess of Salisbury, with reference to the letter from this Department of the 17th instant, a copy of documents on the subject of the proposed Convention for modifying the Clayton-Bulwer Treaty.

I am, &c.  
(Signed) EDWARD WINGFIELD.

Inclosure 1 in No. 20.

*Governor-General the Earl of Minto to Mr. Chamberlain.*

(Secret.)

Sir,

*Government House, Ottawa, April 10, 1899.*

WITH reference to your Secret despatch of the 20th February last, forwarding a draft of a Convention for modifying the Clayton-Bulwer Treaty so as to permit the construction of the proposed Nicaragua Canal under the auspices of the United States, I have the honour to inclose herewith copy of an approved Minute of the Privy Council embodying the observations of my Ministers upon this draft Convention.

You will observe that Ministers are of opinion that the consideration of this question affords a favourable opportunity for urging upon the United States' Government the reference to Arbitration of the Alaska boundary difficulty and the modification of the coasting laws affecting Porto Rico in favour of Canadian shipping.

I have, &c.  
(Signed) MINTO.

Inclosure 2 in No. 20.

*Extract from a Report of the Committee of the Honourable the Privy Council, approved by the Governor-General on the 4th April, 1899.*

THE Committee of the Privy Council have had under consideration a Confidential despatch, hereto annexed, from the Right Honourable the Secretary of State for the Colonies, on the subject of the Clayton-Bulwer Treaty respecting the proposed canal across the isthmus which connects South America with North America, together with the draft Convention setting forth in specific terms the details of the changes suggested.

The Sub-Committee of the Privy Council, to whom the despatch and Convention were referred, have made a report thereon in which the Sub-Committee submit, whether, in view of the urgent necessity of the delimitation of the Alaskan boundary from Mount St. Elias southerly, it would not be wise to insist upon an Agreement for a reference of the Alaska Canadian boundary-line to an arbitral tribunal before Her Majesty's Government agree to the proposed modification of the Clayton-Bulwer Treaty.

The Sub-Committee further recommend that as since the recent annexation of Porto Rico by the United States the coasting laws of the United States have been extended to that island, the United States' Government be urged, while asking for a modification of the Clayton-Bulwer Treaty, to, at the same time, exempt Canadian shipping from the operation of these coasting laws.

The Committee of the Privy Council, concurring in the said annexed report, advise that your Excellency be moved to transmit a certified copy of this Minute together with

a copy of the attached report to the Right Honourable the Secretary of State for the Colonies.

All which is respectfully submitted for your Excellency's approval.

(Signed) JOHN J. MCGEE,  
Clerk of the Privy Council.

Inclosure 3 in No. 20.

Memorandum by Mr. R. W. Scott.

THE Sub-Committee of Council, to whom was referred the Confidential despatch from the Right Honourable the Secretary of State for the Colonies on the subject of the proposed modifications of the Clayton-Bulwer Treaty, together with the draft Convention setting forth in specific terms the details of the changes suggested, beg leave to report:—

By the VIIIth Article of the Treaty of 1850 the canal across the isthmus which connects North and South America was to be under the joint protection of the United States and Great Britain, the subjects of each Power to enjoy the advantages of the canal on equal terms. It was, however, also to be open on like terms to the citizens and subjects of every other State which was willing to grant thereto such protection as the two Powers named engaged to afford.

In the draft Convention submitted the general principle of neutralization is intended to be continued, though the canal is to be constructed under the auspices of the Government of the United States, but it is to be free and open in time of war as in time of peace to the vessels of commerce and of war of all nations on terms of entire equality, so that there could be no discrimination against any of its citizens or subjects in respect of the conditions or charges of traffic or otherwise. With that provision the Sub-Committee sees no objection to the proposed draft Convention, and would recommend that Mr. Chamberlain be so advised.

The Sub-Committee suggest that the time would seem opportune for Great Britain, while consenting to the modifications of the Clayton-Bulwer Treaty, to call the attention of the Government of the United States to the urgent necessity for the delimitation of that part of the Alaska boundary from Mount St. Elias southerly to the southernmost point of the Prince of Wales Island, as described in the Convention between Great Britain and Russia, signed at St. Petersburg in 1825.

Gold and other valuable metals are now being found in close proximity to the disputed territory, and a longer delay in defining the boundary between Canada and the United States would seem to invite disputes and difficulties that may be averted by prompt attention to this important subject.

As far back as 1872 Her Majesty's Government, at the instance of the Canadian Government, suggested to the United States the expediency of defining the boundary-line between Alaska and British Columbia. Mr. Fish, then Secretary of State, replied that he was perfectly satisfied of the expediency of the proceeding, but he feared that Congress might not be willing to take the necessary action. He subsequently informed Sir Edward Thornton, then Minister at Washington, that the President was so impressed with the advantage of having the boundary-line defined at once that he would recommend the necessary action on the part of Congress.

In February 1873 the United States' Government estimated the cost of this survey at 1,500,000 dollars as their share of the expense. Mr. Fish stated that it would be impossible for Congress to take up this question during the then session, and he doubted whether they would ever be induced to vote so large a sum as would be necessary to lay down the boundary completely. He suggested that, for the present, it would be sufficient to decide upon some particular points.

In 1874 the Provincial Government of British Columbia again urged a speedy delimitation of the boundary-line, and on the 23rd February in that year Mr. Fish stated that it would be impossible to induce Congress to vote the expense necessary for the first year of the survey, nor would it be expedient to attempt to do so.

In 1884 Mr. W. H. Dall, an officer of the Geological Survey of the United States' Government, wrote semi-officially to Dr. G. M. Dawson, Director of the Geological Survey of Canada, suggesting a Conventional line along the whole coast.

Diplomatic correspondence then took place in 1885-86, in the course of which the President of the United States suggested a "more convenient time" for action. In



1858 the question of this more convenient time was discussed by Messrs. Dall and Dawson in Washington.

From 1857 to 1892 surveys were made by officials of the two countries for the purpose of ascertaining the points where the 141st meridian crossed the Yukon and other streams. Those were defined, and are now found of much value in indicating the territory of each country; and, when necessary, other points along the meridian can readily be traced.

The delimitation of the fringe or strip of coast south of Mount St. Elias, fronting on the Pacific Ocean, and belonging to the United States, has never been undertaken, though, as will be noted, Canada has since 1872 frequently pressed for a settlement of this boundary-line. At that time it was assumed that the value of the territory was not sufficient to justify the expenditure involved.

The great influx of mining population into the country would now seem to demand that the settlement of the question be no longer delayed, otherwise very embarrassing and dangerous disputes over mining claims will certainly arise.

As the Anglo-American Joint High Commission, which lately adjourned its sittings at Washington, was unable to agree to any compromise or settlement of this line, the only course which seems to be open is a reference of the dispute to arbitration. The British members of the Commission were willing, and offered to refer the question to arbitration on terms precisely similar to those adopted, if not insisted upon by the United States, with respect to the Venezuela boundary-line. The United States' Commissioners would not agree to this unless special provision was made that no matter where the Arbitrators should find the boundary to be, the settlements along the coast of the Lynn Canal which have been made by the United States should remain part of the territory of that country. They also declined to agree to the appointment of an Empire or third Arbitrator by any European Power except the Swiss Republic.

The Sub-Committee respectfully submit whether it would not be wise to insist upon an agreement for a reference of the Alaska-Canadian boundary-line to an Arbitral Tribunal on terms similar to those of the Venezuela reference, before Her Majesty's Government agree to the proposed modification of the Clayton-Bulwer Treaty.

Since the recent annexation of the Island of Porto Rico, the United States have, by Proclamation of their President, extended their coasting laws to this island and thereby excluded British and Canadian merchant-vessels from the very considerable trade they have for many years past enjoyed in the carriage of cargoes to Porto Rico and from thence to New York and other American ports. The Sub-Committee submits that the serious injury thus inflicted upon Canadian carrying trade should be laid before the Government of the United States, and that they should be urged, while asking for a modification of the Clayton-Bulwer Treaty, at the same time to exempt Canadian shipping from the operation of these coasting laws, so far as Porto Rico is concerned, and so avert the grave injury which Canada's shipping will otherwise receive. A similar result will follow if the United States' coasting laws are also applied to Cuba.

The Committee advise that if this report be approved, that your Excellency be moved to transmit a copy of it to the Right Honourable the Secretary of State for the Colonies.

(Signed) R. W. SCOTT.

No. 21.

*Foreign Office to Colonial Office.*

(Confidential.)

Sir,

*Foreign Office, May 6, 1899.*

I AM directed by the Marquess of Salisbury to acknowledge the receipt of your letter of the 1st instant, inclosing a copy of a despatch from the Governor-General of Canada, in which it is suggested that the negotiation for the modification of the Clayton-Bulwer Treaty affords a favourable opportunity for urging the United States' Government to refer the Alaska boundary question to arbitration, and to exempt Porto Rico from the operation of the American Law respecting coasting trade.

It will be within Mr. Secretary Chamberlain's recollection that Her Majesty's Ambassador at Washington was consulted on this subject so early as February last, and that his Excellency reported by telegraph that the United States' Government would certainly not consent to deal in the new Treaty with any other question but that of the Inter-oceanic Canal.

ll and  
or the  
n and  
ng the  
n can  
  
outing  
taken,  
ent of  
as not  
  
emand  
assing  
  
ttings  
e, the  
The  
ion to  
y the  
Com-  
matter  
coast  
art of  
of an  
  
insist  
bitral  
esty's  
  
have,  
d and  
erable  
Rico  
bmits  
before  
ng for  
adian  
erned,  
imilar  
  
ey be  
r the  
  
FT.  
  
99.  
your  
ral of  
f the  
tates'  
xcept  
  
esty's  
last,  
ment  
that

No. 20\*.

*Mr. Tower to the Marquess of Salisbury.—(Received May 5.)*

(No. 46).

(Telegraphic.) P.

*Washington, May 5, 1899.*

PROVISIONAL boundary of Alaska.

I was informed to-day by Mr. Hay that it has been decided to establish a military post, consisting of one company of infantry, under the command of an officer of discretion, at Pyramid Harbour, on the Chilkat inlet of the Lynn Canal.

I have informed the Governor-General of Canada.

---

rum  
Her

Colo

(No  
My

tele  
and  
Can

incl  
Min

con  
Joi  
dis

Des

23r  
Th  
bri  
Bri

Pa  
wit  
Pa  
thc  
Py  
Po  
inf  
yet  
lan  
Ca  
Br

his  
Ar  
fec  
str  
con

mi  
dis

A copy of the telegram was communicated to your Department on the 10th February, and the course of action proposed by Sir Julian Pauncefote was approved by Her Majesty's Government.

A copy of the telegram informing his Excellency of the fact was also sent to the Colonial Office at the time.

I am, &c.  
(Signed) F. H. VILLIERS.

No. 22.

*Mr. Tower to the Marquess of Salisbury.—(Received May 8.)*

(No. 124. Confidential.)

My Lord,

Washington, April 28, 1899.

IN my telegram No. 45 of the 27th instant, I repeated to your Lordship a telegram from the Governor-General of Canada upon the reported advance of Canada and the consequent dangerous condition of affairs in the region of the Lynn Canal (see Sir Julian Pauncefote's telegram No. 43 of the 22nd instant).

A letter from the Earl of Minto to Sir Julian Pauncefote (copy of which is inclosed herewith) has been this day received, stating the views held by the Canadian Ministers on the Alaskan boundary question and British Columbian legislation.

Your Lordship will observe that, in this letter, Lord Minto expresses his conviction that, should the United States consent to arbitration as suggested by the Joint High Commission, the British Columbian legislation would be at once disallowed.

I have, &c.  
(Signed) REGINALD TOWER.

Inclosure in No. 22.

*Governor-General the Earl of Minto to Sir J. Pauncefote.*

Dear Sir Julian Pauncefote,

Government House, Ottawa, April 25, 1899.

SIR WILFRID LAURIER has promised me an answer to your cypher of the 23rd instant (*re* Alaska) this afternoon, but as I have to go to Kingston to-night till Thursday, I write in anticipation of the cypher I hope to send you later to tell you briefly as to the position my Ministers take on the Alaskan boundary question and British Columbia legislation.

They recognize the present provisional boundary at the White Pass and Chilkoot Pass. But they tell me that the Provisional Agreement concerning them only dealt with the passes leading from the Taiya Inlet, and had nothing to do with the Chilkat Pass (Dalton Trail), and Sir Wilfrid tells me he does not consider Canada bound by the 30-mile limit condition as regards distance from the shore of the Lynn Canal at Pyramid Harbour. I am also told that the recent rumours of troubles on the Porcupine River are unfounded. As to your cypher of the 23rd instant, my Ministers inform me that there has not been any advance on the part of Canada for some two years at any rate, *i.e.*, as a forward movement of armed posts, which remain where they have been for the past two years, but that no doubt the Atlin district is filling up with Canadians, who look upon it as belonging to Canada; it is in this district that the British Columbia legislation against American miners is causing dissatisfaction.

Sir Wilfrid Laurier strongly disapproves of that legislation, but he refuses to ask his Government to consider the disallowance of the Bill until he knows for certain that America will come to terms on the whole Alaskan boundary question. In fact, he feels that objectionable as the British Columbia legislation is in principle, that it strengthens his position as regards the possession of the Atlin district and the consideration of the boundary question.

If the United States would consent to arbitration as suggested by the Commissioners, I feel sure the British Columbia legislation would be at once disallowed.

As regards the reassembly of the Commission, Sir Wilfrid tells me decidedly that

he will not agree to reassemble until the Alaskan boundary is definitely dealt with.

Sir Wilfrid's draft for cypher to you has just reached me, and supports what I have already said.

I notice, however, that he says the Canadian police in the Chilkat Pass are more than 10 marine leagues from tide-water; this is correct, but you will see in the Privy Council Order of the 30th March, which I sent you in my despatch of the 6th April, that Canada does not admit the obligation of a 30-mile limit in that district. The point I know Sir Wilfrid thinks the most suitable for a Canadian post on the Chilkat Pass is at the junction of the Klekini and Chilkat Rivers, which is considerably nearer to the shore than present police post.

Believe me, &c.  
(Signed) MINTO.

No. 23.

*Mr. Tower to the Marquess of Salisbury.—(Received May 11.)*

(No. 127.)

My Lord,

Washington, April 29, 1899.

I HAVE the honour to report that, in compliance with the instructions contained in your Lordship's telegram No. 68 of this day's date, I have communicated to the United States' Secretary of State the Minute of the Canadian Privy Council, dated the 30th March, containing the expression of the views of the Canadian Government upon the proposals made by the United States' Government for establishing a provisional boundary-line in the vicinity of the Lynn Canal.

I have, &c.  
(Signed) REGINALD TOWER.

No. 24.

*The Marquess of Salisbury to Mr. Tower.*

(No. 70.)

(Telegraphic.) P.

Foreign Office, May 11, 1899.

REFERRING to your telegram No. 46 of the 5th instant.

You should inform Mr. Hay that Her Majesty's Government learn with regret that the establishment of a military post at Pyramid Harbour is contemplated by the United States' Government. Such an event would disturb the *status quo* with regard to the occupation of the territories in the region of the Lynn Canal, and is, at a moment when negotiations are proceeding for a *modus vivendi*, and for referring the Alaska boundary question to arbitration, all the more to be deprecated.

You should remind the Secretary of State that all the waters and shores of the Lynn Canal more than 30 miles from the ocean are claimed as British territory, and you should express the hope of Her Majesty's Government that, as Pyramid Harbour is beyond that limit, the decision on this point will be suspended, at all events for the present.

No. 25.

*Mr. Tower to the Marquess of Salisbury.—(Received May 13.)*

(No. 135. Secret.)

My Lord,

Washington, May 4, 1899.

REFERRING to my despatches Nos. 124 and 127 of the 28th and 29th ultimo respectively, upon the question of a provisional boundary in the region of the Lynn Canal and British Columbian Mining Laws, I have the honour to report that the United States' Secretary of State again alluded this morning to the serious conditions of affairs in the territory under dispute, owing to the presence of the American miners.

Mr. Hay pressed that some temporary *modus vivendi* should be agreed upon, and suggested that a line be drawn north of the village of Klukwan, which, he said, had

always been under American protection—such a line to be without prejudice to any future settlement.

He urged that the operation of the British Columbian Mining Laws should be, at least provisionally, suspended in the disputed territory.

I informed Mr. Hay verbally of the substance of the telegram from the Governor-General (which was repeated to your Lordship in my telegram No. 45 of the 27th instant), expressing the opinion that the United States' Government had received an incorrect impression of the condition of affairs in the region of the Lynn Canal; and that no ground of difficulty existed, particularly since no further advance had been made by Canada since last year.

Mr. Hay said that he had furnished the United States' Ambassador in London with instructions to speak to your Lordship on the subject of arbitration, but felt that no time should be lost in bringing about a temporary *modus vivendi*, in order to avoid the possibility of conflict.

(Secret.)

Mr. Hay told me, though he begged that he should not be quoted as saying so, that the President was so anxious for a settlement, that the United States' Government would be prepared to agree upon a form of arbitration for the whole frontier, even at the risk of possible objection from Congress.

He thought, however, that an Arbitral Tribunal, composed of three members from either side, ought to be able to arrive at a unanimous conclusion.

I informed Mr. Hay that your Lordship had promised to furnish me with instructions on the subject of the British Columbian Mining Laws (see your Lordship's telegram No. 68 of the 29th instant), and that I should then have the honour of addressing him further on the subject.

I have, &c.  
(Signed) REGINALD TOWER.

No. 26

*Colonial Office to Foreign Office.—(Received May 13.)*

(Secret.)

Sir,

*Downing Street, May 13, 1899.*

I AM directed by the Secretary of State for the Colonies to transmit to you, for the information of the Marquess of Salisbury, the accompanying paraphrase of a telegram to the Governor-General of Canada on the subject of the Alaska question.

I am, &c.  
(Signed) H. BERTRAM COX.

Inelcure in No. 26.

*Mr. Chamberlain to Governor-General the Earl of Minto.*

(Very Secret.)

(Telegraphic.) P.

*Downing Street, May 12, 1899.*

ALASKA question.

Her Majesty's Government, recognizing the great desire of your Ministers and the immense importance of finding a solution so that the Commission may proceed to a settlement of the other matters intrusted to it, wish to know whether your Ministers would accept the following terms if the United States could be induced to agree to them.

Her Majesty's Government do not know whether it would be possible to obtain them, but would make the attempt; and in view of the settled occupation of Dyca and Skagway, and the fact that Canada took no action and made no protest at the time, they are convinced that the terms proposed are the utmost that can be secured. Should this be refused they fear that no settlement is possible, and there will be no further meeting of the Commission.

[1541]

G

124

The terms would be as follows:—

Arbitration on the basis of the Venezuelan Treaty, with the following modifications:—

Seven Arbitrators instead of five, and these words to be added to Article IV, Rule C:

“And whereas the Settlements of Dyea and Skagway, situated in the region of the Lynn Canal, are now in the occupation and under the jurisdiction of the United States, it is agreed by the High Contracting Parties that, if it shall be found by the Tribunal that those Settlements are situated within territory belonging of right to Great Britain, they shall come within the operation of this Rule, and be and remain in the occupation, and within the territory, and under the jurisdiction of the United States.”

No. 27.

*The Marquess of Salisbury to Mr. Choute.*

Your Excellency,

*Foreign Office, May 13, 1890.*

AT the interview which I had the honour to hold with you on the 3rd instant, your Excellency stated, on the assumption that, for the present at least, the difference of view between our two Governments concerning the Alaska boundary was final, and could not be adjusted by direct negotiation, that you were desirous to impress on me that there were ten other matters before the Joint High Commission upon which agreement did not seem to be out of the question, but that the way was absolutely blocked by the irreconcilable divergence of view which had shown itself in regard to the boundary dispute.

If an arbitration could be arranged it would be an issue very satisfactory to the President, but the views of the Commissioners as to the conditions on which an arbitration could be set up were almost as divergent as their views with respect to the matter itself in dispute; and while you would be very glad to see a proposition which might have the effect of referring this controversy to arbitration, you looked with more hope to some arrangement by which the Alaska controversy should be separated from the rest and the negotiations be allowed to go on, if possible, to agreement on the other ten matters, leaving the boundary question for subsequent discussion.

I replied that generally, of course, Her Majesty's Government were very anxious that these differences of opinion between the two countries should be adjusted, and that they would be very glad if any means of accelerating that result could be devised. I thought it possible that the Canadian Government would look upon the questions referred to the Commission as practically indivisible and would shrink from leaving the Alaska difficulty, which was the most important and urgent difficulty, unsettled, while an agreement was come to about the rest.

For it was obvious that if an agreement had appeared probable in any of these negotiations it might have been, to a great extent, because of the hope that by concession on these points the great boundary controversy could be brought to a close.

I promised to ascertain the views of the Colonial Office and of the Canadian Government, and the substance of your Excellency's communication was accordingly telegraphed to the Governor-General of Canada, who has replied that his Ministers can see no reason why the Alaska boundary question should not be referred to arbitration at once on the lines of the Treaty for the settlement of the dispute with Venezuela, and that they are ready to proceed with the other matters at issue as soon as an agreement for arbitration has been arrived at.

Although Her Majesty's Government have been disposed to believe that the Alaska boundary could best be dealt with in connection with a comprehensive adjustment of outstanding questions, they are quite willing, in view of the difficulties which have presented themselves, to refer the boundary dispute to arbitration, and they trust that the United States' Government on their part will now agree either to an equitable adjustment of the matter or to its reference to arbitration generally on the lines proposed by the British Commissioners and accepted by both Governments in the case of the dispute as to the boundary of British Guiana.

I have, &c.

(Signed) SALISBURY.

(Conf  
Sir,  
I  
letter  
the ec  
afford  
refer  
Canada  
Laws.  
2  
in you  
propo  
than t  
Canada  
States  
Nicar  
proce  
return  
adjust

(Conf  
Sir,  
by M  
Salish  
respe  
refer  
Unit  
;  
Domi  
cated

(Tele  
;  
antic  
I fee  
if th  
well  
some  
to  
be b  
will

No. 28.

*Colonial Office to Foreign Office.—(Received May 15.)*

(Confidential.)

Sir,

*Downing Street, May 13, 1899.*

I AM directed by Mr. Secretary Chamberlain to acknowledge the receipt of your letter of the 6th instant, respecting the suggestion of the Canadian Government that the consideration of the question of a modification of the Clayton-Bulwer arrangement affords a favourable opportunity for urging upon the United States' Government the reference to arbitration of the Alaska boundary question and the exemption of Canadian trade with Porto Rico from the operation of the United States' Coasting Laws.

2. Mr. Chamberlain is aware, from the correspondence to which reference is made in your letter, that the United States' Government would not consent to deal in the proposed Treaty modifying the Clayton-Bulwer arrangement with any other question than that of the Inter-oceanic Canal; but he wishes to point out that the wish of the Canadian Government, which he desires to support, is not that questions of the United States' Coasting Laws and of the Alaska boundary should be dealt with in the Nicaragua Canal instrument, but that the negotiations on these questions should proceed *pari passu* with that as to the Canal, so as to secure from the United States, in return for the concessions demanded in connection with the Canal, a reasonable adjustment of the other questions.

I am, &amp;c.

(Signed) H. BERTRAM COX.

No. 29.

*Colonial Office to Foreign Office.—(Received May 17.)*

(Confidential.)

Sir,

*Downing Street, May 16, 1899.*

WITH reference to the letter from this Office of the 13th instant, I am directed by Mr. Secretary Chamberlain to transmit to you, to be laid before the Marquess of Salisbury, paraphrases of two telegrams received from the Governor-General of Canada, respecting the suggestions of Her Majesty's Government as to the terms on which the reference of the Alaska boundary question to arbitration might be proposed to the United States' Government.

2. Mr. Chamberlain presumes that Lord Salisbury will cause the views of the Dominion Government, as expressed in the later of these telegrams, to be communicated to the Government of the United States.

I am, &amp;c.

(Signed) H. BERTRAM COX.

Inclosure 1 in No. 29.

*Governor-General the Earl of Minto to Mr. Chamberlain.*

(Telegraphic.) P.

*(Received May 14, 1899, 10.25 A.M.)*

YOUR telegram of the 12th instant, Very Secret.

Suggestions submitted to my Ministers. I think it best to inform you, in anticipation of their reply, that, from private conversation to-day with my Premier, I feel sure that the proposed alteration of Article IV, clause C, will not be accepted if there is any risk of the operation of the Rule extending to Pyramid Harbour, as well as to Skagway and Dyea. Premier insists on the necessity of retaining for Canada some harbour on the Lynn Inlet. I think he might agree to proposed suggestion as to towns of Skagway and Dyea if the retention of Pyramid Harbour for Canada could be bargained for. I do not apprehend that the increase in the number of Arbitrators will meet with any objection.



126

Inclosure 2 in No. 29.

Governor-General the Earl of Minto to Mr. Chamberlain.

(Telegraphic.) P.

(Received May 14, 1899, 4:50 P.M.)

ALASKA boundary: Your telegram of 12th May.

The proposed modifications of the conditions of the Venezuela precedent involve concessions to the United States without any compensation, and my Ministers are, therefore, unable to accept them. They would agree to modifications which would provide for a fair compromise, and think the following would be reasonable:—

“If Dyea and Skagway are found, as the result of Award of Arbitrators, to be within the territory of Great Britain, both places will be and remain in the occupation, and within the territory, and under the jurisdiction of the United States. If Pyramid Harbour is found to be within the territory of the United States, it will be and remain in the occupation, and within the territory, and under the jurisdiction of Great Britain.”

Acts of occupation and possession in those remote regions could not be taken place without any knowledge of them reaching Canada, and it is therefore impossible to invoke the failure of the Dominion to protest.

My Ministers urge that if this compromise is refused the United States can offer no valid reason against arbitration on terms of Venezuelan precedent, and an immediate reference to arbitration should be strongly pressed. There are strong objections to more than three Arbitrators, but the number is not absolutely material.

No. 30.

Mr. Tower to the Marquess of Salisbury.—(Received May 17.)

(No. 47.)

(Telegraphic.) P.

Washington, May 17, 1899.

ALASKA boundary: Your Lordship's telegram No. 70 of the 11th instant.

Mr. Hay informed me to-day verbally that the United States' Government have decided to send no troops for the present to Pyramid Harbour on the Chilkat inlet.

Mr. Hay promised to address me an official note to-morrow on the subject.

No. 31.

The Marquess of Salisbury to Mr. Tower.

(No. 71. Confidential.)

(Telegraphic.)

Foreign Office, May 17, 1899.

FORMAL negotiations respecting Alaska boundary have taken place between Sir J. Pauncefote and United States' Ambassador.

It was suggested that to Rule 6 of the draft Treaty, proposed by the British Commissioners (see Inclosure 10 in Lord Herschell's No. 2), the following should be added:—

“And whereas the Settlements of Dyea and Skagway, situated in the region of the Lynn Canal, are now in the occupation and under the jurisdiction of the United States, it is agreed by the High Contracting Parties that, if it shall be found by the Tribunal that those Settlements are situated within territory belonging of right to Great Britain, they shall come within the operation of this Rule, and be and remain in the occupation, and within the territory, and under the jurisdiction of the United States.”

Her Majesty's Government, after careful consideration and consultation with Canadian Government, are unable to accept this wording, and would propose, as a fair and reasonable compromise, that the addition to the Rule should run as follows:—

“If Dyea and Skagway are found, as the result of Award of Arbitrators, to be within the territory of Great Britain, both places will be and remain in the occupation, and within the territory, and under the jurisdiction of the United States. If Pyramid

Harbour is found to be within the territory of the United States, it will be and remain in the occupation, and within the territory, and under the jurisdiction of Great Britain."

You are authorized to make an official communication accordingly to the Secretary of State.

No. 32.

*The Marquess of Salisbury to Mr. Choate.*

My dear Ambassador,

*Foreign Office, May 17, 1899.*

SIR JULIAN PAUNCEFOTE duly reported to me the communications which passed between your Excellency and himself respecting the reference to arbitration of the Alaska boundary question.

The result of your negotiations was a proposal that, besides the Rules in the draft Treaty, drawn up by the British Commissioners at Washington, provision should be made that, in the event of the Tribunal of Arbitration finding that the Settlements of Dyea and Skagway are situated within territory belonging of right to Great Britain, those Settlements shall come within the operation of Rule 6, and be and remain in the occupation, and within the territory, and under the jurisdiction of the United States.

I have the honour to inform your Excellency that Her Majesty's Government, after consultation with the Canadian Government, and careful consideration, feel unable to accept this arrangement.

They would, however, be prepared to accept, as a fair and reasonable compromise, that the addition to the Rules should run as follows: -

"If Dyea and Skagway are found, as the result of the Award of the Arbitrators, to be within the territory of Great Britain, both places will be and remain in the occupation, and within the territory, and under the jurisdiction of the United States. If Pyramid Harbour is found to be within the territory of the United States, it will be and remain in the occupation, and within the territory, and under the jurisdiction of Great Britain."

Mr. Tower, Her Majesty's Chargé d'Affaires at Washington, has been instructed by telegraph to make an official communication in this sense to Mr. Hay.

I remain, &c.

(Signed) SALISBURY.

No. 33.

*Mr. Choate to the Marquess of Salisbury.—(Received May 19.)*

My dear Lord Salisbury,

*American Embassy, London, May 19, 1899.*

AFTER my reply of yesterday to your Lordship's note of the 13th, received on the 15th, had been prepared, I received your Lordship's letter of the 17th, which caused me much disappointment and regret, because it sets at naught the whole negotiation had between Sir Julian Pauncefote and myself, with the full approval, as I had supposed, of your Lordship, and puts an entirely new aspect upon the situation. Let me say, in passing, that the result of those negotiations was not understood between Sir Julian and myself to be a proposal on either side, but rather a suggestion of what we could fairly recommend to our respective Governments, and which, if I should find acceptable to my Government, would eventuate in a proposal from that of Her Majesty.

Your Lordship's letter does not disclose the grounds or reasons upon which the new proposition is based: that if Pyramid Harbour is found to be within the territory of the United States, it should be and remain within the territory and under the jurisdiction of Great Britain.

The proposition that if Dyea and Skagway are found, as the result of the Award of the Arbitrators, to be within territory belonging of right to Great Britain, they should come within the operation of Rule 6, and be and remain in the occupation, and within the territory, and under the jurisdiction of the United States, was based upon the obvious and impregnable ground that those Settlements had been built and

128

established under the authority and within the jurisdiction of the United States, and valuable interests created there without a word of protest or objection from either the British or Canadian Government, and upon territory to which no adverse claim had been presented by either of them to the United States, prior, at least, to the signature of the Protocol of May 1898, by which the High Joint Commission was created.

I am not, however, aware that at Pyramid Harbour any town has been built or Settlement established by either British or Canadian subjects, or any interests or industries created, the protection of which would afford any reason, in justice or equity, why that place, if found to be within the territory of the United States, should be set over to Great Britain.

I am therefore, unable to see any correlation or reciprocity in these two propositions, and at a loss to understand the reasons for the new proposition contained in your letter; but have transmitted its exact terms by cable to my Government, and shall await its instructions with great interest and some solicitude.

With the fullest confidence in your Lordship's desire for an amicable and mutually satisfactory adjustment of this difficult question, I shall hope, after further instructions, which I await, to resume the consideration of it with you personally.

Yours very truly,  
(Signed) JOSEPH H. CHOATE.

No. 34.

*Colonial Office to Foreign Office.—(Received May 19.)*

(Confidential.)

Sir,

*Downing Street, May 19, 1899.*

I AM directed by the Secretary of State for the Colonies to transmit to you, for the information of the Marquess of Salisbury, with reference to the letter from your Department of the 18th instant, a paraphrase of a telegram to the Earl of Minto on the subject of the proposals of Her Majesty's Government for the reference of the Alaska question to arbitration.

I am, &c.  
(Signed) EDWARD WINGFIELD.

Inclosure in No. 34.

*Mr. Chamberlain to Governor-General the Earl of Minto.*

(Telegraphic.) P.

*Downing Street, May 18, 1899, 6:50 p.m.*

BRITISH Chargé d'Affaires at Washington has been instructed to submit to the United States' Government the proposals of your Ministers as to the Alaska boundary contained in your telegram of the 14th instant.

No. 35.

*Mr. Choate to the Marquess of Salisbury.—(Received May 20.)*

My Lord,

*American Embassy, London, May 18, 1899.*

I HAVE the honour to acknowledge the receipt on the 15th instant of your Lordship's letter of the 13th in regard to a disposition of the Alaskan boundary question in some way which should remove it as an obstacle to the completion of the labours of the Joint High Commission on the other questions submitted to it.

I did not, in our interview of the 3rd instant, mean to be understood as assuming that the difference of view between our two Governments concerning the Alaskan boundary could not be adjusted by direct negotiation, for I am of opinion that, in view of the friendly feeling now prevailing between the two nations, almost any question could be so settled; and in fact, as I am instructed, the last proposition made by the American Commissioners before the adjournment of the Commission was to remit this important question to the two Governments for further negotiation and diplomatic settlement, and to take up the other questions and formulate a Treaty

Agreement respecting them, which proposition was rejected, and the Commission adjourned.

I was, however, most strenuous in pressing upon your Lordship the earnest desire of the President that in some way or other this question, on which the difference in the Commission was irreconcilable, should be amicably and satisfactorily adjusted so that the Commission could reconvene with a reasonable prospect of completing the rest of the work.

It is now very gratifying to learn that Her Majesty's Government is willing, in view of the impracticability of the Alaskan boundary question being settled by the Commission, to refer it to arbitration, and that the Ministers of the Governor-General of Canada can see no objection to this course. I immediately reported to my Government, by cable, the last two paragraphs of your Lordship's letter which stated those facts, and had hoped before replying to receive further instructions from Washington on the subject, but the temporary absence of the President from the capital probably occasions a little delay.

I do not understand from your letter that either your Lordship or the Canadian authorities, by proposing an arbitration "generally on the lines" of the Venezuela Treaty, will insist upon applying rigidly to this proposed arbitration the identical terms of that Treaty, especially since the exact proposition was made in the Commission by the British Commissioners and rejected by ours on grounds which seemed to them and to our Government conclusive.

The two principal grounds of objection were as to the method of constituting the proposed Arbitral Tribunal, and the provision as to the effect of actual settlement upon the rights of the parties. The American Commissioners were of the opinion that an Arbitral Tribunal, consisting of an equal number of jurists appointed by each side, and who should decide by a majority vote, somewhat similar to the Arbitral Tribunal provided for in the General Arbitration Treaty of Venezuela between the two Governments would be a most competent Tribunal to dispose of such a question as is here involved, and would be far more satisfactory than such a one as that constituted by the Venezuela Treaty: and that the United States should not be called upon to submit to any arbitration its right to hold the territory upon which under its authority cities and towns have been built, and valuable interests and industries established without protest or objection from either Her Majesty's Government or the Canadian authorities.

On these two points the views of the British and American Commissioners appear to have been irreconcilable, and the hope that by mutual concessions we may be able to agree upon terms of arbitration mutually satisfactory will be most gratifying to the President.

The alternative suggestion in your letter of an "equitable adjustment of the matter," meaning, I assume, of the boundary itself, has not yet been made the subject of instructions to me, but you may rest assured that it will not be overlooked by the Secretary of State.

On hearing from him I shall take the liberty of asking for a further interview.

I have, &c.

(Signed) JOSEPH H. CHOATE.

No. 36.

*Colonial Office to Foreign Office.—(Received May 26.)*

(Confidential.)

Sir,

*Downing Street, May 20, 1899.*

I AM directed by the Secretary of State for the Colonies to transmit to you, for the information of the Marquess of Salisbury, with reference to the letter from your Department of the 18th instant, a paraphrase of a telegram to the Governor-General of Canada on the subject of the dispatch of United States' troops to Pyramid Harbour.

I am, &c.

(Signed) EDWARD WINGFIELD.

130

Inclosure in No. 30.

*Mr. Chamberlain to Governor-General the Earl of Minto.*

(Telegraphic.) P.

*Downing Street, May 19, 1899, 2:45 P.M.*

REFERRING to my telegram of the 13th instant, British Chargé d'Affaires has been verbally informed by United States' Secretary of State that no troops will be sent to Pyramid Harbour at present.

No. 37.

*Mr. Tower to the Marquess of Salisbury.—(Received May 20.)*

(No. 49.)

(Telegraphic.) P.

*Washington, May 20, 1899.*

I HAVE received a reply from the United States' Secretary of State to my note based upon the instructions contained in your Lordship's telegram No. 71. The following is the substance of Mr. Hay's note:—

The United States' Ambassador in London inquired on the 13th instant whether a scheme of arbitration, if put forward by Her Majesty's Government, would be acceptable to the United States' Government upon the terms of the proposed addition to Rule C of the draft Treaty submitted in February last by the British Commissioners, which addition was quoted in the earlier portion of your Lordship's above-mentioned telegram beginning with the words "and whereas the Settlements" to the words "jurisdiction of the United States."

Mr. Hay states that, after consideration and consultation with the United States' members of the Joint Commission, it had been decided by the President that "the suggested scheme of arbitration, although involving considerable concessions on our part, would be accepted as a measure of settlement."

Mr. Hay was about to instruct the United States' Ambassador of this decision, when the proposal of Her Majesty's Government in regard to Pyramid Harbour was communicated to him by me.

He expresses his regret at not being able to share the opinion of Her Majesty's Government that the new proposal constitutes a fair and reasonable compromise between the views entertained by the two Governments, adding that "it changes so completely the terms recently suggested as to render the entire proposition unacceptable."

I am informed that the above has been communicated by Mr. Hay to the United States' Ambassador.

No. 38.

*Mr. Tower to the Marquess of Salisbury.—(Received May 20.)*

(No. 50.)

(Telegraphic.) P.

*Washington, May 20, 1899.*

WITH reference to my telegram No. 47 of the 17th instant. The official reply from the Secretary of State has been received to-day. I shall forward copy by mail.

Mr. Hay states that the order for one company to proceed to Pyramid Harbour was given solely to prevent a possibility of collision between Canadian police and border Indians on the one hand, and United States' citizens on the other.

In reply to the assertion that Pyramid Harbour is more than 30 miles from the ocean, the Secretary of State states that it is on tide water, and more than 30 miles within the boundary claimed by the United States' Government.

It has been decided in view of negotiations pending, to suspend for the present the dispatch of troops to that locality, but Mr. Hay points out the necessity of not leaving this wild region to the danger of possible collisions, and adds that his Government would not be justified in failing to take such measures as may seem to be required to preserve order in that district and prevent disturbances.

The President hopes that a solution, first of the question of a *modus vivendi*, and afterwards of that of a permanent boundary may speedily be reached on terms alike honourable and satisfactory to both Governments.

Governor-General of Canada informed of suspension for the present of dispatch of troops.

No. 39.

*The Marquess of Salisbury to Mr. Tower.*

(No. 119.)

*Foreign Office, May 20, 1899.*

Sir,

THE United States' Ambassador informed me to-day that he had reported to Washington the proposal, with regard to the Alaska boundary, which you were authorized to make to the United States' Government in my telegram No. 71 of the 17th instant, and had now received a reply from Mr. Hay.

Mr. Hay stated that his Excellency's previous despatch of the 12th instant, reporting the result of discussions with Sir J. Pouncefote, had received the serious consideration of the President and the Department of State, and that after consultation with the members of the International Commission it had been decided that the suggested scheme of arbitration set forth therein, although involving considerable concessions on the part of the United States, should be accepted as a measure of settlement. Yesterday, however, Mr. Hay had received your note, written after the Canadian Government had been consulted, in which the modification mentioned in Mr. Choate's later telegram was proposed.

This new proposition, changing so completely the terms embraced in Mr. Choate's despatch of the 12th, was wholly unacceptable. It was equivalent to saying that if the decision of the Arbitrators was against the British claim, Great Britain was to have a port on the United States' coast, and that if it was favourable she was to have the coast itself. If the United States' Government were ready to consider such a proposition as this, no arbitration would be necessary.

Mr. Hay added that he need not say how deeply the President regretted this unexpected result.

I am, &c.

(Signed) SALISBURY.

No. 40.

*Mr. Tower to the Marquess of Salisbury.—(Received May 22.)*

(No. 141.)

*Washington, May 12, 1899.*

My Lord,

I HAVE the honour to report that on the 10th instant an article appeared in the Washington press entitled, "Joint Commission given up. No prospect of an agreement on the Alaska Boundary."

This article, which has been extensively reproduced, is attracting much attention.

It states that "it has now been demonstrated that the temper of neither side has yielded sufficiently to warrant the expectation of any successful result attending the reconvention of the Commission."

Discussing the negotiations for a provisional *modus vivendi* on the boundary question, the article continues, "Little or no progress is being made, and it is said our officials are thoroughly discouraged at the time-consuming manner in which the various propositions that have been put forward are banded back and forth between London and Ottawa."

In the course of conversation yesterday with Mr. Hay, I alluded to the above statements.

He replied that the report of the abandonment of the Joint High Commission was only guess-work, but that he could not disguise his feeling of discouragement at the failure of an issue, and particularly at the prolonged delay in the exchange of views on the Alaska question.

Mr. Hay went over the ground covered by the Commission, and referred to an article recently published in London in the "Daily Chronicle," a summary of which has been telegraphed here, which throws the blame of the non-result of the negotiations on the United States' Commissioners.

This charge, he said, was unfounded. As proof of this, he quoted the "liberality" of the pecuniary offer by the United States for the Behring Sea industry, the reduction on lumber, the concessions on mining products, and the willingness to make reasonable settlement on the Alaska boundary question.

Mr. Hay repeated what he had previously told me of the earnest desire of the President to come to an agreement on all the outstanding questions. He stated, however, that the majority of the United States' Commissioners were averse to the reconvention of the Joint Commission until some arrangement should have been previously come to between the two Governments on the Alaska boundary.

In the press of last evening, and again in this day's papers, an article has appeared, repeating in categorical terms the sentiments expressed by Mr. Hay.

A copy of this article is annexed.

I have, &c.  
(Signed) REGINALD TOWER.

---

Inclosure 1 in No. 40.

*Extract from the "Washington Evening Star" of May 11, 1899.*

THE statements of the press of London and Canada respecting the reasons for the recent failure of the negotiations with Canada have occasioned much surprise in the official world of Washington. These statements assume that the Canadians made all the offers of concessions, the United States' Commissioners' standing by existing conditions. The facts, as understood here, are directly to the contrary. There are certain facts which tend to contradict the statements of the British press, which are now made known for the first time.

Take the question of trade with Canada for example. It is positively known that the Americans offered absolute free trade in mineral products, an enlargement of the free list of forest products; an important concession in duty on lumber and on most agricultural products. It is also known that they offered liberal terms for the adjustment of the Behring Sea sealing question, and offered an amicable method for the adjustment of the boundary question, yielded to Canada's views in respect to alien labour and to the lake fisheries, and offered reciprocal mining privileges.

Indeed, if the opinion in well-informed circles here is well founded, nearly every offer of concession came from the United States, the Canadians as a rule declining to commit themselves to any distinct proposition on the foregoing topics, the Alaska boundary excepted. In fact, it is universally believed here that the distinct offer of concessions for a settlement came almost wholly from the United States' Commissioners.

---

Inclosure 2 in No. 40.

*Extract from the "New York Tribune" of May 12, 1899.*

THE statements of the press of London and Canada respecting the reasons for the recent failure of the negotiations with Canada have occasioned much surprise in the official world of Washington. These statements assume that the Canadians made all the offers of concessions, the United States' Commissioners' standing by existing conditions. The facts, as understood here, are directly contrary to that view. There are certain facts tending to contradict the statements of the British press, which the Associated Press is now able to make known for the first time.

In regard to the question of trade with Canada, it is positively known that the Americans offered absolute free trade in mineral products, an enlargement of the free list of forest products, an important concession of duty on lumber and on most agricultural products. It is also known that they offered liberal terms for the adjustment of the Behring Sea sealing question, and an amicable method for the settlement of the boundary question, yielded to Canada's views in respect to alien labour and the lake fisheries, and offered reciprocal mining privileges. Indeed, if the opinion in well-informed circles here is correct, nearly every offer of concessions proceeded from the side of the United States, the Canadians as a rule declining to commit themselves to any distinct proposition on the foregoing topics, the Alaskan boundary excepted. In fact, it is universally believed at Washington that the distinct offer of concessions for a settlement came almost wholly from the United States' Commissioners.

---

No. 41.

*Mr. Tower to the Marquess of Salisbury.—(Received May 22.)*

(No. 142.)

My Lord,

*Washington, May 12, 1899.*

I HAVE the honour to report that, upon receipt of your Lordship's telegram No. 70 of yesterday's date, I have this day addressed a note to the United States' Secretary of State, informing him of the views of Her Majesty's Government upon the action of the United States in establishing a military post at Pyramid Harbour.

I inclose a copy of my note herewith.

I have, &amp;c.

(Signed) REGINALD TOWER.

---

 Inclosure in No. 41.
*Mr. Tower to Mr. Hay.*

Sir,

*Washington, May 12, 1899.*

I HAVE the honour to inform you that the intelligence that the United States' Government contemplate the establishment of a military post at Pyramid Harbour on the Chilkat inlet has been received by my Government with regret.

They consider that the *status quo* in regard to the occupation of territories in the region of the Lynn Canal would be disturbed thereby, and that this is the more to be deprecated at the present time, when the two Governments are proceeding with negotiations for a *modus vivendi* and for a reference to arbitration of the Alaska boundary question.

I am instructed by the Marquess of Salisbury to recall to your attention the fact that Her Majesty's Government claim as British territory all the waters and shores of the Lynn Canal which are more than 30 miles from the ocean, and I am to state that, as the distance of Pyramid Harbour from the ocean is more than 30 miles, Her Majesty's Government trust that, for the present at least, your Government will suspend any action of the nature of that which is now contemplated.

I have, &amp;c.

(Signed) REGINALD TOWER.

---

 No. 42.
*Colonial Office to Foreign Office.—(Received May 22.)*

Sir,

*Downing Street, May 20, 1899.*

I AM directed by the Secretary of State for the Colonies to transmit to you, for the information of the Marquess of Salisbury, with reference to the letter from this Department of the 10th instant, a copy of a despatch from the Earl of Minto on the subject of the Alaska boundary question, and the conditions in which the Canadian Government would consent to the reassembling of the Joint Commission.

I am, &amp;c.

(Signed) EDWARD WINGFIELD.

---

 Inclosure in No. 42.
*Governor-General the Earl of Minto to Mr. Chamberlain.*

(Secret.)

Sir,

*Government House, Ottawa, May 5, 1899.*

I HAVE the honour to inform you that I have to-day had a conversation with my Premier in reference to your cypher cable of the 4th May, informing me of the hope of the President of the United States "that something might be done to bring about an agreement before the day to which the Commission adjourned," and "that negotiations



134

should proceed on all the questions referred to the Commission other than the Alaskan boundary, leaving that question for future discussion."

3. Sir Wilfrid Laurier tells me that, after careful consideration, the Canadian Commissioners cannot see their way to reassembling until it has been agreed to refer the Alaskan boundary question to arbitration on the lines of the Venezuela Arbitration. The adjournment of the Commission was due to the impossibility of coming to such an agreement, and my Ministers consider that, until such an agreement is reached, it would not be advisable for the Commission to meet.

3. Sir Wilfrid Laurier pointed out to me that though, in his opinion, other matters which were before the Commission could stand over, the settlement of the Alaskan boundary is one of vast importance, which requires to be immediately dealt with, and cannot be safely left in abeyance. That it affects large pecuniary interests in territories which have been only partially explored, and that there will in future be the risk of dangerous friction between Canada and the United States if the present undefined condition of the Alaskan frontier is allowed to continue.

4. Sir Wilfrid also considers that in insisting in the first place on the settlement of the Alaskan boundary, he is strengthening his hands in regard to other points in consideration between Canada and the United States.

5. Besides my conversation to-day with Sir Wilfrid Laurier, I have frequently discussed the Alaskan boundary question with him in reference to the reassembling of the Commission, and on each occasion he has informed me decidedly that he cannot consider the possibility of reassembling except on the conditions to which I have referred.

I have, &c.  
(Signed) MINTO.

No. 43.

Colonial Office to Foreign Office.—(Received May 23.)

(Confidential.)  
Sir,

Downing Street, May 22, 1899.

I AM directed by Mr. Secretary Chamberlain to request you to inform the Marquess of Salisbury that he has had before him your letter of the 15th instant, covering copy of a letter from Her Majesty's Chargé d'Affaires at Washington, transmitting a Report by the United States' Consul at Victoria on the subject of the British Columbian mining laws.

It appears from the last paragraph of this Report that the reciprocity of treatment granted to Canada by the existing United States' mining law is illusory. The law of the Dominion only concedes to United States' citizens the right of leasing mineral lands; and as the United States' law does not allow this right even to United States' citizens, and, therefore, cannot allow it to Canadians, it follows that the latter cannot obtain mining rights in Alaska at all.

Thus the British Columbian legislation to which the United States' Government have taken exception does no more than impose openly on United States' citizens the same disability to which Canadians are subjected in practice by the existing United States' law; and it would, in Mr. Chamberlain's opinion, be impossible for Her Majesty's Government to urge upon the Dominion Government the suspension of the British Columbian law, except on satisfactory assurances that real equality of treatment in United States' territories will be accorded to Canadians.

Such equality could not be secured by anything short of the amendment of the Alaska Government Bill suggested in the inclosure to the letter from this Office of the 28th ultimo.

I inclose a copy of a despatch just received from the Governor-General, inclosing copy of a communication which he has addressed to Mr. Tower on the subject of the Petition to the President of the United States from United States' miners in the Atlin district.

I am, &c.  
(Signed) H. BERTRAM COX.

## Inclosure 1 in No. 43.

*Governor-General the Earl of Minto to Mr. Chamberlain.*

Sir,  
*Government House, Ottawa, May 5, 1899.*  
 WITH reference to my despatch No. 75 of the 14th ultimo forwarding copy of a despatch from Her Majesty's Ambassador at Washington, on the subject of a Petition from United States' citizens resident in British Columbia, in regard to recent mining legislation of the province, I have the honour to inclose for your information copy of a despatch upon the same subject which I have addressed to Her Majesty's Chargé d'Affaires at Washington.

I have, &c.  
 (Signed) MINTO.

## Inclosure 2 in No. 43.

*Governor-General the Earl of Minto to Mr. Tower.*

Sir,  
*Government House, Ottawa, May 5, 1899.*  
 I REFERRED to my Ministers for consideration a copy of the Ambassador's despatch No. 23 of the 7th ultimo, with its inclosures, setting forth the grievance of United States' citizens in the Atlin district of British Columbia, in respect of recent mining legislation of that province, and I have now the honour to transmit to you herewith a copy of an approved Minute of the Privy Council for Canada dealing with the subject.

You will observe that my Minister of Justice has not yet had an opportunity of considering the legislation complained of, the British Columbian Statutes of last Session not having reached his Department, but that in the meantime the Lieutenant-Governor of the province has been asked for an expression of his views on the matter.

I have, &c.  
 (Signed) MINTO.

## Inclosure 3 in No. 43.

*Extract from a Report of the Committee of the Honourable the Privy Council, approved by the Governor-General on the 2nd May, 1899.*

THE Committee of the Privy Council have had under consideration a copy of a despatch, hereto attached, dated the 7th April, 1899, from Her Majesty's Ambassador at Washington, transmitting a copy of a note received by him from the United States' Secretary of State, inclosing copy of a Petition to the President of the United States from the United States' citizens resident in the Atlin district of British Columbia representing the hardship to their interests of recent mining legislation of that province.

The Minister of Justice, to whom the matter was referred, states that the British Columbia Statutes of the last Session have not yet been received at the Department of Justice, and he is not at present in a position to express an opinion upon the merits of the application set forth in the Petition.

The Committee, on the recommendation of the Minister of Justice, advise that your Excellency be moved to forward a copy of the document above mentioned to the Lieutenant-Governor of British Columbia, for his observations, with a view of further consideration of the matter by His Excellency's Government, and also that the British Ambassador be informed that this course has in the meantime been taken.

All which is respectfully submitted for your Excellency's approval.

(Signed) JOHN J. MCGEE,  
*Clerk of the Privy Council.*

136

No. 44.

*Colonial Office to Foreign Office.—(Received May 23.)*

(Confidential.)

Sir,

*Downing Street, May 22, 1899.*

I AM directed by Mr. Secretary Chamberlain to acknowledge the receipt of your letter of the 15th instant, covering copy of a despatch from Mr. Tower respecting the question of a provisional boundary in the region of the Lynn Canal.

I am to request you to refer the Marquess of Salisbury to the letter from this Office of the 16th instant, covering the paraphrase of a telegram from the Governor-General of Canada, giving the views of his Ministers as to the terms on which arbitration on the Alaska question might be proposed to the United States' Government; and I am to point out that, as his Lordship is aware from the letter from this Office of the 28th ultimo, the Dominion Government is not prepared to accept any provisional boundary on the Chilkat Pass, except as part of an agreement for the reference of the whole question to arbitration.

If such an arrangement could be made it appears that the settlement of a provisional line would present no difficulty, as the village of Klukwan referred to by the United States' Secretary of State is just below the junction of the Klek and Chilkat Rivers which the Dominion Government would be prepared to accept of such an Agreement. (See Lord Minto's letter to Sir Julian Pauncefote of the 21mo, copy of which accompanied your letter of the 12th instant.)

I am to add that, pending the receipt of a reply from the United States' Government to the proposals of Her Majesty's Government as to the conditions under which arbitration should take place, Mr. Chamberlain proposes to defer communicating Mr. Tower's despatch to the Governor-General.

I am, &c.

(Signed) H. BERTRAM COX.

No. 45.

*Mr. Tower to the Marquess of Salisbury.—(Received May 27.)*

(No. 148. Confidential.)

My Lord,

*Washington, May 16, 1899.*

I HAVE the honour to report that Senator Fairbanks, Chairman of the American Delegation on the Joint High Commission for the settlement of questions at issue between Canada and the United States, is on the point of starting on a trip to Alaska "for the purpose of personally investigating the boundary question."

I learn, on excellent authority, that Mr. Fairbanks intends to leave early in June and to pass some weeks in visiting Sitka and ports on the Lynn Canal.

Though it is not to be anticipated that much light will be thrown on the points in dispute by Senator Fairbanks' personal investigations, the matter appears worthy of being noticed from the fact that he will be thrown in immediate contact with the representatives of the shipping and other interests on the Pacific Coast. His further attitude, whether on the Commission or in the Senate, may possibly be influenced by those local considerations which prompted the West to protest last autumn against the rumoured proposal for a solution of the boundary question by admitting Canada to a port on the Lynn Canal, either permanently or by the expedient of bonding privileges or harbour facilities.

I have, &c.

(Signed) REGINALD TOWER.

No. 46.

*Mr. Tower to the Marquess of Salisbury.—(Received May 27.)*

(No. 149.)  
My Lord,

*Washington, May 18, 1899.*

I HAVE the honour to report that, in compliance with the instructions contained in your Lordship's telegram No. 71, Confidential, of the 17th instant, I addressed a note to the United States' Secretary of State this day, copy of which is inclosed, communicating the proposal of Her Majesty's Government as an addition to Rule C of the draft Treaty proposed by the British Commissioners in February last, for the arbitration of the Alaska boundary question.

In conversation to-day Mr. Hay informed me that he had received a Report from the United States' Ambassador in London, in the sense of the suggested addition to Rule C dealing with Dyea and Skagway alone, which your Lordship communicated to me in the earlier portion of your telegram above referred to.

I have, &c.  
(Signed) REGINALD TOWER.

---

Inclosure in No. 46.

*Mr. Tower to Mr. Hay.*

Sir,

*Washington, May 18, 1899.*

I HAVE the honour to inform you that, as a result of informal negotiations concerning the delimitation of the Alaska boundary which have taken place in London between Sir Julian Pauncefote and the United States' Ambassador, that Her Majesty's Government have taken into their careful consideration the proposals made, and have been in consultation with the Government of Canada thereon.

I am now authorized by the Marquess of Salisbury to submit, for the favourable consideration of your Government, the subjoined addition to Rule C of the draft Treaty proposed by the British Commissioners in February last.

This, in the opinion of Her Majesty's Government, would appear to be a fair and reasonable compromise between the points of views entertained by the two Governments concerned:—

“If Dyea and Skagway are found, as the result of award of Arbitrators, to be within the territory of Great Britain, both places will be, and remain in the occupation, and within the territory, and under the jurisdiction of the United States. If Pyramid Harbour is found to be within the territory of the United States, it will be, and remain in the occupation, and within the territory, and under the jurisdiction of Great Britain.”

I have, &c.  
(Signed) REGINALD TOWER.

---

No. 47.

*Mr. Tower to the Marquess of Salisbury.—(Received May 27.)*

(No. 150.)  
My Lord,

*Washington, May 19, 1899.*

IN view of the importance which attached to the contemplated action by the United States in the creation of a military post at Pyramid Harbour, as reported in my telegram No. 46 of the 5th instant, I think it may be of interest to give a brief survey of the present military establishment of the United States in Alaska.

Lieutenant-Colonel Lee has, at my request, drawn up a Report, copy of which I have the honour to transmit herewith, containing the information on the subject which he has been able to procure.

I have, &c.  
(Signed) REGINALD TOWER.

138

Inclosure in No. 47.

Lieutenant-Colonel Lee to Mr. Tower.

Sir,

Washington, May 19, 1899.

IN accordance with your request, I have the honour to furnish the following information with regard to the military situation in Alaska at the present time.

Alaska has been recently divided into two military districts, known respectively as "the District of North Alaska" and "the District of South-east Alaska." Both are under the general control of the General Officer Commanding the "Department of the Columbia."

The "District of North Alaska" comprises all United States' territory north of the 61st parallel of north latitude, and is, by the inclosed General Order No 93, placed under the command of Major P. H. Ray, 8th Infantry, who is at present in Washington, but who starts for Alaska very shortly. The total force under his command will consist of about 180 men, Regular Infantry, who are already distributed along the Yukon River roughly as follows:—

	Men.
At St. Michael's .. .. .	30
At St. James' Mission (junction of Yukon and Tanana) .. .. .	60
At Circle City .. .. .	20
At Belle Isle (Mission Creek), close to international boundary .. .. .	70
Total .. .. .	180

Major Ray's head-quarters will be at Belle Isle, and he will also have under his command the two exploring expeditions detailed in General Order No. 51 herewith inclosed.

The "District of South-east Alaska" comprises all of Alaska south of the 61st parallel of north latitude, and is under the command of Major Townsend.

The total force under his command consists of about 150 men of the 25th (coloured) Infantry, who will be distributed roughly as follows:—

	Men.
At Fort Wrangel .. .. .	50
At Dyea .. .. .	50
At Skagway .. .. .	50
Total .. .. .	150

(The proposed post at Pyramid Harbour has been abandoned.)

The above posts are at present garrisoned by two companies of the 14th Infantry, who are under orders for transfer to the Philippines as soon as the two companies of the 25th Infantry can arrive to relieve them. The outgoing companies and the reliefs will therefore be in Alaska together for a few days, and this fact may have given rise to the rumours that an increase of the United States' garrisons was in contemplation.

As a matter of fact, I am assured by the Adjutant-General of the Army that the total United States' force in the whole of Alaska will in future be under 400 men, and that, so far from an increase being contemplated, the pending reliefs will result in an actual reduction of the force now there.

I have, &c.

(Signed) ARTHUR H. LEE, Lieutenant-Colonel,  
Military Attaché to the British Embassy.

No. 48.

Colonial Office to Foreign Office.—(Received May 29.)

(Confidential.)

Sir,

Downing Street, May 29, 1899.

I AM directed by Mr. Secretary Chamberlain to acknowledge the receipt of your letter of the 22nd instant, inclosing a copy of a telegram from the British Chargé d'Affaires at Washington on the subject of the Alaska boundary, and your two letters of the 23rd instant, one inclosing a copy of despatch No. 119 from the Marquess of Salisbury to Mr. Tower, and the other inclosing copies of two letters from the United States' Ambassador on the same subject.

2. It appears from Lord Salisbury's telegram to Mr. Tower that the United States' Secretary of State has stated to Mr. Choate that the proposition submitted to the United States' Government by Lord Salisbury in accordance with the suggestion of the Canadian Government is wholly unacceptable, and that "it is equivalent to saying that if the decision of the Arbitrators was against the British claim, Great Britain was to have a port on the United States' coast, and that, if it was favourable, she was to have the coast itself."

3. Mr. Chamberlain considers that it should be pointed out to the United States of America Government that this is not a correct interpretation of the proposal made by Her Majesty's Government. The effect of the proposal would be that if the decision of the Arbitrators is favourable to Great Britain, she nevertheless gives up two ports to the United States, and if it is favourable to the United States, they give up only one port to Great Britain.

4. It should also be recollected that Canada is and always has been perfectly willing to submit the whole question to arbitration without restriction, and it is only because the United States proposes to restrict the Arbitrators in their own favour in the cases of Dyea and Skagway that Canada has asked for a similar restriction in regard to Pyramid Harbour as some kind of equivalent.

5. In view, however, of the rejection of this proposal, Mr. Chamberlain considers that some other compromise should be proposed, and I am to inclose the draft of a telegram which, with Lord Salisbury's concurrence, he proposes to address to the Governor-General of Canada, informing him of the rejection of the terms proposed by the Canadian Ministers, and urging upon them the importance to Canada of arriving at some agreement on the Alaska question, and suggesting a possible compromise.

I am, &c.

(Signed) H. BERTRAM COX.

Inclosure in No. 48.

*Draft of Telegram from Mr. Chamberlain to Governor-General the Earl of Minto.*

(Secret.)

UNITED STATES' Ambassador asked his Government on the 13th May whether, if Great Britain made the proposal, they would accept a scheme for arbitration on the lines mentioned in my Secret telegram of the 12th May. The President decided, after consultation with State Department and members of Joint Commission, that "although presenting considerable concessions on the part of the United States, the suggested scheme of arbitration would be accepted as a measure of settlement." But before instructions could be sent to the Ambassador in this sense, Her Majesty's Chargé d'Affaires submitted the proposal of your Ministers respecting Pyramid Harbour, contained in your telegram of the 14th May. The Secretary of State has now informed the Chargé d'Affaires that this proposal "so completely changes the terms recently suggested as to render the entire proposition unacceptable."

The consequences of a delay in the settlement of the boundary question appear to me more serious for Canada than for the United States, who are in possession; further, though Dyea and Skagway may have been occupied without the knowledge of Canada, no protest or objection was made when the occupation was brought to the knowledge of the Dominion Government, and when a Canadian Customs post was established on the provisional frontier without any notice that a more favourable line was claimed, Canada tacitly admitted the claims of the United States to the whole of the waters and shores of the Canal. United States' Ambassador here has pointed out that Canada's position with regard to Pyramid Harbour is very different from that of United States with regard to Dyea and Skagway in matter of vested interests.

I suggest following as a possible compromise, viz., that following Venezuelan precedent, it shall be declared that if Arbitrators find that any places now occupied by United States belong to Great Britain they shall remain with United States, but such compensation in money or territory shall be given as justice, in opinion of Arbitrators, requires.

Please communicate the above to your Ministers, and report their views as soon as possible. Unless some compromise on Alaska question can be arrived at, it is certain that the Commission will not meet, and that no settlement will be obtained.

No. 49.

*Mr. Hay to Mr. Choate.—(Communicated to Foreign Office, May 29.)*(Private and Confidential.)  
(Telegraphic.)*(Received at the Embassy, May 27, 1899, 9.30 P.M.)*

CONSTANT complaint from our officials in Alaska of encroachments from Canada. Some *modus vivendi* imperatively required. Suggest to Lord Salisbury as provisional boundary, without prejudice, summit of White and Chilkoot Passes, and on Dalton Trail a line passing north of Indian village of Klukwan.

No. 50.

*The Marquess of Salisbury to Mr. Tower.*

(No. 125.)

*Foreign Office, May 29, 1899.*

Sir,

I HAVE received your despatch No. 149 of the 18th instant, inclosing a copy of the note which you addressed to the United States' Government in accordance with the instructions conveyed to you in my telegram No. 71 of the 17th respecting the proposed arbitration on the Alaska boundary question.

I approve the terms of your note.

I am, &c.  
(Signed) SALISBURY.

No. 51.

*Mr. Hay to Mr. Choate.—(Communicated by Mr. Choate, May 30.)*

(Telegraphic.)

*(Received May 27, 1899, 9.30 P.M.)*

CONSTANT complaint from our officials in Alaska of encroachments from Canada. Some *modus vivendi* imperatively required. Suggest to Lord Salisbury as provisional boundary without prejudice summit of White End Chilkoot Passes, and on Dalton Trail a line passing north of Indian village of Klukwan.

No. 52.

*Mr. Tower to the Marquess of Salisbury.—(Received June 2.)*

(No. 151.)

*Washington, May 20, 1899.*

My Lord,

WITH reference to your Lordship's telegram No. 71, Confidential, of the 17th instant, and my despatch No. 149 of the 18th instant, I have the honour to transmit herewith copy of the reply received this day from the United States' Secretary of State to the proposal by Her Majesty's Government for an addition to Rule C of the draft Treaty put forward in February last by the British Commissioners for the delimitation of the Alaska boundary.

I have this day reported to your Lordship by telegraph the substance of Mr. Hay's reply.

I have, &c.  
(Signed) REGINALD TOWER.

Inclosure in No. 52.

*Mr. Hay to Mr. Tower.*

Sir,

*Washington, May 19, 1899.*

I HAVE the honour to acknowledge receipt of your note of the 18th May, in which you inform me that, as a result of informal negotiations concerning the delimitation of the Alaska boundary which have taken place in London between

Sir Julian Pauncefote and the United States' Ambassador, Her Majesty's Government have taken into their careful consideration the proposals made, and have been in consultation with the Government of Canada thereon; that you are now authorized by the Marquess of Salisbury to submit to the favourable consideration of the United States' Government the subjoined addition to Rule C of the draft Treaty proposed by the British Commissioner in February last, namely:—

“If Dyea and Skagway are found, as the result of the Award of Arbitrators, to be within the territory of Great Britain, both places will be and remain in the occupation, and within the territory and under the jurisdiction of the United States. If Pyramid Harbour is found to be within the territory of the United States it will be and remain in the occupation, and within the territory, and under the jurisdiction of Great Britain.”

You add that this, in the opinion of Her Majesty's Government, would appear to be a fair and reasonable compromise between the points of view entertained by the two Governments concerned.

I beg to say, in reply, that, on the 13th May, this Department, received from our Ambassador in England a despatch inquiring whether this Government would accept, if it should be proposed by Great Britain, a scheme of arbitration therein set forth, providing, among other things, for an addition to Rule C of the draft Arbitration Treaty offered by the British Commissioners in February last, which read as follows:—

“And whereas the settlements of Dyea and Skagway, situated in the region of the Lynn Canal, are now in the occupation and under the jurisdiction of the United States, it is agreed by the High Contracting Parties that, if it shall be found by the Tribunal that those settlements are situated within the territory belonging of right to Great Britain, they shall come within the operation of this Rule, and be and remain in the occupation, and within the territory, and under the jurisdiction of the United States.”

This proposition received the most serious consideration of the President and of this Department, and, after thorough consultation with members of the International Commission, it was decided that the suggested scheme of arbitration, although involving considerable concessions on our part, would be accepted as a measure of settlement. I was preparing a despatch to our Ambassador in London in this sense when I had the honour of receiving your visit yesterday morning, and of being informed of the new proposition of your Government in regard to Pyramid Harbour, information which has since been received from Mr. Choate.

I regret that I cannot share in the opinion of Her Majesty's Government that this new proposal constituted a fair and reasonable compromise between the points of view entertained by the two Governments concerned. It changes so completely the terms lately suggested as to render the entire proposition unacceptable. I have so instructed our Ambassador in London.

I have &c.  
(Signed) JOHN HAY.

No. 53.

*Mr. Tower to the Marquess of Salisbury.—(Received May 31.)*

(No. 152.)  
My Lord,

*Washington, May 20, 1899.*

AS I had the honour to report in my telegram No. 47 of the 17th instant, I was informed verbally by the United States' Secretary of State on that day that he had requested the Secretary of War to suspend sending a company of United States' troops for the present to Pyramid Harbour, in view of the expression of opinion put forward by Her Majesty's Government.

I have promised to send me an official note to that effect, on the following day, stating that this suspension was not in any way to be construed as a recognition of the British claim, and that it would be necessary to hold the troops in readiness in case of any emergency. Not having received any further communication from Mr. Hay on the subject, I asked him in conversation to-day, whether a reply was being prepared to my note of the 12th instant (copy of which accompanied my despatch No. 142 of the 12th instant).

Mr. Hay thereupon sent me a note, copy of which I inclose herewith, dated the



17th instant, informing me that the dispatch of the troops, as contemplated, had been suspended, but maintaining, in reply to your Lordship's statement that Pyramid Harbour is more than 30 miles from the ocean—

1. That the place is on tide water;
  2. That it is ground always occupied by the United States and its predecessors;
- and
3. That it is more than 30 miles inside the boundary claimed by the United States, and believed by the United States' Government to be the true line of demarcation between the British and American territory.

I have repeated the substance of Mr. Hay's note to your Lordship by telegraph this day, and have informed the Governor-General of Canada merely that the United States' Government have decided to suspend for the present the dispatch of troops to Pyramid Harbour, which had been previously announced.

I have, &c.  
(Signed) REGINALD TOWER.

Inclosure in No. 53.

Mr. Hay to Mr. Tower.

Sir,

Department of State, Washington, May 17, 1899.

I HAVE received the note which you have done me the honour to send me, dated the 12th May, in which you inform me that Her Majesty's Government have received with regret the intelligence that the Government of the United States contemplate the establishment of a military post at Pyramid Harbour on the Chilkat Inlet; that Her Majesty's Government consider that the *status quo* in regard to the occupation of territories in the region of the Lynn Canal would be disturbed by such action; and that this is the more to be deprecated at the present time, when the two Governments are proceeding with negotiations for a *modus vivendi*, and for a reference to arbitration of the Alaska boundary question. You call my attention, under instructions from the Marquess of Salisbury, to the fact that Her Majesty's Government claim as British territory all the waters and shores of the Lynn Canal which are more than 30 miles from the ocean, and you state that, as the distance of Pyramid Harbour from the ocean is more than 30 miles, Her Majesty's Government trust that, for the present at least, the Government of the United States will suspend any action of the nature of that which is now contemplated.

I cannot but believe that the representations contained in your note are founded on imperfect information. I am aware that Her Majesty's Government have recently put forward a claim to all the waters and shores of the Lynn Canal which are more than 30 miles from the ocean, but Her Majesty's Government are certainly aware that all this region is not only regarded by the Government of the United States as belonging to them since the Treaty of 1867, and to Russia before that date, but that it has for a long time been peacefully occupied and possessed by American citizens, who have entered upon it in good faith, relying upon common report, undisturbed possession, the claims of the Government and the evidence of all available maps. This Government has been informed that there is danger of collision and disorder among these American citizens on the one hand, and the Canadian police and border Indians on the other. It was solely to prevent any such collision and to preserve the public peace that it has been in contemplation to send a small number of soldiers, a single company, to Pyramid Harbour. Your note observes that this point is more than 30 miles from the sea. I can only say in reply that it is on tide water, that it is ground always occupied by the United States and its predecessors, and that it is more than 30 miles inside of the boundary claimed by the United States, and believed by this Government to be the true line of demarcation between the British and American territory.

In view of the negotiations now going on between the Governments of the United States and of Great Britain, I have requested the Secretary of War to suspend for the present the dispatch of troops to Pyramid Harbour; but it must be evident to Her Majesty's Government that this wild region of country, occupied to a great extent by American citizens, should not be left to the hazard of chance collisions; and that this Government, if the occasion should arise, would not be justified in failing to take such measures as may seem to be required to preserve order in that district and prevent disturbances which all parties would equally regret.

It is understood that the rights of neither Government are prejudiced by the action of the authorities of either pending a determination of the matters at issue; and the President hopes that a solution, first of the question of a *modus vivendi* and afterwards of that of a permanent boundary may speedily be reached on terms alike honourable and satisfactory to both Governments.

I have, &c.  
(Signed) JOHN HAY.

No. 54.

*The Marquess of Salisbury to Mr. Tower.*

(No. 127. Confidential.)

*Foreign Office, May 31, 1899.*

Sir,  
WITH reference to my despatch No. 119 of the 20th instant, recording the reply of the United States' Government to Mr. Choate in regard to the proposal which you were instructed to make for referring the Alaska boundary question to arbitration, I transmit to you a copy of a letter from the Colonial Office,\* pointing out that the statement in Mr. Hay's telegram is not a correct interpretation of the British proposal, and also that Canada has always been willing to submit the whole question to arbitration.

You should make a communication to the United States' Government in the sense of the third and fourth paragraphs of the inclosed letter.

With regard to the last paragraph, I have to state, for your confidential information, that I have expressed my concurrence in the telegram which it is proposed to send to the Earl of Minto.

I am, &c.  
(Signed) SALISBURY.

No. 55.

*Foreign Office to Colonial Office.*

(A.)  
(Confidential.)

*Foreign Office, May 31, 1899.*

Sir,  
WITH reference to your letter of the 28th ultimo respecting the proposal of the United States' Government for a provisional Agreement on the Alaska boundary, I am directed by the Marquess of Salisbury to state that the United States' Ambassador has received a telegram from his Government to the effect that the American officials in Alaska constantly complain of encroachments from Canada, and that some *modus vivendi* is imperatively required.

His Excellency has therefore been instructed to suggest as a provisional boundary, "without prejudice, the summit of the White and Chilkoot Passes, and on Dalton Trail a line passing north of the Indian village of Klukwan."

Mr. Choate has asked for an interview with Lord Salisbury on this subject, and I am to request that his Lordship may be informed as early as possible of Mr. Secretary Chamberlain's views as to the answer which should be returned to the American proposal.

I am, &c.  
(Signed) F. H. VILLIERS.

No. 56.

*Foreign Office to Colonial Office.*

(B.)  
(Confidential.)

*Foreign Office, May 31, 1899.*

Sir,  
I LAID before the Marquess of Salisbury your letter of the 29th instant on the subject of the Alaska boundary.

His Lordship will not fail to instruct Her Majesty's Chargé d'Affaires at

\* No. 48.

Washington to make a communication to the United States' Government in the sense of the third and fourth paragraphs of your letter, pointing out that the statement in Mr. Hay's telegram to Mr. Choate is not a correct interpretation of the British proposal, and also that Canada has always been willing to submit the whole question to arbitration.

I am directed by Lord Salisbury to add, that he concurs in the telegram which Mr. Secretary Chamberlain proposes to address to the Earl of Minto in suggesting a possible compromise.

I am, &c.  
(Signed) F. H. VILLIERS.

---

No. 57.

*The Marquess of Salisbury to Mr. Tower.*

(No. 131.)

Sir,

*Foreign Office, June 2, 1899.*

THE United States' Ambassador communicated to me on the 30th ultimo a telegram from Mr. Hay, stating that the American officials in Alaska constantly complained of encroachments from Canada, and that some *modus vivendi* was imperatively necessary.

Mr. Hay suggested, as a provisional boundary, "without prejudice, the summits of the White and Chilkoot Passes, and on Dalton Trail a line passing north of the Indian village of Klukwan."

At an interview to-day Mr. Choate pressed on me the importance of agreeing on a *modus vivendi*, on account of the danger of a collision on the frontier. I promised to lay the matter before my colleagues on Tuesday next, the 6th instant. His Excellency asked whether I could not accept the line proposed at once. I said that such a mode of proceeding would not, I feared, be acceptable to the Dominion of Canada.

He seemed the more earnest to procure the acceptance of the *modus vivendi*, that he was evidently not sanguine of any probable progress in the main negotiation.

I am, &c.  
(Signed) SALISBURY.

---

No. 58.

*Colonial Office to Foreign Office.—(Received June 3.)*

(Confidential.)

Sir,

*Downing Street, June 2, 1899.*

I AM directed by the Secretary of State for the Colonies to transmit to you, for the information of the Marquess of Salisbury, with reference to the letter from your Department of the 31st ultimo, a paraphrase of a telegram to the Governor-General of Canada on the subject of the proposal of the United States' Government for the establishment of a provisional boundary in the region of the Lynn Canal.

I am, &c.  
(Signed) EDWARD WINGFIELD.

---

Inclosure in No. 58.

*Mr. Chamberlain to Governor-General the Earl of Minto.*

(Telegraphic.) P.

*Downing Street, June 2, 1899.*

WITH reference to your despatch No. 68 of the 6th April and your telegram of the 26th idem, United States' Government have telegraphed to their Ambassador stating that some *modus vivendi* is imperatively required, as their officials constantly complain of encroachments from Canada. He has accordingly been instructed to propose as a provisional boundary, "without prejudice, the summit of the White and Chilkoot Passes and on Dalton Trail a line passing north of the Indian village of Klukwan."

What are views of your Ministers on this proposal?  
Reply by telegraph what answer they wish returned.

---

No. 59.

*Colonial Office to Foreign Office.—(Received June 5.)*

(Confidential.)

Sir,

*Downing Street, June 3, 1899.*

I AM directed by the Secretary of State for the Colonies to transmit to you, for the information of the Marquess of Salisbury, with reference to the letter from this Department of the 29th April, a copy of correspondence on the subject of the views of the Canadian Government as to the present position of the questions before the Joint High Commission, especially that of the Alaska boundary, and as to the direction in which a possible settlement may be sought.

I am, &amp;c.

(Signed) EDWARD WINGFIELD.

Inclosure 1 in No. 59.

*Mr. Chamberlain to Governor-General the Earl of Minto.*

(Confidential.)

My Lord,

*Downing Street, March 15, 1899.*

AS your Lordship is aware, in the official statement issued at Washington on the 22nd February with regard to the adjournment of the Joint High Commission for the settlement of outstanding questions between Canada and the United States, it was announced that the next meeting would be held at Quebec on the 2nd August, unless the Chairman of the respective Commissions should agree upon another date; and it was further stated that while substantial progress had been made in the settlement of many of the questions upon which the Commission had been engaged, no agreement had been reached upon the settlement of the Alaska boundary question, or upon the manner of arriving at a settlement, and that an adjournment was advisable in order that the respective Governments might be enabled to consider the question further.

It is important that Her Majesty's Government should, as soon as possible, be placed in possession of the views of your Government with regard to the position in which the questions before the Commission, and more particularly the Alaskan boundary question, now stand, and the direction in which a possible settlement might be sought, in order that some basis of compromise may, if possible, be determined upon before the Commission resumes its labours.

I have, &amp;c.

(Signed) J. CHAMBERLAIN.

Inclosure 2 in No. 59.

*Governor-General the Earl of Minto to Mr. Chamberlain.*

(Confidential.)

Sir,

*Government House, Ottawa, May 19, 1899.*

IN reply to your Confidential despatches of the 15th March and the 28th April last, asking for an expression of the views of my Ministers respecting the questions before the Joint High Commission, especially that of the Alaska boundary, and as to the direction in which a settlement might be sought, I have the honour to forward herewith a copy of an approved Minute of the Privy Council, containing the observations of the Government upon these questions.

You will observe that Ministers express the opinion that had a settlement been arrived at as regards the Alaska boundary, all the other questions referred to the Commission could have been satisfactorily disposed of; but that the only course now possible is to press the reference of the Alaska boundary question to arbitration on the terms of the Venezuelan precedent.

I have, &amp;c.

(Signed) MINTO.

## Inclosure 3 in No. 59.

*Extract from a Report of the Committee of the Honourable the Privy Council, approved by the Governor-General on the 18th May, 1899.*

THE Committee of the Privy Council have had under consideration the despatches hereto annexed from the Right Honourable the Secretary of State for the Colonies, dated respectively the 15th March and the 28th April last, in which the Secretary of State for the Colonies expresses the desire to be confidentially informed of the views of your Excellency's Ministers concerning the questions referred to the Anglo-American Commission, especially that of the Alaska boundary, and particularly as to the points which they regard as essential, and as to those which would seem to them of comparative unimportance, so that Her Majesty's Government may be in a better position to co-operate with your Excellency's Government in securing a satisfactory settlement.

The Right Honourable the Prime Minister to whom the said despatches were referred, states that he is of opinion that, had a settlement been arrived at on the Alaska boundary by the Commission, all the other questions referred to it would have been settled in a manner which on the whole, would have been honourable and sufficient for the time being.

That it was found, however, impossible to come to an understanding on the Alaska boundary question, and the Minister submits that the British Commissioners made repeated efforts to settle it by a fair compromise which, however, was declined by the American members of the Commission, and which, he now submits, leaves no alternative but a reference to arbitration on the lines of the Venezuelan precedent.

The Minister observes that the boundary between Alaska and Canada was defined by the Treaty of St. Petersburg of 1825 between Russia and Great Britain.

By the terms of that Treaty the boundary east and west is to be the 141st degree of west longitude, which has since been established on the ground by a joint survey of the Canadian and American Governments, and as to which there is no dispute now.

The boundary south\* of the 141st degree of west longitude† is defined in the following words of the 11th Article:—

“Commencing from the southernmost point of the island called Prince of Wales' Island, which point lies in the parallel of 54° 40' north latitude and between the 131st and 133rd degree of west longitude (meridian of Greenwich), the said line shall ascend to the north along the channel called the Portland Channel, as far as the point of the continent where it strikes the 56th degree of north latitude. From this 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).

In the following Article (the 14th), it is provided that wherever the summit of the mountains should be found to be at a distance exceeding 10 marine leagues from the ocean, then the boundary shall be formed by a line parallel to the windings of the coast and never to exceed 10 marine leagues from it.

The Minister states that it is the fixing of the strip of territory here mentioned which is the cause of the present difficulty. Your Excellency's advisers contend that the line should proceed from Prince of Wales' Island to Portland Channel, thence west of Pearce Island to the mainland, and thence on the crest of the mountains nearest to the coast to the junction of the 141st meridian.

It may here be remarked that all that portion of the coast of the Pacific Ocean is covered with mountains and indented with creeks, bays, and inlets, some of them like Lynn Inlet advancing nearly 100 miles inland.

The American interpretation of the Treaty is that the strip of territory should follow the windings of all those bays, creeks, and inlets. The Canadian interpretation, on the contrary, is that the boundary should follow the crest of the mountains nearest the coast, stepping over all such bays, creeks, and inlets, which, by the well understood rule of international law, are territorial waters.

The Minister submits that the question in dispute must be settled by the adoption of either one or the other of the above interpretations. If the Canadian interpretation is adopted, the Lynn Inlet will belong almost entirely to Great Britain.

\* *Qy.* east.

† *Qy.* or south of the 60th degree of north latitude.

If, on the contrary, the American interpretation is adopted, the whole of that inlet will belong to the United States.

The decision of that question, as here stated, has assumed a great importance of late, from the discovery of gold in the Yukon territory, inasmuch as the Lynn Inlet is the shortest and easiest way of access to these new gold-fields. The importance of it is further complicated by the fact that the Americans have had for some few years past two establishments at the head of the Lynn Canal, namely, at Dyea and Skagway.

In view of the latter fact, and well realizing this new element in the controversy, the Canadian Commissioners repeatedly offered to the American Commissioners, during the negotiations to settle the question by the following compromise, viz., the boundary to be placed at the summit of the mountains around Lynn Inlet, so as to maintain the Americans in their present possession of Dyea and Skagway, they giving to Great Britain the Harbour of Pyramid, which is at some distance west, with a strip of territory in the rear to join the boundary.

There was some prospect of an agreement being reached on these terms, but at the last moment the American Commissioners declined it.

There remained nothing to do then but to refer the matter to arbitration, and the British Commissioners at once proposed to the American Commissioners to accept for such an arbitration the terms of the precedent recently created on the Venezuela boundary, which, in many respects, presented features almost identical to the present case.

This was also refused by the American Commissioners. They asked that, should the boundary be fixed according to the Canadian contention, they should remain in possession of Dyea and Skagway. To this the British Commissioners readily assented, provided it were granted on the part of the United States that if the boundary was decided according to their contention, Great Britain should be given the possession of Pyramid Harbour. This proposition was also refused.

The Minister represents that, under such circumstances, it seems that the only course which this Government can follow is to persist in the proposition that the whole question be referred to arbitration on the terms of the Venezuela precedent. No other solution seems either possible or satisfactory.

The Committee, concurring, advise that your Excellency be moved to forward a certified copy of this Minute to the Right Honourable the Secretary of State for the Colonies in answer to his despatches of the 15th March and 28th April, 1899, above-mentioned.

All which is respectfully submitted for your Excellency's approval.

(Signed) JOHN J. MCGEE,  
Clerk of the Privy Council.

No. 60.

Memorandum by Sir Julian Pauncefote.\*—(Received June 6.)

(Private.)

IT is manifest that under the Rules laid down in Article IV of the Anglo-Venezuelan Treaty (accepted by Canada), Dyea and Skagway must be and remain American territory. Canada, however, objects to this being provided for on the face of the Treaty, as it looks as a Concession granted without an equivalent, and, therefore, she asks that Pyramid Harbour be secured to her if the Treaty expressly secures Dyea and Skagway to the United States. But her claim to Pyramid Harbour is not based on occupation, and could not be brought under the Rules of the Anglo-Venezuelan Treaty. Those Rules, which Canada accepts, are in some respects inapplicable to the case of Alaska. In the case of Alaska the whole question depends on the construction of a Treaty already defining the boundary, whereas in the case of Venezuela the question mainly depends on prescription and other grounds of title other than Treaty rights.

I would therefore suggest that the three Rules of the Anglo-Venezuelan Treaty be varied for the purposes of the Alaskan Arbitration as shown in the annexed draft. This new version of the Rules treats both parties exactly alike, and at the same time practically secures Dyea and Skagway without naming them to the United States on equitable conditions. If the Award should declare that the boundary-line runs round

\* Forwarded in a letter to Mr. Villiers.

the head of Lynn Canal, Canada's claim to Dyea and Skagway falls to the ground. If it should declare that the line runs parallel to the Ocean Coast, Canada will get the whole territory in dispute, and probably compensation for Dyea and Skagway.

I venture to think, therefore, that an effort to adjust the question of arbitration on the above lines might be successful.

*The Hague, June 5, 1899.*

---

**Annex.**

**Rules.**

(a.) It is agreed by the High Contracting Parties that if, in determining the boundary-line, it shall be found by the Tribunal that territory belonging of right to one party was at the date of this Treaty in the occupation or exclusive political control of the other, the boundary shall be so determined as not to interfere with such occupation or political control.

(b.) For this purpose the Arbitrators shall have the fullest powers to vary and adjust the boundary unconditionally, or on such terms as reason, justice, and the equities of the case may, in the opinion of the Tribunal, require.

(c.) The Arbitrators may recognize and give effect to rights and claims resting on any grounds whatever, valid according to international law, and on any principles of international law which they may deem to be applicable to the case, and which are not in contravention of the foregoing Rules.

---

No. 61.

*Colonial Office to Foreign Office.—(Received June 6.)*

(Confidential.)

**Sir,**

*Downing Street, June 6, 1899.*

WITH reference to the letter from this Department of the 2nd instant, I am directed by Mr. Secretary Chamberlain to transmit to you, for the information of the Marquess of Salisbury, paraphrase of a telegram from the Governor-General of Canada respecting the proposal of the United States' Government for the establishment of a provisional boundary in the region of the Lynn Canal.

2. Lord Salisbury will observe that the Canadian Government, though protesting against the assertion that there has been any encroachment from Canada on United States' territory, are prepared to accept the provisional line suggested by the United States' Government, on the understanding that the agreement to be concluded shall state definitely that on the Dalton Trail the line, while running north of the village of Klukwan, shall pass south of the junction of the Klehini River with the Chileat.

3. Mr. Chamberlain presumes that the United States' Government in making their proposal intended that the provisional line to be fixed on the Chileat should pass immediately north of the village of Klukwan, and that they will therefore have no objection to defining the line in the way desired by the Canadian Government.

4. In these circumstances, and subject to the condition mentioned, Mr. Chamberlain sees no objection to accepting the proposal of the United States' Government, as stated in your letter of 31st ultimo, without prejudice, of course, to the contention of Her Majesty's Government that, according to the Treaty of 1825, the boundary-line should cross the Lynn Canal at a distance of not more than 30 miles from its entrance from the ocean.

I am, &c.

(Signed) H. BERTRAM COX.

---

Inclosure in No. 61.

*Governor-General the Earl of Minto to Mr. Chamberlain.*

(Telegraphic.) P.

[Received June 4, 1899, 10:20 A.M.]

YOUR telegram of the 1st June respecting provisional boundary-line between Canada and Alaska.

My Ministers protest against the assertion, for which there is no foundation, that there has been encroachment by Canada on United States' territory, but they will agree to the suggested boundary-line, viz., on the White and Chilcoot Passes, the summits, and on the Dalton Trail a line north of the Indian village of Klukwan.

With regard to White and Chilcoot Passes, the summit has been accepted as provisional boundary by the Governments of Canada and the United States for the last two years.

To avoid uncertainty with respect to the boundary on the Dalton Trail, the agreement should state that it is to be north of village of Klukwan and south of the junction of the Klehni with the Chileat.

A map will be sent by the next mail.

No. 62.

*The Marquess of Salisbury to Mr. Choute.*

Your Excellency,

*Foreign Office, June 6, 1899.*

THE proposal for the establishment of a provisional boundary in the region of the Lynn Canal contained in the telegram from Mr. Hay, which your Excellency communicated to me on the 30th ultimo, was referred to the Government of Canada, and I have the honour to inclose a copy of a message which has been received in reply from the Governor-General.\*

Your Excellency will observe that the Canadian Government, though protesting against the assertion that there has been any encroachment from Canada on United States' territory, are prepared to accept the provisional line suggested by your Government on the understanding that the Agreement to be concluded shall state definitely that on the Dalton Trail the line, while running north of the village of Klukwan, shall pass south of the junction of the Klehni River with the Chileat.

Her Majesty's Government presume that the United States' Government in making their proposal intended that the provisional line to be fixed on the Chileat should pass immediately north of the village of Klukwan, and that they will therefore have no objection to defining the line in the way desired by the Canadian Government.

In these circumstances, and subject to the conditions mentioned, Her Majesty's Government are prepared to accept Mr. Hay's proposal without prejudice, of course, to their contention that, according to the Treaty of 1825, the boundary-line should cross the Lynn Canal at a distance of not more than 30 miles from its entrance from the ocean.

I have, &amp;c.

(Signed) SALISBURY.

No. 63.

*Foreign Office to Colonial Office.*

(Confidential.)

Sir,

*Foreign Office, June 6, 1899.*

I HAVE laid before the Marquess of Salisbury your letter of this day's date notifying the acceptance by the Canadian Government of the provisional boundary between the Dominion and Alaska, which was proposed by the United States' Government in a telegram to their Ambassador in London, and communicated by his Excellency on the 30th ultimo.

I am directed by Lord Salisbury to transmit to you a copy of his Lordship's note

\* Inclosure in No. 61.



to Mr. Choate,\* inclosing a paraphrase of the telegram from the Governor-General which accompanied your letter, and I am to suggest that Lord Minto should be requested to repeat his telegram to Her Majesty's Chargé d'Affaires at Washington, in order that the latter may be fully informed of what has passed.

I am, &c.  
(Signed) F. H. VILLIERS.

## No. 64.

*The Marquess of Salisbury to Mr. Tower.*

(No. 77.)

(Telegraphic.) P.

Foreign Office, June 7, 1899.

MR. HAY'S last proposals with regard to the Alaska provisional boundary were referred to the Government of Canada.

The reply of the Governor-General has been communicated to the United States' Ambassador, and the Colonial Office have asked Lord Minto to repeat it to you.

## No. 65.

*Mr. Tower to the Marquess of Salisbury.—(Received June 8.)*

(No. 162.)

My Lord,

Washington, May 30, 1899.

I HAVE the honour to report that Mr. Hay told me yesterday he had sent telegraphic instructions to the United States' Ambassador in London to endeavour to arrange with your Lordship the basis of at least a provisional *modus vivendi* in the disputed territory in the region of the Lynn Canal.

I asked him if he wished me to repeat to your Lordship any suggestion or observation of his own. He replied in the negative. I then alluded to a telegraphic summary of an article in the "Times" of the 29th instant, advocating a "compromise plan for internationalizing the wharf at Skagway and the White Pass route to the Canadian frontier."

Mr. Hay said that he was not prepared to make any statement on that subject.

During our conversation, I thought it expedient to call the Secretary of State's attention to the recently published accounts in the United States' press of the present stage of the negotiations with Her Majesty's Government. A sample of these, taken from the "New York Tribune" of the 28th instant, is inclosed herewith.

As your Lordship will observe, the version of the British proposal would appear to have emanated from Washington, though the inference to be drawn from its perusal is most misleading. It states that the chief point of the arrangement between Sir Julian Pauncefote and M. Choate was that a separate Tribunal of Arbitration should pass on the boundary question, and then dilates on the "extraordinary condition which Canada imposed in connection with the submission of the question to arbitration," leaving it to be understood that this condition originated from the British side, instead of as a corollary to the insistence of the United States, that Dyea and Skagway should be first eliminated.

The article in question was prepared by the Associated Press, which is the principal and best considered news agency in the United States.

Mr. Hay informed me that he had made no statement of any kind to the press, and suggested that the leakage came from London.

I have, &c.  
(Signed) REGINALD TOWER.

## Inclosure in No. 65.

*Extract from the "New York Tribune" of May 28, 1899.*

TO clear up misunderstandings which appear to exist both in London and, to some extent, in this country as to the exact status of the negotiations between the United States and Great Britain respecting Canadian-American issues, the following statement of

\* No. 62.

the occurrences which led to the present condition of affairs has been secured from the best of authority.

When the Joint High Commission adjourned, it was because it had reached an apparently insurmountable obstacle in the shape of the Alaskan boundary question. After the adjournment the two Governments took up this question with a view to settling it, and thus removing it from the path of the many other important issues involved. There were numerous delays, owing to the need of exchanging views between London, Washington, and Ottawa, and the authorities here became convinced that an adjustment was hopeless. But the feeling in London was more hopeful, and when Sir Julian Pauncefote reached London on his way to the Hague he held conferences with Lord Salisbury, which resulted in a definite proposal for settling the boundary issue and removing it as an obstacle to the work of the Commission. The chief point of this proposal was that a separate Tribunal of Arbitration should pass on the boundary question. It was communicated to Ambassador Choate, and by him to the State Department.

*Officials Surprised and Indignant.*

When the plan was received the President was at Hot Springs, and it was felt desirable to await his return before giving a final answer. There was little or no doubt that the answer would be favourable. Just as the acceptance was about to be given the officials here were surprised to have presented what they regarded as an extraordinary condition, which Canada imposed in connection with the submission of the question to arbitration. This condition was that, in any event, Canada should have Pyramid Harbour and a strip of territory on the Lynn Canal without reference to the general conclusions reached by the Tribunal of Arbitration. This port and the strip of territory on the coast would have carried also the back country leading to the interior.

This condition, coming after the arbitration plan had been formally proposed and was about to be accepted, caused not only surprise, but some degree of indignation among the officials here. After canvassing the situation, the view prevailed that Canada wanted arbitration which would insure a favourable decision on her side, or else, if the decision was unfavourable, would give her rights in Pyramid Harbour and on the Lynn Canal contrary to the general decision of the Arbitrators. It was decided not to accept this condition, and a peremptory refusal was given to the proposition.

Thus the matter stands. There is every reason to believe that the officials here will not yield to Canada's condition. If it is withdrawn, arbitration may yet be arranged as a means of settling the boundary. The opinion in the highest quarters seems to be positive that without some such adjustment of the boundary matter, the resumption of work by the Joint High Commission on the many other topics considered is improbable.

No. 66.

*Mr. Choate to the Marquess of Salisbury.—(Received June 12.)*

My Lord, *American Embassy, London, June 10, 1899.*

I HAVE the honour to acknowledge the receipt of your Lordship's note of the 6th instant, and to inform you that I cabled on that day to the Secretary of State the substance of your proposed modification of the provisional line suggested by him, and I have now the pleasure to state that your modified proposition is accepted by my Government, but with the following qualifications, for the sake of rendering the same more definite and certain, making the Agreement read as follows:—

"It is agreed between the two Governments that the boundary-line between Canada and the territory of Alaska, in the region about the head of the Lynn Canal, shall be provisionally fixed, without prejudice to the claims of either party in the permanent adjustment of the international boundary, at the watershed on the summit of White and Chilkoot Passes, and in the region of the Dalton Trail at the junction of the Chilkat and Klehini Rivers, a mile and a-half, more or less, north of the village of Klukwan, and at the crossing of the Klehini by the Dalton Trail; and the two Governments further agree that the respective Customs' outposts shall not be advanced beyond the points indicated. Steps shall be taken without delay to establish by

international co-operation a provisional boundary monument at each of the points herein established."

I do not believe that you will have any difficulty in accepting these changes, which are not substantial. It is quite clear that a definite point on the Dalton Trail should be indicated, so as not to leave any debatable ground, and the distance of one mile and a-half north of the village of Klukwan, at the crossing of the Dalton Trail by the Klehini River, is, according to the maps I have, at the least, quite as favourable to Canada as the junction of the two rivers. I think also that it is better for both sides that this provisional Agreement should be stated to be without prejudice generally to the claims of either party in the permanent adjustment of the international boundary, than to attempt to insert at this stage in definite terms the actual boundary claimed by each.

Your Lordship will, of course, understand that my Government, in making this provisional Agreement for a *modus vivendi*, assumes that the citizens of either Power found under the jurisdiction of the other by its terms shall suffer no diminution of the rights and privileges which they now enjoy.

Hoping for an early and favourable reply,

I am, &c.

(Signed) JOSEPH H. CHOATE.

No. 67.

*Colonial Office to Foreign Office.—(Received June 12.)*

My dear Villiers,

*Downing Street, June 12, 1899.*

I AM afraid that Canada would object to Sir J. Pauncefote's proposed Rule (b), which would enable the Arbitrators to vary the boundary "unconditionally," by giving Dyea and Skagway to the United States without compensation if they are found to belong of right to Canada.

We are sending you a proposal that the Canadian Government should be asked to send one of themselves over here, so that we may be able to get more in touch with them than we can by means of telegrams and despatches.

Yours very truly,

(Signed) EDWARD WINGFIELD.

No. 68.

*Colonial Office to Foreign Office.—(Received June 13.)*

(Confidential.)

*Downing Street, June 13, 1899.*

I AM directed by Mr. Secretary Chamberlain to transmit to you, to be laid before the Marquess of Salisbury, paraphrase of a telegram from the Governor-General of Canada respecting the terms on which the Alaska boundary question should be referred to arbitration.

2. This telegram contains the reply of the Dominion Government to the telegram which, with Lord Salisbury's concurrence, as expressed in your letter of the 31st ultimo, was addressed to the Governor-General on the subject on the 1st instant.

3. Lord Salisbury will observe that the Canadian Government still insist that the reference of the question to arbitration should follow the lines of the Venezuelan precedent, and Mr. Chamberlain apprehends that further telegraphic correspondence is hardly likely to result in much progress being made towards a settlement of the matter.

4. He proposes, therefore, if his Lordship concurs, to ask the Dominion Government to send to this country, with the least possible delay, some responsible officer fully acquainted with the Canadian side of the question to discuss it with Her Majesty's Government with a view to ascertaining whether some understanding can be reached.

I am, &c.

(Signed) H. BERTRAM COX.

## Inclosure in No. 68,

*Governor-General the Earl of Minto to Mr. Chamberlain.*

(Telegraphic.) P.

June 8, 1899.

THE provisions of the Venezuelan reference which permit Arbitrators to assign to either party those portions of disputed territory which are actually in their possession whenever in the judgment of the Arbitrators it may be considered equitable so to do, are considered by my Ministers to cover all reasonable claims of United States. That clause does not prevent United States from pressing their claims to Dyea and Skagway, and to any argument which they may see fit to advance, the Arbitrators are at liberty to give full weight. In the judgment of my Ministers any further concession is calculated to make reference to arbitration a mere formality.

Premier requested me to send above reply to your telegram of the 1st June, last Saturday, but I pointed out that if the terms suggested by you were accepted, they might prove more favourable to Canada than provisions of Venezuelan reference, and that unconditional acceptance by the United States of the terms of that reference did not seem probable. He again referred to the Cabinet, and now adheres to his reply. He states that United States have asserted their authority over Pyramid Harbour for less than two years, and points out that that harbour, as well as Dyea and Skagway, would be given to them by the terms which you suggest. This is the first occasion on which a claim of the United States for present authority over Pyramid Harbour has been mentioned to me by Ministers.

## No. 69.

*Question asked in the House of Commons, June 13, 1899.*

*Mr. Hogan*.—To ask the Under-Secretary of State for Foreign Affairs, whether Her Majesty's Government and the Government of the United States have now arrived at an understanding on the Alaskan boundary question.

*Answer.*

The answer to the honourable Member's question is in the negative.

## No. 70.

*Foreign Office to Colonial Office.*

(Confidential.)

Sir,

*Foreign Office, June 13, 1899.*

WITH reference to your letter of the 6th instant, I am directed by the Marquess of Salisbury to transmit to you a copy of a note from the United States' Ambassador,\* in which his Excellency states that the proposal for a provisional boundary-line between Canada and Alaska, as modified by the Canadian Government, is accepted, but that certain qualifications have been made for the sake of rendering it more definite and certain.

I am to request that Lord Salisbury may be informed as early as possible whether Mr. Secretary Chamberlain concurs in the form of agreement given in Mr. Choate's despatch and in the conditions attached to it.

I am, &c.  
(Signed) F. H. VILLIERS.

\* No. 66.

No. 71.

*Foreign Office to Colonial Office.*

(Confidential.)

Sir,

*Foreign Office, June 14, 1890.*

I AM directed by the Marquess of Salisbury to acknowledge the receipt of your letter of the 13th instant, inclosing a telegram from the Governor-General of Canada, from which it appears that the Dominion Government still desire to adhere to the Venezuelan precedent in referring the Alaska boundary question to arbitration.

Lord Salisbury concurs in Mr. Secretary Chamberlain's proposal, to ask the Dominion Government to send over some responsible officer from Canada to discuss the question with Her Majesty's Government.

I am, &amp;c.

(Signed) F. H. VILLIERS.

No. 72.

*Colonial Office to Foreign Office.—(Received June 16.)*

(Secret.)

Sir,

*Downing Street, June 16, 1890.*

I AM directed by the Secretary of State for the Colonies to transmit to you, for the information of the Marquess of Salisbury, with reference to the letter from your Department of the 14th instant, paraphrase of a telegram to the Governor-General of Canada on the subject of the Alaska boundary question.

I am, &amp;c.

(Signed) EDWARD WINGFIELD.

Inclosure in No. 72.

*Mr. Chamberlain to Governor-General the Earl of Minto.*

(Secret.)

(Telegraphic.) P.

*Downing Street, June 15, 1890.*

WILL you request your Government to send to England with the least possible delay a representative fully acquainted with the Canadian side of the Alaska boundary question to discuss it with Her Majesty's Government, with a view to ascertaining whether some understanding can be reached as to policy to be pursued?

We have at present no information as to grounds upon which your Ministers rest their claim for upper waters of Lynn Canal and dispute United States' claim founded on occupation and settlement and tacit acquiescence in their interpretation of the Treaty of 1825. Moreover, it is desirable to avoid any impression that a difference exists on the question between Her Majesty's Government and the Canadian Government.

No. 73.

*Colonial Office to Foreign Office.—(Received June 20.)*

(Confidential.)

Sir,

*Downing Street, June 20, 1890.*

I AM directed by Mr. Secretary Chamberlain to acknowledge the receipt of your letter of the 13th instant, inclosing copy of a note from the United States' Ambassador at this Court, submitting the text of an Agreement for the establishment of a provisional boundary in the region of the Lynn Canal.

2. I am to request that you will inform the Marquess of Salisbury that Mr. Chamberlain has inquired by telegraph whether the Canadian Government see any objection to the text proposed by the United States' Government, and it appears from the accompanying telegram which has now been received from the Governor-General that the provisional line in the region of the Chilcat River contemplated by the Dominion Government, though it crosses that river at the same point as the line proposed by the United States' Government, would proceed north-east and south-west

from that point instead of practically following the Klehini River, as the line proposed by the United States.

3. The line proposed by Canada is shown by the dotted red line on the accompanying map, and that proposed by the United States by a dotted black line. The line proposed by Canada appears to be more in accord with the provisions of the Treaty than the other, and Mr. Chamberlain would propose that it should be offered to the United States with an intimation that Her Majesty's Government will be prepared with that modification to accept the provisional Agreement set out in Mr. Choate's note of the 10th instant.

4. I am to add that the straight black line A to B was marked on the map as received from Canada prior to the receipt of the telegram of the 18th instant.

I am, &c.

(Signed) H. BERTRAM COX.

---

**Inclosure in No. 73.**

*Governor-General the Earl of Minto to Mr. Chamberlain.*

(Telegraphic.) P.

(Received June 18, 1899, 5:35 P.M.)

MY Ministers have considered the proposal of the United States' Government, transmitted in your telegram of the 14th instant, that provisional boundary on Dalton Trail be defined "at the junction of the Chilcat and Klehini Rivers, a mile and a-half, more or less, north of village of Klukwan and at the crossing of Klehini by Dalton Trail." They submit that this description would not be satisfactory, because the point where the trail crosses the Klehini is often shifted from one place to another on account of the annual flooding of the two rivers. They propose a line passing through junction of Chilcat and Klehini, covering both valleys, and to be defined as follows:—

Beginning at peak shown on sheet 18 of the survey made by British Commissioners under the Convention of 1892, which peak is marked on it 5975, and is nearly in latitude 59°10, and longitude 136°01, thence north-east in a direct line to a point on the southerly bank of the Chilcat Trail at the most easterly mouth of the Klehini, thence in continuation of same line, distance of 3 miles approximately to summit of first range of mountains to north-east of Chilcat River.

There would be no objection to having the provisional boundary marked as suggested.

Maps follow by post.

---

**No. 74.**

*The Marquess of Salisbury to Mr. Tower.*

(No. 82.)

(Telegraphic.) P.

Foreign Office, June 21, 1899.

REFERRING to my telegram No. 77, the bag sent to you last Saturday contained a further note from the United States' Ambassador, dated the 10th June.

The substance of the reply of the Canadian Government has been sent to Mr. Choate, and the Canadian Government have been asked to communicate it to you.

---

**No. 75.**

*The Marquess of Salisbury to Mr. Choate.*

Your Excellency,

Foreign Office, June 21, 1899.

THE qualifications suggested in your note of the 10th instant, with the object of rendering more definite and certain the provisional line proposed between Canada and the territory of Alaska, in the region of the Lynn Canal, were communicated without loss of time, by the Secretary of State for the Colonies, to the Dominion Government, who have now, by telegram, reported their views upon them.

The Canadian Government are of opinion that the proposed definition of the boundary on the Dalton Trail, viz., "at the junction of the Chilcat and Klehini Rivers

[1541]

P

a mile and a half more or less north of the village of Klukwan, and at the crossing of Klehini by the Dalton Trail," would not be satisfactory, because the point where the trail crosses the Klehini is often shifted from one place to another on account of the annual flooding of the two rivers. They suggest, therefore, a line passing through the junction of the Chilcat and Klehini covering both valleys, to be defined as follows:—

Beginning at the peak shown on sheet 18 of the survey made by the British Commissioners under the Convention of 1892, which peak is marked on it 5975, and is nearly in latitude 59° 19' and longitude 136° 01', thence north-east in a direct line to a point on the south bank of the Chilcat River at the most easterly mouth of the Klehini, thence in continuation of the same line for a distance of 3 miles approximately to the summit of the first range of mountains to the north-east of the Chilcat River.

It will be seen that the line contemplated by the Dominion Government crosses the Chilcat River at the same point as that proposed by the United States' Government, but that it would proceed north-east and south-west from that point instead of practically following the Klehini River as would the line suggested in your Excellency's note.

The line proposed is thought to be more in accord with the provisions of the Treaty, and as the variation is of no great amount, I trust that it may meet with the assent of your Government.

Her Majesty's Government are willing to agree, subject to this slight modification, to the terms of the provisional Agreement set out in your Excellency's note under reply, and to unite without delay in taking steps, by international co-operation, for the establishment of a provisional boundary monument at each of the points therein established.

I have, &c.  
(Signed) SALISBURY.

No. 76.

*The Marquess of Salisbury to Mr. Tower.*

(No. 137.)

Sir,

*Foreign Office, June 21, 1899.*

IN conversation with the United States' Ambassador to-day, I informed him that the Secretary of State for the Colonies had referred to the Canadian Government the proposed Agreement for a provisional line of boundary between the Dominion and Alaska, which was stated in his Excellency's note of the 10th instant in the following words:—

"It is agreed between the two Governments that the boundary-line between Canada and the Territory of Alaska, in the region about the head of the Lynn Canal, shall be provisionally fixed, without prejudice to the claims of either Party in the permanent adjustment of the international boundary, at the water-shed on the summit of White and Chilkoot Passes, and in the region of the Dalton Trail, at the junction of the Chilcat and Klehini Rivers, a mile and a-half, more or less, north of the village of Klukwan, and at the crossing of the Klehini by the Dalton Trail; and the two Governments further agree that the respective Customs outposts shall not be advanced beyond the points indicated. Steps shall be taken without delay to establish by international co-operation a provisional boundary monument at each of the points herein established."

I told Mr. Choate that the Canadian Government objected to this description on the ground that the point where the Trail crosses the Klehini is often shifted from one place to another on account of the annual flooding of the two rivers, and that they proposed a line passing through the junction of the Chilcat and the Klehini, covering both valleys and to be defined as follows:—

"Beginning at the peak shown on sheet 18 of the survey made by the British Commissioners under the Convention of 1892, which peak is marked on it 5975, and is nearly in latitude 59° 19' and longitude 136° 0' 1", thence north-east in a direct line to a point on the south bank of the Chilcat River at the most easterly mouth of the Klehini, thence in continuation of the same line for a distance of 3 miles approximately to the summit of the first range of mountains to the north-east of the Chilcat River."

There would be no objection to having the provisional boundary marked by monuments, as desired by the United States' Government.

I suggested that we might note on paper the points on which we were agreed, viz., that the United States should not go to the north of a dotted line in black on the map before us in accordance with the description given in his Excellency's note, and that Canada should not go to the south or south-east of a line, which had likewise been marked red, showing the proposal now made by the Canadian Government.

Having arrived at this preliminary agreement, we should leave the small intermediate sectors to be settled by negotiation as rapidly as possible.

I am, &c.

(Signed) SALISBURY.

No. 77.

*Foreign Office to Colonial Office.*

(Confidential.)

Sir,

*Foreign Office, June 21, 1899.*

I AM directed by the Marquess of Salisbury to transmit to you a copy of a note which his Lordship has addressed to the United States' Ambassador,\* embodying the reply of the Canadian Government to the last proposal received from his Excellency in regard to the provisional boundary with Alaska.

I am to suggest that Mr. Secretary Chamberlain should request the Governor-General of Canada to communicate to Her Majesty's Chargé d'Affaires at Washington his telegram of the 18th instant, a paraphrase of which was included in your letter of the 20th instant.

I am, &c.

(Signed) F. H. VILLIERS.

No. 78.

*Mr. Tower to the Marquess of Salisbury.—(Received June 22.)*

(No. 174.)

My Lord,

*Washington, June 11, 1899.*

I HAVE the honour to acknowledge the receipt of your Lordship's despatches Nos. 119 and 127, Confidential, of the 20th and 31st ultimo, respectively, as to the negotiations for referring the Alaska boundary question to arbitration. I transmit herewith copy of the note which I have this day addressed to the United States' Secretary of State, in obedience to your Lordship's instructions.

I have, &c.

(Signed) REGINALD TOWER.

Inclosure in No. 78.

*Mr. Tower to Mr. Hay.*

Sir,

*Washington, June 11, 1899.*

ON the 20th ultimo, the United States' Ambassador in London informed the Marquess of Salisbury that he had reported to you the proposal with regard to the Alaska boundary, which I had the honour to make to you in my note of the 15th ultimo.

Mr. Choate stated that your reply was to the effect that the result of the discussions between his Excellency and Sir Julian Pauncefote had received the serious attention of the President and the Department of State, and that, after consultation with the members of the International Commission, it had been decided that the suggested scheme of arbitration set forth therein, although involving considerable concessions on the part of the United States, should be accepted as a measure of settlement.

\* No. 75.



Mr. Choate added, however, that you had, on the receipt of my note of the 18th ultimo, declared the new proposition, changing so completely the terms embraced in his Excellency's despatch to you of the 12th ultimo, to be wholly unacceptable, on the ground that it was equivalent to saying that if the decision of the Arbitrators was against the British claim, Great Britain was to have a port on the United States' coast, and that, if it was favourable, she was to have the coast itself.

In the view of Her Majesty's Government a more correct interpretation of the effect of this proposal would be that, if the decision of the Arbitrators is favourable to Great Britain, she, nevertheless, gives up two ports to the United States, and if it is favourable to the United States, they give up only one port to Great Britain.

Lord Salisbury further desires me to point out that Canada is, and always has been, perfectly willing to submit the whole question to arbitration unconditionally, and that the restriction asked for by Canada in regard to Pyramid Harbour is merely a form of equivalent to the proposal of the United States to withdraw Dyea and Skagway from the arbitration.

I have, &c.  
(Signed) REGINALD TOWER.

No. 79.

*Mr. Tower to the Marquess of Salisbury.--(Received June 22.)*

(No. 176.)  
My Lord,

*Washington, June 12, 1899.*

WITH reference to my despatch No. 150 of the 19th ultimo, I have the honour to transmit herewith copies of an order from the War Department, changing the nomenclature of two new military posts in Alaska.

1. At the mouth of the Tanana River.
2. At Eagle city.

I have, &c.  
(Signed) REGINALD TOWER.

Inelasure in No. 79.

*General Orders, No. 104.*

*Headquarters of the Army, Adjutant-General's  
Office, Washington, June 7, 1899.*

THE following order from the War Department is published for the information and guidance of all concerned:—

*War Department, Washington, May 29, 1899.*

"By direction of the President, the new military post to be built at the mouth of the Tanana River, Alaska, will be hereafter known as Fort Gibbon, in honour of the late John Gibbon, Brigadier-General, United States' Army, long in command of the Department of which Alaska is a part, and who died 6th February, 1896, after fifty years of active service in the army.

"The new military post to be located at Eagle city, Alaska, will hereafter be known as Fort Egbert, in honour of the late Harry C. Egbert, Colonel, 22nd Infantry, and Brigadier-General, United States' Volunteers, who was killed while gallantly leading his regiment in action at Malinta, Philippine Islands, March 26, 1899.

"R. A. ALGER, *Secretary of War.*

"By command of Major-General Miles,

"H. C. CORBIN, *Adjutant-General.*"

No. 80.

*Colonial Office to Foreign Office.—(Received June 23.)*

(Confidential.)

Sir,

*Downing Street, June 23, 1899.*

I AM directed by Mr. Secretary Chamberlain to acknowledge the receipt of your letter of the 21st instant, inclosing copy of a note addressed to the United States' Ambassador, embodying the reply of the Dominion Government to the last proposal received from his Excellency with regard to the establishment of a provisional boundary in the region of the Lynn Canal.

2. I am to request you to inform the Marquess of Salisbury that, in accordance with the suggestion made in the last paragraph of your letter, the Governor-General of Canada was instructed on the 21st instant to repeat his telegram of the 18th instant to Her Majesty's Chargé d'Affaires at Washington.

I am, &amp;c.

(Signed)

H. BERTRAM COX.

No. 81.

*The Marquess of Salisbury to Mr. Tower.*

(No. 138.)

Sir,

*Foreign Office, June 24, 1899.*

I HAVE received your despatch No. 174 of the 11th instant, and I approve the note which you addressed to the United States' Government, in accordance with your instructions, expressing the views of Her Majesty's Government as to the effect of the proposal recently made by Great Britain for referring the Alaska boundary question to arbitration.

I am, &amp;c.

(Signed)

SALISBURY.

No. 82.

*Colonial Office to Foreign Office.—(Received June 27.)*

(Confidential.)

Sir,

*Downing Street, June 26, 1899.*

WITH reference to your letter of the 14th instant, I am directed by Mr. Secretary Chamberlain to transmit to you, for the information of the Marquess of Salisbury, paraphrase of a telegram from the Governor-General of Canada reporting that his Ministers are unable at present to send any Representative to England to discuss the Alaska boundary question with Her Majesty's Government, but that they will at an early date submit a Memorial containing the arguments on which they base their case.

2. Mr. Chamberlain proposes to await the receipt of this Memorial before considering what further action should be taken in regard to a final settlement of the boundary question.

I am, &amp;c.

(Signed)

H. BERTRAM COX.

Inclosure in No. 82.

*Governor-General the Earl of Minto to Mr. Chamberlain.*

(Telegraphic.) P.

*[Received June 22, 1899.]*

IT is impossible for my Ministers to send anybody at present to England to present their Case on the Alaska boundary, but Memorial containing arguments on which they rest it will be sent at an early date. They, however, again urge that no reason can be set forth against referring the question to arbitration on the terms of

[1511]

Q

the Venezuelan precedent, which would authorize Arbitrators not only to construe the Treaty of 1825, but also to modify its provisions according to the equities that may have arisen, if such equities can be successfully established by either party to the arbitration.

## No. 83.

*Mr. Tower to the Marquess of Salisbury.\*—(Received June 27.)*

(No. 55.)  
(Telegraphic.) P.

Washington, June 27, 1899.

IN a conversation I had with the Secretary of State this morning, he informed me that he has sent instructions to Mr. Choate to make an urgent appeal to your Lordship against the last proposal of the Canadian Government contained in the Governor-General's telegram to the Secretary for the Colonies, dated the 8th June, and repeated to me.

Mr. Hay urges that a line drawn north-east across the junction, instead of one following for a few miles the River Klahini, offers great disadvantages. Canada, he says, will incur grave embarrassment from its adoption, as large numbers of American miners are settled in the district to the south of the Klahini, which would thus be included within Canadian territory. These miners are chiefly American citizens whom the British Columbian Mining Laws have driven from the Atlin district.

Mr. Hay attaches small importance to the objection raised by the Canadian Government as to floods.

Mr. Hay begged me to again impress on your Lordship the urgency of arriving promptly at some agreement.

## No. 84.

*Mr. Choate to the Marquess of Salisbury.—(Received June 28.)*

My Lord,

American Embassy, London, June 28, 1899.

I HAVE the honour to inform your Lordship that I duly received on the evening of the 21st instant your Lordship's letter of that date, communicating to me the latest proposition of the Canadian Government in respect to a *modus vivendi* boundary at the junction of the Klekini and Chilcat Rivers; and in accordance with your suggestion, I immediately cabled the substance of the same to the Secretary of State. The line so suggested seemed to me, as I stated at the time to your Lordship, to differ radically from all that had previously been proposed by either side for this provisional boundary, by laying open to Canada a tract of territory south of the Klekini River, of which the United States had undisputed possession, and over which it exercised jurisdiction.

There was also some confusion, as it appeared to me, in the proposed line, inasmuch as a line projected north-east from the peak marked 5975 would pass south of Klukwan, and the express words of our previous proposition defining the boundary as at a certain distance north of the Indian village of Klukwan were omitted. I therefore apprehended that my Government would not be able to accept the proposition communicated in your note of the 21st, and so it proved. For I have received, as I stated to your Lordship in the interview which you kindly granted me yesterday, instructions to inform your Lordship that my Government is unable to accept the line proposed, and instead of that, to urge upon Her Majesty's Government, as earnestly as possible, the southerly bank of the Klekini from its junction with the Chilcat to where it is crossed by the Dalton Trail as a more definite line, and one which avoids the difficulties which I have already pointed out. I pressed this upon your Lordship yesterday, and have now put it in writing as you suggested then. As we clearly agree upon the junction of the two rivers, Chilcat and Klekini, it would seem that we ought to be able very easily to adopt the line which my Government here proposes.

I desire to press upon your Lordship, with all possible earnestness, the prompt acceptance of this proposition. The protracted consideration of this very limited question of a *modus vivendi* is having a most disquieting effect, and since our interview of yesterday I have received advices which compel me to believe that unless it is

\* Sent to Colonial Office, June 28.

soon settled some disturbance may ensue which it is our mutual desire to prevent and avoid.

My information is that there are many Americans in occupation south of the Klehini River, in what they have considered undisputed territory, and who have been, and are, under the jurisdiction of the United States, and now to transfer them to the jurisdiction of Canada, as the proposition contained in yours of the 21st would do, would, I suggest, be a serious embarrassment to both Governments.

I cannot see that any harm could possibly come to any one from the acceptance of this offer of my Government for the strictly provisional and temporary purposes of a *modus vivendi*, whereas great mischief would necessarily follow from an adoption of the last suggestion of the Canadian Government, or from leaving things to remain as they are.

I therefore would most earnestly urge your Lordship to take the matter into immediate and serious consideration, and to accept provisionally the line now tendered by my Government, viz., the southerly bank of the Klehini from its junction with the Chilkat to where it is crossed by the Dalton Trail. My Government feels that it ought not to be expected to make the concessions involved in the last proposition of Canada.

I hope to wait upon your Lordship again to-day.

I have, &c.  
(Signed) JOSEPH H. CHOATE.

---

No. 85.

*Colonial Office to Foreign Office.—(Received July 1.)*

(A.)  
(Confidential.)

Sir,

*Downing Street, June 30, 1899.*

I AM directed by Mr. Secretary Chamberlain to acquaint you that he has had before him your letter of the 28th instant, inclosing copy of a telegram from Her Majesty's Chargé d'Affaires at Washington, reporting that the United States' Secretary of State objects to the provisional line on the Chilkat proposed by the Dominion Government.

He has also received your further letter of the same date, inclosing copy of a note from the United States' Ambassador at this Court, setting forth the objections of his Government to the line proposed by Canada.

The main object of these objections is, no doubt, the desire to secure to the United States the rich find of placer gold discovered last year on the south bank of the Klehini River—an account of which will be found on pp. 40, 99, and 103-4 of the second part of the inclosed Report\* of the North-west Mounted Police, which has just been received from Canada.

I am to point out that the boundary-line laid down by the Treaty of 1825 is one parallel to the coast; and that, for the purpose of a provisional line, the shores of the Lynn Canal have been accepted, but without prejudice, as part of the coast, and the provisional line should therefore be, as far as possible, in accordance with the Treaty stipulations, generally parallel to the shores of that channel. In suggesting a line following the Klehini, the United States ask for one parallel, not to the shores of Lynn Channel, but to the coast of the ocean—and at a distance from the ocean far in excess of the 10 leagues prescribed by the Treaty as the maximum, while the line suggested by Canada north-east and south-west through the junction of the Klehini and Chilkat is actually more favourable to the United States than the Treaty prescribes.

In these circumstances, it appears to Mr. Chamberlain impossible for Her Majesty's Government to press the Dominion to accept a line which would practically leave the whole of the south bank of the Klehini below the Canadian post at Dalton Cache in the possession of the United States, and allow United States' citizens to acquire rights there which would prejudice a final adjustment of the question.

Even if the United States' contention that the boundary should pass round the head of the Lynn Channel is correct, it should, in accordance with the stipulations of the Treaty, run along the succession of lofty peaks bordering the channel, so that, under any circumstances, the line asked for by Canada is favourable to the United States.

\* Extracts are given in Inclosure.

The United States, moreover, have had full notice of the claims of Canada on that part of the boundary, and though there might be some justification for refusing to recognize interests created in an area under debate after such notice, Mr. Chamberlain would suggest that the difficulty raised by the United States' Government as to the rights already acquired since the spring of last year by United States' citizens in the placer diggings on the south bank of the Klehini, could be met by an agreement on the part of the Dominion Government, to respect any rights already *bona fide* acquired by United States' citizens, and if Lord Salisbury concurs, Mr. Chamberlain would suggest that Mr. Tower should be instructed to repeat his telegram of the 27th instant to the Governor-General of Canada, and that a telegram should be sent to Lord Minto urging him to obtain from his Ministers an undertaking that all *bona fide* rights acquired by United States' citizens on the Canadian side of the provisional line proposed by his Government would be fully respected.

If, as Mr. Chamberlain expects, the Canadian Government agree to this suggestion, he presumes that the objections of the United States' Government to accepting the line proposed by Canada will be removed, and the provisional arrangement can then be completed.

I am to point out that all through this controversy the Dominion Government has refrained from exercising any rights or jurisdiction over territory regarded as debatable, while, on the contrary, the United States have been steadily granting rights up to the extreme limits of their claim.

It is impossible for Her Majesty's Government to admit that rights only just created in these circumstances should be seriously regarded in comparison with the more important interests of both countries in having as little disturbance as possible to existing rights and jurisdiction when a line is finally settled.

That such a final settlement can be reached at an early date does not at present appear probable, and it is the more important, therefore, that in the permanent interests of the country the provisional line should be fixed as far as may be on the lines indicated by the Treaty, and intermediate between the extreme pretensions of the parties.

I am to add that Mr. Choate appears to be in error in supposing that the line proposed by Her Majesty's Government would cut the village of Klukwan. It would, as a matter of fact, cross the Chilooot at its most easterly junction with the Klehini, which is practically identical with the point at which the line proposed by the United States would cross the former river, and is  $1\frac{1}{2}$  miles to the north of the village.

I am, &c.  
(Signed) H. BERTRAM COX

Inclosure in No. 85.

*Extracts from Report of North-West Mounted Police, 1898.*

Page 40.—ON the 2nd September a rich placer strike was made near Boulder Creek, between our Dalton Trail Post and Pyramid Harbour—a couple of men took out over 400 dollars in a few days, some of the nuggets being valued at 2 dollars, 11 dollars, and 18 dollars. Towards the end of October a still richer find was made on this creek. Cold weather coming on stopped the work, but not till it was ascertained that the creek was a remarkably rich one. The Americans are taking it for granted that these diggings are in the United States' territory, and are acting accordingly. Nevertheless, when Mr. Dalton had his trail surveyed for the purposes of getting his charter from the Government of Alaska, the United States' Surveyors would not go farther than Boulder Creek, claiming that it was on the international boundary.

Page 99.—About 10 miles from Pyramid Harbour the trail turns off to the south, and cuts into a range of mountains, keeping away from the Chilkat River until opposite Klukwan at the mouth of the Salmon River. The crossing there is deep, but not swift, except on very warm days. Two men lost their lives there this summer by drowning (see "Accidents and Drownings"). The hills are again taken to about 4 miles above the mouth of the Kleheeka River. From there the river bed is followed for about 2 miles, and the Kleheeka is crossed near the mouth of Boulder Creek. Just there, before making the crossing, is where the rich find of placer gold was made this fall. . . . Boulder Creek is where he and other Americans claim the international boundary is,

and it is where they ended the survey of the road. This creek is between 8 and 10 miles below the Dalton Trail Post.

*Porcupine Creek.*

Pages 103, 104.—This creek is between 8 and 10 miles below Dalton Trail Post, and is claimed as United States' territory. It is so close to the disputed Alaskan boundary that it is worth investigating. The creek was discovered last spring by a party of four Americans, who were heading for the "inside;" they worked all summer on the east branch of the creek, and took out several hundred dollars in coarse gold nuggets. Late in September of this year, Mr. Dalton outfitted several of his men who had been working for him during the summer, and about the 1st October these men went over on the west branch of the creek, and in about fifteen minutes they took 165 dollars out of one pocket. The formation is an old moraine, and where discovery claim is, gold can be seen with the naked eye. I was shown a nugget valued at 18 dollars taken from this claim, I also saw about 400 dollars in gold that was taken from the east branch of the creek.

This strike, I am informed, is in the same belt as the very rich mines to the eastward at Seward City, where the celebrated mines are in Alaska. I camped on the 1st October opposite the mouth of this creek with my party, en route for the Yukon. A number of claims have been staked and recorded at Sitka, Alaska, 20 acres—a small-size farm—is allowed for a claim in the United States' territory. A town site has been taken at the mouth of the creek, and I am informed that an hotel is to be erected at once.

795 dollars was collected by me for placer mining, 46 dollars for mining assignments, 570 dollars for mining licences. A large number of the people going over the trail had procured licences at Vancouver and Victoria, as they were informed that they could only procure them at these two points and at Dawson.

---

No. 86.

*Colonial Office to Foreign Office.—(Received July 1.)*

(B.)  
(Confidential.)  
Sir,

*Downing Street, June 30, 1899.*

WITH reference to the letter from this Department of even date respecting the Alaska boundary, I am directed by Mr. Secretary Chamberlain to transmit to you, for the information of the Marquess of Salisbury, paraphrase of a telegram which has been sent to the Governor-General of Canada on the subject.

I am, &c.  
(Signed) H. BERTRAM COX.

---

Inclosure in No. 86.

*Mr. Chamberlain to Governor-General the Earl of Minto.*

(Confidential.)  
(Telegraphic.) P.

*Downing Street, June 30, 1899.*

CONFIDENTIAL line proposed by Canada as provisional boundary strongly protested against by United States' Government on ground that there is a large mining camp of United States' citizens now at work in area which would be transferred to Canada, and that if this were done disturbances would be probable.

It would be fatal to prospects of early settlement, if disturbances ending in bloodshed did occur.

While Her Majesty's Government agree with your Ministers that line which they propose is equitable, provisional arrangements are always based on *status quo*, and we desire your Ministers earnestly to consider the fact that influx of United States' citizens is daily altering *status quo* to detriment of Canada, and that miners may at any moment be at work right up to Dalton Trail Post.

It therefore appears to us that it is desirable that a provisional line should be agreed to without delay, both in immediate interests of Canada and because this course would be likely to pave the way for permanent settlement.

[1541]

R

We propose to press United States to accept line proposed by Canada with an assurance that Canada will respect existing private rights acquired *bona fide*, but we hope your Ministers will acquiesce if this is not accepted, and we find it necessary to accept line proposed by United States to Boulder Creek.

Would it not also be desirable to fix point where line would cross Taklin ?

No. 87.

*The Marquess of Salisbury to Mr. Choate.*

Your Excellency,

*Foreign Office, July 1, 1890.*

THE correspondence which has passed between the United States' Government and that of Her Majesty, as well as the negotiations and other diplomatic intercourse which have taken place both here and at Washington, have left on the minds of Her Majesty's Ministers a strong impression that no effective progress will be made in coming to an agreement upon the subjects which divide the two countries without the assistance of arbitration. This appears to be especially the case with respect to the Alaska boundary. The different signification which the two Governments attach to the language of the Treaty of 1825 is not of a character which appears likely to be adjusted by the method of explanation or argument on the two sides. Some of the ablest men belonging to both nations have now for several months devoted the utmost erudition and acumen to this discussion, but the attainment of an agreement seems to be no nearer than when the communications began. Her Majesty's Government feel that no satisfactory agreement between the two countries can be arrived at until the difference with respect to the Alaska boundary has been adjusted, and that this adjustment can only be attained by the process of arbitration.

Much of course will depend upon the manner in which the subject of controversy is presented to the tribunal selected for arbitration, and upon the conditions by which the Arbitrator's decisions are shaped and limited. Upon this matter some preliminary discussion has already taken place between the two Governments, but no formal expression of opinion on either side in this respect, has as yet been arrived at. In order to ascertain whether any formal difference exists between them in this respect, and to pave the way, if possible, for an ultimate agreement, I have, on behalf of Her Majesty, to propose to your Excellency that the Treaty of Arbitration adopted between this country and Venezuela, with the assent and largely at the instance of the United States, shall be applied to the determination of the Alaska boundary which is now under discussion. That Treaty is now receiving its application at Paris, and during the three years which have elapsed since its conclusion, no question as to its fairness or applicability has arisen between the Contracting Parties. I am not able to find in its terms anything which is inapplicable, or which would be inconsistent with an equitable and conclusive solution of the Alaskan controversy. It is possible that in some respects its details may be improved, but such as they are they appear to Her Majesty's Government to be adequate for the purpose which we have in hand; and I have to request that your Excellency will lay before the President the proposal of Her Majesty's Government that the Venezuela Treaty, as it stands, shall be applied to the determination of the Alaska boundary between the Dominion of Canada and the United States.

I have, &c.

(Signed) SALISBURY.

No. 88.

*Foreign Office to Colonial Office.*

(Confidential.)

Sir,

*Foreign Office, July 4, 1890.*

WITH reference to your letter of the 30th ultimo respecting the negotiations for fixing a provisional line of boundary in the neighbourhood of the Lynn Canal, I am directed by the Marquess of Salisbury to inform you that Her Majesty's Chargé d'Affaires at Washington was instructed on the 1st instant to repeat to the Governor-General of Canada his telegram No. 55 of the 27th ultimo.

with an  
e hope  
n accept

---

899.  
nt and  
which  
jesty's  
to an  
nce of  
ndary.  
of the  
by the  
t men  
on and  
nearer  
satis-  
ce with  
only be

roversy  
which  
inary  
formal  
t. In  
spect,  
of Her  
etween  
United  
under  
e three  
pplica-  
s terms  
le and  
ects its  
rnment  
t your  
rnment  
of the

RY.

---

899.  
ons for  
t, I am  
Chargé  
vernor-



No. 89\*.

*Mr. Tower to the Marquess of Salisbury.—(Received July 6.)*

(No. 184.)

My Lord,

*Washington, June 27, 1899.*

MR. HAY spoke to me this morning at considerable length on the subject of the last Canadian proposal for the provisional boundary line, mentioned in your Lordship's telegram No. 82 of the 21st instant and specified in the Earl of Minto's telegram to the Secretary of State for the Colonies of the 18th instant, which was repeated to me from Ottawa on the 22nd instant.

Mr. Hay stated that he could see serious objection to the Canadian alternative of drawing the line from the peak marked on the map as 5975, and running in a north-easterly direction through the junction of the Rivers Klahini and Chilkat, until it reached the summit of the first range of mountains to the north-east of the River Chilkat.

He told me that the Canadian argument against the impracticability of the junction of the rivers being taken as the point of demarcation, owing to annual floods, would work with equal force on both sides and would necessitate precautions being taken, but he was of opinion that a line drawn for some miles along the bank of the River Klahini to its junction with the Chilkat, namely, running approximately east and west, offered little ground for objection.

Mr. Hay added that the district to the south of the Klahini, which by the last Canadian proposal would be included in Canadian territory, contained a large settlement of American miners, who had been driven thither by the British Columbian Mining Laws. The settlement is known as the Porcupine diggings, though the extent of gold deposit there seems not to be determined. He said that these United States' citizens would probably refuse to obey the Canadian police except by force, and such an unfortunate consummation would cause the gravest embarrassment to both Governments, chiefly so, Mr. Hay thinks, to that of the Dominion.

He pointed to the fact that the United States' Government had already, in the course of negotiations for a provisional settlement, receded step by step from the boundary claimed by them; this conciliatory spirit being shown by them for the purpose of arriving at an immediate arrangement satisfactory to both parties, and he greatly feared that such a settlement as that now proposed by Canada might lead to aggravated trouble.

The Secretary of State has instructed Mr. Choate to make an appeal to your Lordship against the Canadian proposal, and begged me to report the extreme urgency of the case. Mr. Hay thought there could be little objection to drawing the line, as he would suggest, for a few miles along the Klahini River to its junction with the Chilkat River.

I have reported to your Lordship briefly, by telegraph this day, Mr. Hay's remarks.

I have, &c.  
(Signed) REGINALD TOWER.

Lord Salisbury observes, from your subsequent letter of the 30th ultimo, that Mr. Secretary Chamberlain has already telegraphed to the Earl of Minto with regard to the last communication made on the subject by the United States' Government.

I am, &c.  
(Signed) F. H. VILLIERS.

## No. 89.

*Mr. Tower to the Marquess of Salisbury.—(Received July 5.)*

(No. 57.)

(Telegraphic.) P.

Washington, July 5, 1899.

I HAVE received from the Governor-General of Canada a telegram, dated the 4th July, containing a new proposal for a provisional boundary of Alaska.

This telegram was also sent to the Secretary of State for the Colonies.

Does your Lordship wish me to communicate with the United States' Government on the subject?

## No. 90.

*Colonial Office to Foreign Office.—(Received July 7.)*

(Confidential.)

Sir,

Downing Street, July 7, 1899.

WITH reference to your letter of the 4th instant respecting the Alaska provisional boundary, I am directed by Mr. Secretary Chamberlain to transmit to you, to be laid before the Marquess of Salisbury, a copy of a telegram from the Governor-General in reply to the telegram sent from this Department of the 30th June.

2. I am to inclose a copy of a telegram which Mr. Chamberlain has addressed to the Governor-General in reply, and I am to state that he would suggest, for Lord Salisbury's consideration, that, if the Canadian Government accept the suggestion made in that telegram, Mr. Tower should be instructed to propose to Mr. Hay the line now offered by the Canadian Government, on the understanding that if it would result in transferring to Canadian jurisdiction any *bona fide* American settlement, or *vice versa*, the officials appointed to mark the provisional line shall deflect it so far as may be actually necessary to leave such American or Canadian settlements on the American or Canadian side as may be the case.

I am, &c.  
(Signed) H. BERTRAM COX.

## Inclosure 1 in No. 90.

*Governor-General the Earl of Minto to Mr. Chamberlain.*

(Telegraphic.) P.

July 4, 1899.

I HAVE submitted to my Ministers your telegram of the 30th June. Although they are anxious to facilitate agreement on provisional boundary, they strongly represent that last proposal of United States' authorities to have Klehini River as far as Boulder Creek adopted as boundary is most objectionable.

The Dalton Trail coming from south-east direction descends to Klehini River about 1½ miles west of the forks of the Chilkat; then, for a distance of 4½ miles to within about half-a-mile of Boulder Creek, follows the river flat, crossing and re-crossing the stream at various points according to height of water. Over that distance the river flows through many channels over a bed of gravel and boulders about half-a-mile wide, sometimes filling the whole bed, and sometimes shrunk to the dimensions of a very small stream. To make the river the boundary under such circumstances would create a prolific source of contests as to jurisdiction in the case of criminals having to be prosecuted; no boundary which does not cross the valley from one range of mountains to the other can be satisfactory.

The following line would be accepted by my Ministers, although involving a concession from their former proposition:—

Beginning at summit marked 5,700 on sheet No. 18 of the surveys made under the Convention of 1892 by the British Commission, said summit lying approximately in latitude  $59^{\circ} 18'$  and longitude  $136^{\circ} 16'$  northward to a summit marked on the same sheet 2,800 in latitude  $59^{\circ} 23'$  and longitude  $136^{\circ} 10'$ . Thence in a direct line to the junction of Klehini and Chilkat Rivers, thence in the same line produced a distance of 4 miles more or less to the summit of the mountains bordering the valley of the Chilkat River to the north-east.

Map follows by mail.

According to our information, all American miners are south of above line, and therefore would be in American territory.

My Ministers believe that their information on this subject is accurate, and that the above line is in accordance with *status quo* of American settlements in that section.

I have repeated this message to Mr. Tower.

Inclosure 2 in No. 90.

*Mr. Chamberlain to Governor-General the Earl of Minto.*

(Telegraphic.) P.

*Downing Street, July 6, 1899, 5:50 P.M.*

STATEMENT made in your telegram of the 4th instant as to position of United States' miners and other citizens south of Klehini appears to differ from account given at pp. 103-4 of Jarvis' Report in Sessional Paper No. 15.

If there is *bona fide* settlement of United States' citizens on Canadian side of line now suggested, it should be deflected so far as may be necessary to leave such settlement on United States' side of boundary and *vice versa*.

This addition will, I presume, be agreed to by your Ministers.

Please send your reply by telegraph.

No. 91.

*Mr. Choate to the Marquess of Salisbury.—(Received July 10.)*

My Lord,

*American Embassy, London, July 8, 1899.*

I HAVE the honour to remind your Lordship that I am still awaiting your Lordship's reply to my note of the 25th June, relating to the proposed *modus vivendi* as to the Alaskan boundary, and this with much anxiety, because of the constant advices that reach me of the risk of disturbance, which both Governments would greatly regret.

I have, &c.

(Signed) JOSEPH H. CHOATE.

No. 92.

*Mr. Choate to the Marquess of Salisbury.—(Received July 10.)*

My Lord,

*American Embassy, London, July 8, 1899.*

I HAVE the honour to acknowledge the receipt of your Lordship's note of the 1st July, proposing an arbitration of the Alaskan Boundary question; and, in accordance with your Lordship's request, immediately upon its receipt, I communicated the substance of it by cable, and by the first subsequent mail a full text of the note was transmitted to the Department of State.

I hope soon to have the pleasure of receiving and submitting to your Lordship the President's views.

I have, &c.

(Signed) JOSEPH H. CHOATE.

No. 93.

*Colonial Office to Foreign Office.—(Received July 12.)*

(Confidential.)

Sir,

*Downing Street, July 12, 1899.*

WITH reference to the letter from this Department of the 26th ultimo, inclosing copy of a telegram from the Governor-General of Canada, announcing the intention of his Ministers to submit a Memorial setting forth the grounds on which they rest the claim of Canada to the upper waters of the Lynn Canal, I am directed by Mr. Secretary Chamberlain to forward to you, for the information of the Marquess of Salisbury, copy of a despatch from Lord Minto, in which, pending the transmission of such a Memorial, he indicates the general position assumed by his Ministers with respect to the Alaska boundary question.

I am, &amp;c.

(Signed) H. BERTRAM COX.

Inclosure in No. 93.

*Governor-General the Earl of Minto to Mr. Chamberlain.*

(Secret.)

Sir,

*Government House, Ottawa, June 22, 1899.*

IN answer to your cable message of the 15th June, informing me that Her Majesty's Government "have at present no information respecting the grounds upon which your responsible advisers rest their claim for the upper waters of the Lynn Canal and dispute with the United States' claim founded on settlement and occupation and tacit acquiescence in their interpretation of the Treaty of 1825," and requesting that a Representative acquainted with the Canadian side of the question may be sent to discuss it with Her Majesty's Government, I have already replied by cable that my Government is at present unable to send a Representative.

My Ministers much regret their inability to do so, but urgent Parliamentary work renders it impossible at present to send a Representative who could put forward with sufficient weight the immensely important interests of Canada.

My Ministers therefore propose to ask me to forward a Memorial stating the basis upon which the claims of Canada, in reference to the Alaskan boundary, are founded.

In view of the transmission to you of such a Memorial, it is not, I think, advisable for me to do more than to refer to the general position my Ministers assume in respect to the Alaska boundary.

The case for Canada was very ably argued by the late Lord Herschell before the International Commission, and my Ministers are deeply sensible of the loss Canada has sustained in his lamented death at the time when his able advocacy would have been of invaluable assistance to them.

The strength of the arguments put forward by him was, I understand, recognized by the United States' Commissioners.

Though the delimitation under consideration included districts extending from the southernmost point of Prince of Wales' Island to Mount St. Elias on the 141° west longitude, the question before the Commissioners practically resolved itself into the consideration of the rival claims of Canada and the United States to the coast encircling the waters of the narrow inlet called the Lynn Canal, at the extreme end of which are the small towns of Dyea and Skagway and the Settlement of Pyramid Harbour.

The contention of Canada being that the boundary-line should be the summit of the mountains parallel to the coast of the mainland, except where the summit is more than 10 marine leagues distant from the coast, when the boundary-line shall not exceed that distance, and that the boundary-line, as so laid down, should cross the mouth of the Lynn Canal from mountain summit to mountain summit, the 10 marine leagues to be measured from the coast on the mainland, no claim being put forward by Canada to the numerous islands bordering the coast which are recognized as United States' territory.

The United States' contention is, that the boundary east and north of the Lynn Canal in the direction of the White and Chiloote Passes, should be in the vicinity of Lake Bennett, a distance of about 30 miles from the waters of the said Lynn Canal.

[1541]

S

The Canadian Commissioners base their argument entirely on the interpretation of the Treaty of 1825 between Great Britain and Russia, but my Ministers, I think, very rightly consider that in order to arrive at a fair interpretation of the Treaty, great assistance will be derived from a careful examination of the negotiations between Great Britain and Russia, which preceded its ratification and which are fully referred to in the confidential correspondence of Lord Herschell, transmitted to me under cover of your despatch of the 28th April last.

The perusal of that correspondence would appear to me to lead to the inference that the present contention of the United States relies more upon the claims put forward by Russia during the negotiations than upon what she actually obtained by the conditions of the Treaty.

It must also be borne in mind that since Vancouver's coast survey at the end of last century, there has been no land survey of the district in question until 1892, and that the shores of the Lynn Canal was almost unexplored till the Yukon gold discoveries brought those regions into notice and raised to importance the Settlements of Dyea and Skagway as harbours, and as suitable points from which to establish communication with the inland possessions of Canada.

Under these circumstances, the charge against Canada of any absence of protest against United States' Settlements in regions so little frequented can hardly seem to be a grave one, but as a matter of fact negotiations were entered into about 1873 to have a joint survey, by the American and Canadian Governments, of the frontier in the neighbourhood of Lynn Canal, which survey fell through owing to the requisite funds not being forthcoming from the United States.

My Ministers quite recognize that the circumstances of the present day and the creation of vested interests in the districts surrounding the Lynn Canal may make it impossible to deal with the differences in question by a strict interpretation of the Treaty of 1825, and with this view they believe that they have shown every wish to make any fair compromise between Canada and the United States.

Their suggestions, however, have not been accepted, and they now consider that in deciding upon arbitration on the terms of the Venezuelan reference the United States and Canada could safely rely not only on a fair interpretation of the Treaty, but on a just recognition of the vested interests of either country.

I have, &c.  
(Signed) MINTO.

No. 94.

*The Marquess of Salisbury to Mr. Tower.*

(No. 147. Confidential.)  
Sir,

*Foreign Office, July 12, 1899.*

AT an interview to-day I communicated to the United States' Ambassador the substance of a telegram from the Governor-General of Canada, dated the 11th instant, of which a copy is inclosed,\* containing a further expression of the views of the Dominion Government in regard to the proposal for a provisional line of boundary in the neighbourhood of the Lynn Canal.

His Excellency said he was not aware of the localities of the creeks mentioned, and I admitted that I was in exactly the same condition. We were therefore hardly in a position to discuss the new proposals. He promised to try and obtain further information on the subject.

I said that I understood that the Canadian posts were not within some distance of the foremost American miners on the south side of the Klélin River, so that the danger of a collision seemed not so imminent to us as it appeared to him.

With regard to the general question of the boundary between Canada and Alaska I then made the following suggestion, which I said I had reason to believe the Canadian Government would accept. It was that Canada should have a perpetual lease of territory to the extent of half a square mile at a suitable spot on the Lynn Canal on similar conditions to the one on which territory is held by Her Majesty's Government at the Chinese mouth of the Zambezi River, with liberty to construct a railway from there to *British Columbia*.† Mr. Choate expressed the opinion that this was a suggestion which had

\* See Inclosure No. 96.

† Words "Yukon territory" subsequently substituted (see No. 98, *infra*).

already been disposed of by the Commission, but he desired to have it in writing, so that he might submit it to his Government without danger of mistake.

I propose, with the concurrence of the Secretary of State for the Colonies, to convey it to his Excellency in the terms I have used in this despatch.

I am, &c.  
(Signed) SALISBURY.

No. 95.

*Foreign Office to Colonial Office.*

(Confidential.)

Sir,

*Foreign Office, July 12, 1899.*

WITH reference to Lord Minto's telegram of the 11th instant, a paraphrase of which was inclosed in your letter of to-day, I am directed by the Marquess of Salisbury to transmit to you a copy of a despatch which his Lordship has addressed to Her Majesty's Chargé d'Affaires at Washington,\* recording what passed at an interview this afternoon with the United States' Ambassador.

Lord Salisbury would wish to be informed whether Mr. Secretary Chamberlain agrees to the terms in which he proposes to convey to Mr. Choate, in writing, the suggestion for a lease of territory on the Lynn Canal, on conditions similar to those on which Her Majesty's Government hold territory at the Chinde mouth of the Zambezi River.

I am, &c.  
(Signed) F. H. VILLIERS.

No. 96.

*Colonial Office to Foreign Office.—(Received July 13.)*

(Confidential.)

Sir,

*Downing Street, July 12, 1899.*

WITH reference to the letter from this Department of the 7th instant respecting the provisional boundary on the Dalton Trail, I am directed by Mr. Secretary Chamberlain to transmit to you, to be laid before the Marquess of Salisbury, copy of a telegram from the Governor-General of Canada on the subject.

Mr. Chamberlain gathers from this message that the Dominion Government adhere to their statement, that the provisional line proposed in Lord Minto's telegram of the 4th instant would not include any part of the Porcupine Creek Mining Camp in Canadian territory, and, in view of the admitted vagueness of the Klehini as a boundary, request that the United States, if they are not satisfied with the Canadian proposal, should propose another, and definitely trace it on a map, so that there may be a clear basis of discussion.

In view of the considerations stated in the letter from this Department of the 30th ultimo this request of the Dominion Government appears reasonable, and Mr. Chamberlain would suggest that Her Majesty's Chargé d'Affaires at Washington should be instructed to propose to the United States' Government the line described in the telegram from Lord Minto of the 4th July, and that if it is objected to on the same ground as the former proposal, he should ask the United States' Government to show on the map where the United States' Settlements are, and to indicate, by tracing on the map, how they would propose to draw the provisional line so as to leave such Settlements within American jurisdiction pending a final settlement.

This letter is written on the assumption that it is desirable to fix a provisional boundary, and that the United States' Government are unable to accept the suggestion for a final settlement, which has been the subject of discussion between Lord Salisbury and Mr. Chamberlain.

I am, &c.  
(Signed) C. P. LUCAS.

Inclosure in No. 96.

*Governor-General the Earl of Minto to Mr. Chamberlain.*

(Telegraphic.) P.

[Received July 12, 1899, 8 A.M.]

IN reply to your telegram of 6th instant :

My Ministers desire to state that they are anxious to avoid complications where the Americans have actually placed mining camps. They call attention to the fact that United States' Government have proposed Klukwan as basis of provisional boundary, and that this suggestion has been adopted by Canada. The last American proposal, viz., to extend line from Klukwan to Boulder Creek along Klehini River, comprised no provision for Poreupine Creek, which was not considered by my Ministers. Let United States definitely propose a line and trace it on map, so that there may be a clear basis for discussion.

No. 97.

*Mr. Tower to the Marquess of Salisbury.—(Received July 17.)*

(No. 191.)

My Lord,

*Washington, July 1, 1899.*

I HAVE the honour to report that, in compliance with your Lordship's telegram No. 87 of to-day, I have this day repeated to the Earl of Minto my telegram No. 55 to your Lordship of the 27th ultimo, reporting my conversation with the United States' Secretary of State concerning the last Canadian proposal as to the Alaska boundary.

I have likewise sent to his Excellency by mail a copy of my despatch No. 184 to your Lordship of the 27th ultimo.

I have, &amp;c.

(Signed) REGINALD TOWER.

No. 98.

*Colonial Office to Foreign Office.—(Received July 18.)*

(Confidential.)

Sir,

*Downing Street, July 18, 1899.*

1 AM directed by Mr. Secretary Chamberlain to acknowledge the receipt of your letter of the 12th instant, inclosing copy of a despatch which the Marquess of Salisbury has addressed to Her Majesty's Chargé d'Affaires at Washington, reporting the substance of an interview with the United States' Ambassador at this Court on the subject of the Alaska boundary question.

2. Mr. Chamberlain concurs in Lord Salisbury's proposal to convey to Mr. Choate, in writing and in the terms used in that despatch, the suggestion for a lease of territory on the Lynn Canal, on conditions similar to those on which Her Majesty's Government hold territory at the Chinde mouth of the Zambezi River.

3. I am, however, to suggest that the words "Yukon territory" should be substituted for the words "British Columbia" used in paragraph 4 of the despatch to Mr. Tower.

4. The Dominion Government have been informed by telegraph that a lease of territory has been proposed by Her Majesty's Government as a solution of the boundary difficulty.

I am, &amp;c.

(Signed) H. BERTRAM COX.

No. 99.

*The Marquess of Salisbury to Mr. Choate.*

Your Excellency,

*Foreign Office, July 18, 1899.*

IN accordance with your request, I have now the honour to submit to you in writing the proposal which I briefly discussed with you at our interview on the 12th instant with reference to the general question of the Alaska boundary.

My suggestion, which, as I stated, I have reason to believe the Canadian Government would be prepared to accept, was that Canada should have a perpetual lease of territory to the extent of half-a-square mile at a suitable spot on the Lynn Canal, on similar conditions to those on which territory is held by Her Majesty's Government at the Chinde mouth of the Zambezi River, with liberty to construct a railway from there to the Yukon territory.\*

I shall be glad if your Excellency will submit this proposal to your Government, and trust that it may meet with a favourable consideration.

I have, &amp;c.

(Signed) SALISBURY.

No. 100.

*The Marquess of Salisbury to Mr. Tower.*

(No. 91.)

(Telegraphic.) P.

*Foreign Office, July 19, 1899.*

REFERRING to your telegram No. 57 of the 5th July, you may suggest, for the consideration of the United States' Government, as a suitable provisional boundary for Alaska, the line described in the telegram from the Governor-General of Canada of the 4th July.

If they object to this proposal on the same ground as objection was taken to the previous one they should be requested to point out on the map the position of the United States' Settlements and to trace the provisional line which they would propose to draw, so as to leave these Settlements within American jurisdiction, until a final agreement is arrived at.

No. 101.

*The Marquess of Salisbury to Mr. Tower.*

(No. 154.)

Sir,

*Foreign Office, July 19, 1899.*

IN continuation of previous correspondence, I transmit herewith, for your information, copies of correspondence, as marked in the margin,† respecting the proposal made to the United States' Government for the lease of territory on the Lynn Canal.

I am, &amp;c.

(Signed) SALISBURY.

No. 102.

*The Marquess of Salisbury to Mr. Tower*

(No. 155.)

Sir,

*Foreign Office, July 19, 1899.*

I TRANSMIT to you herewith copy of the lease of the Chinde Concession‡ for convenience of reference in connection with the note on the subject of the Alaska boundary which I addressed to Mr. Choate on the 18th instant, and of which a copy was inclosed in my despatch to you No. 134 of to-day's date.

I am, &amp;c.

(Signed) SALISBURY.

\* "Yukon territory" substituted, at the suggestion of the Colonial Office for "British Columbia."

† Nos. 98 and 99.

‡ Not printed.



## No. 103.

*The Marquess of Salisbury to Mr. Tower.*

(No. 160.)

Sir,

*Foreign Office, July 19, 1899.*

THE United States' Ambassador informed me that he had received my letter of yesterday, conveying in terms the proposal for a definitive arrangement of the Alaska boundary, of which a copy has been communicated to you in my No. 154 of to-day's date.

His Excellency said that he had cabled it word for word to Washington, and that he would give me the reply when he had received it; but he thought that the moment was opportune, because some of the most influential Senators were at Washington at this time.

With respect to the provisional boundary, I informed Mr. Choate that I had acquainted you with the proposal of the Canadian Government, and that you would doubtless lay it before the Government of the United States. We had obtained a map in which the two creeks, the Poreupine Creek and the Boulder Creek, were marked, and the objections therefore taken to the proposals of the United States were now intelligible.

His Excellency promised to let me know if he had any reply from Washington upon this subject; but he seemed inclined to think that the proposal for the entire settlement of the question would make that of the provisional boundary unnecessary.

I am, &amp;c.

(Signed) SALISBURY.

## No. 104.

*Mr. Tower to the Marquess of Salisbury.—(Received July 20.)*

(No. 196.)

My Lord,

*Washington, July 10, 1899.*

WITH reference to my despatch No. 148, Confidential, of the 16th May last, reporting the departure of Senator Fairbanks for Alaska, I have the honour to transmit herewith an extract from the "Washington Post" of to-day,\* reporting an interview with the Senator and Mr. Foster, the newly-elected Senator from Washington.

Mr. Foster, who must not be confounded with General J. W. Foster, the Member of the Joint High Commission, expresses himself in candid though elementary terms upon the Canadian claim to a post on the Lynn Canal.

I have, &amp;c.

(Signed) REGINALD TOWER.

## No. 105.

*Colonial Office to Foreign Office.—(Received July 20.)*

Sir,

*Downing Street, July 19, 1899.*

I AM directed by the Secretary of State for the Colonies to transmit to you, for the information of the Marquess of Salisbury, with reference to recent correspondence as to the establishment of a provisional boundary in the region of the Lynn Canal, copy in paraphrase of a telegraphic correspondence with the Governor-General of Canada respecting the relative positions of the Boulder and Poreupine Creeks.

I am, &amp;c.

(Signed) H. BERTRAM COX.

D.  
er of  
aska  
ay's

that  
the  
e at

had  
ould  
mmap  
eked,  
now

ngton  
ntire  
ry.

Y.

---

99.  
last,  
ir to  
g an  
from

mber  
terms

ER.

---

899.  
u, for  
dence  
Canal,  
ral of

OX.

174

No. 105\*.

*Colonial Office to Foreign Office.—(Received July 20.)*

(Confidential.)  
Sir.

*Downing Street, July 19, 1899.*

I AM directed by the Secretary of State for the Colonies to transmit to you, for the information of the Marquess of Salisbury, with reference to the last paragraph of the letter from this Department of the 18th instant, a copy in paraphrase of a telegram from Mr. Chamberlain to the Governor-General of Canada on the subject of the Alaska boundary question.

I am, &c.

(Signed) EDWARD WINGFIELD.

Inclosure in No. 105\*.

*Mr. Chamberlain to Governor-General the Earl of Minto.*

(Confidential.)

*Downing Street, July 17, 1899, 6:15 P.M.*

(Telegraphic.) P.

HER Majesty's Government have proposed to United States' Government, as a settlement of the general question of the Alaska boundary, that Canada should have a perpetual lease of territory to the extent of half a square mile, at a suitable spot on the Lynn Canal, on similar conditions to those on which, under the Convention with Portugal of the 20th August, 1890 (11th June, 1891), territory is held by Her Majesty's Government at the Chinde mouth of the Zambezi River, with liberty to construct a railway from there to Yukon territory.

## Inclosure 1 in No. 105.

*Mr. Chamberlain to Governor-General the Earl of Minto.*

(Telegraphic.) P.

July 17, 1899, 9:40 P.M.

I DESIRE to know distance of Porcupine Creek and Boulder Creek along Klehini River from its junction with Chilcat. Please telegraph as soon as possible.

## Inclosure 2 in No. 105.

*Governor-General the Earl of Minto to Mr. Chamberlain.*

(Telegraphic.) P.

July 18, 1899.

IN reply to your telegram of 17th July I have to report that Boulder Creek on the left bank is 9 and Porcupine Creek on the right 10½ statute miles from junction of Klehini with Chilcat. Porcupine Creek is first creek shown on map after Boulder Creek is passed.

## No. 106.

*Mr. Tower to the Marquess of Salisbury.—(Received July 20.)*

(No. 60.)

(Telegraphic.) P.

Washington, July 20, 1899.

I COMMUNICATED to the United States' Secretary of State this morning the proposal for a provisional line, as authorized by your Lordship's telegram No. 91 of yesterday.

Mr. Hay promised to give it his earliest consideration. He remarked that such a line would not bring the Porcupine Creek, which embraces the American mining settlements, within United States' jurisdiction.

The apprehension of the River Klehini forming an ill-defined boundary was, he thought, illusory, and he considered such an arrangement as being no more likely to lead to misconception than a line drawn from one mountain summit to another.

Mr. Hay has just had an interview with Senator Fairbanks, who has returned from his personal investigations in Alaska.

The Senator has reported optimistically of the present situation, and is less anxious of the possibility of a conflict arising than he had before believed. Mr. Hay feels relieved by the Senator's report, and stated that the approach of the cold season had lessened his fear of a regrettable collision.

The Governor of Alaska has been reprimanded for the alarmist reports of the situation which he had previously sent.

## No. 107.

*Colonial Office to Foreign Office.—(Received July 21.)*

(Secret.)

Sir,

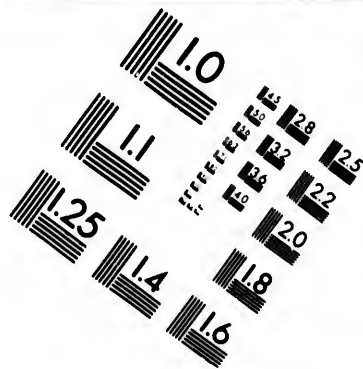
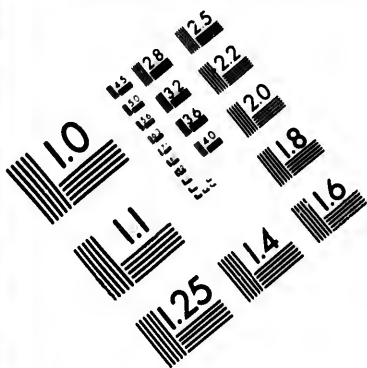
Downing Street, July 21, 1899.

I AM directed by the Secretary of State for the Colonies to transmit to you, for the information of the Marquess of Salisbury, with reference to the letter from this Department of the 19th instant, copies in paraphrase of telegrams on the subject of the proposal made to the United States' Government by Her Majesty's Government for the settlement of the Alaska boundary difficulty by the grant of a perpetual lease to Canada of a piece of territory on the Lynn Canal.

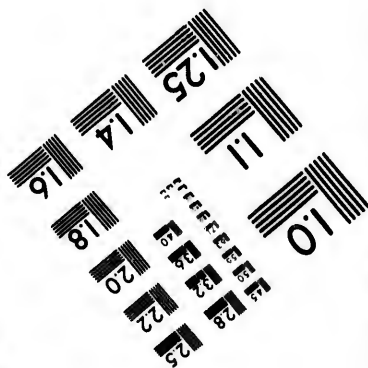
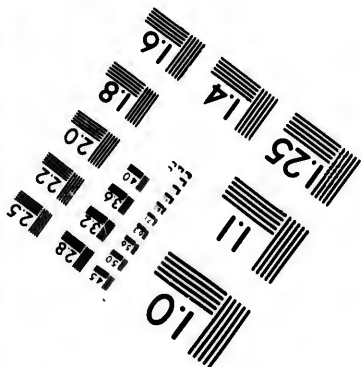
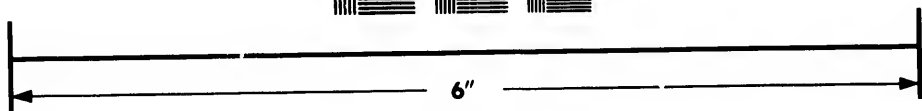
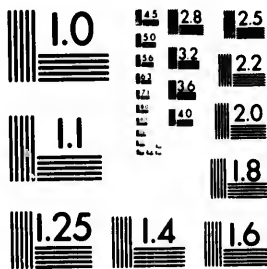
I am, &amp;c.

(Signed) EDWARD WINGFIELD.





**IMAGE EVALUATION  
TEST TARGET (MT-3)**



**Photographic  
Sciences  
Corporation**

23 WEST MAIN STREET  
WEBSTER, N.Y. 14580  
(716) 872-4503

1.5 2.8  
2.0 3.2  
3.6 4.0  
4.5 5.0  
5.6 6.3  
7.1 8.0

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20

## Inclosure 1 in No. 107.

*Governor-General the Earl of Minto to Mr. Chamberlain.*

(Secret.)

(Telegraphic.) P.

July 19, 1899.

ALASKA Boundary: your telegram of 17th July.

My Ministers do not reject suggestion of a perpetual lease of strip of territory for purposes of communication between waters of Lynn Canal and the Yukon, but unless such an offer included harbour in which Canada would have jurisdiction, it would not be acceptable.

## Inclosure 2 in No. 107.

*Mr. Chamberlain to Governor-General the Earl of Minto.*

(Telegraphic.)

Downing Street, July 21, 1899.

PLEASE inform your Ministers with reference to your telegram of the 19th July, that proposal made to United States' Government, after discussion with Minister of Public Works, is not for lease of strip of territory from Lynn Canal to boundary but for block of land on shores of canal with right of way for railway to frontier.

Harbour will not be in Canadian jurisdiction. Lease, similar to Chinde, would provide that land leased would be used exclusively for landing, storage, and transhipment of goods and subsidiary purposes, and only permanent residents allowed would be British officials, their families and servants, or persons employed in charge of and for security of goods. Land to be fenced all round, and only one door on each of the three sides. No goods to be allowed to be landed in contravention of United States' Customs Regulations, nor to be sold in retail on leased land, which would be under United States' laws in force in Alaska, except so far as they conflict with Agreement. Lessee to have power to sublet and to erect necessary buildings on land for warehouses, offices, and for landing, storing, and transhipping goods, and to make on foreshore quays, bridges, and docks or other necessary works, subject to examination of plans by United States, to prevent inconvenience to navigation or injury to rights of others.

Free access to Hinterland, without intervention of United States' officials, as in bonding arrangement, would be secured to Canada by this proposal, and if the United States' Government accept it, they would be making a substantial concession.

We desire to impress upon your Ministers that whatever arguments may be based on letter of Treaty of 1825, careful examination of United States' case for possession of shores of canal based on continuous uncontested jurisdiction since date of Treaty, and admissions of Hudson Bay Company, Imperial and Dominion Governments, shows that it is unassailable.

Delay in settlement highly prejudicial to Canadian interests, and we cannot but think that your Ministers will not wish to sacrifice only chance of obtaining an all British route to Yukon, and will acquiesce in action of Her Majesty's Government, which was only taken after discussion with Mr. Tarte in full belief that it would be acceptable to Dominion Government. It is doubtful whether United States' Government will accept in any case, but we think it worth pressing.

Despatch follows by mail.

## No. 108.

*Extract from a Question asked in the House of Commons, July 21, 1899.*

*Mr. Davitt.*—To ask the Under-Secretary of State for Foreign Affairs . . . whether it is intended to place any papers upon the Table of the House before the end of the Session relating to the disputes between the United States and Canada over the Alaska boundary question and other matters of contention between the two countries.



*Answer.*

The negotiations on the Alaska boundary question are still in progress, and it would not therefore be practicable to lay any papers on the subject before the House at the present time.

## No. 100.

*Mr. Chamberlain to Governor-General the Earl of Minto.—(Communicated by Colonial Office, July 24.)*

(Telegraphic.)

Downing Street, July 24, 1899. 6:10 P.M.

FOLLOWING telegram has been sent to Mr. Tower at Washington on subject of provisional Alaska boundary:—

[Telegram No. 91 to Mr. Tower of 19th July: see No. 100.]

United States' Government have been communicated with accordingly, and have promised earliest consideration.

## No. 110.

*The Marquess of Salisbury to Mr. Choute.*

Your Excellency,

Foreign Office, July 24, 1899.

HER Majesty's Government have given their best consideration to your note of the 28th ultimo, urging them to accept as a provisional boundary with Alaska the southerly bank of the Klehini River from its junction with the Chileat to where it is crossed by the Dalton Trail.

With regard to that proposal, I have the honour to point out that the boundary-line indicated in the Treaty between Great Britain and Russia of 1825 is one parallel to the coast.

For the purpose of a provisional line, the shores of the Lynn Canal have been accepted by Her Majesty's Government, without prejudice, as part of the coast of the ocean, and the provisional line should, therefore, be drawn as far as possible in a direction generally parallel to the Lynn Canal, in order to follow the stipulations of the Treaty.

In suggesting a line running east and west along the Klehini River, the United States' Government desire that the boundary should be parallel, not to the shores of the Lynn Canal, but to the coast of the ocean, and at a distance far in excess of the 10 leagues prescribed by the Treaty as the maximum, while the line previously proposed by Her Majesty's Government from north-east to south-west, through the junction of the Klehini and the Chileat is already more favourable to the United States than the terms of the Treaty require.

It should also be mentioned that even if, as contended by the United States' Government, the boundary should pass round the head of the Lynn Canal, there remains the stipulation of the Treaty that "the line shall follow the summit of the mountains situated parallel to the coast," and that, therefore, the succession of lofty peaks bordering on the Lynn Canal would naturally be taken as the boundary under the Treaty.

The Canadian Government have refrained from exercising any rights or jurisdiction over territory regarded as debatable, but your Excellency states that many Americans are in occupation south of the Klehini River, in what they have considered undisputed territory, and that they have been, and are, under the jurisdiction of the United States.

It is difficult for Her Majesty's Government to admit that rights only just created in what seems obviously debatable territory should be seriously regarded in comparison with the more important interest of both countries in having as little disturbance as possible to existing rights and jurisdiction when the boundary is finally settled.

Passing to the details of the line suggested by your Excellency, I have to observe that the Dalton Trail, coming from a south-east direction, descends to the Klehini

River about 4 miles west of the forks of the Chileat; then for a distance of  $4\frac{1}{2}$  miles to within about half-a-mile of Boulder Creek, it follows the river flat, crossing and recrossing the stream at various points according to the height of the water.

Over that distance the river flows through many channels over a bed of gravel and boulders about half-a-mile wide, sometimes filling the whole bed and sometimes shrunk to the dimensions of a small stream. To make the river the boundary in such circumstances would create a prolific source of contest as to jurisdiction in the case of criminals having to be prosecuted, and it is clear that no boundary which does not cross the valley from one range of mountains to the other can be regarded as satisfactory.

The Canadian Government are, however, anxious to facilitate an agreement on the provisional boundary, and at their suggestion I have instructed Her Majesty's Chargé d'Affaires at Washington, by telegraph, to propose the following line, although it involves a concession as compared with the previous proposal:—

"Beginning at the summit marked 5,700 on sheet No. 18 of the surveys made under the Convention of 1892 by the British Commission, the said summit lying approximately in latitude  $59^{\circ} 18'$  and longitude  $136^{\circ} 16'$ , northwards to a summit marked on the same sheet 2,800 in latitude  $59^{\circ} 23'$  and longitude  $136^{\circ} 0'$ , thence in a direct line to the junction of the Klehini and Chileat Rivers; and thence in the same line produced a distance of 4 miles more or less to the summit of the mountains bordering the valley of the Chileat River to the north-east."

According to the information of the Canadian Government all the American miners are to the south of this line, and would, therefore, remain under American jurisdiction. This information is believed to be accurate, and the line to be in accordance with the *status quo* of American settlements in that section.

If the proposal now made by Her Majesty's Government is objected to on the same ground as their former proposal, Mr. Tower is instructed to ask the United States' Government to point out precisely where the American settlements are, and to indicate by tracing on the map the line which they consider the provisional boundary should follow in order to leave such settlements within American jurisdiction pending the adoption of a permanent boundary.

I have, &c.  
(Signed) SALISBURY.

No. 111.

*Colonial Office to Foreign Office.—(Received July 25.)*

(Confidential.)

Sir,

*Downing Street, July 24, 1899.*

I AM directed by the Secretary of State for the Colonies to transmit to you, for the information of the Marquess of Salisbury, with reference to the letters from your Department of the 20th and 21st instant, a paraphrase of a telegram to the Governor-General of Canada on the subject of proposed provisional boundary in the region of the Lynn Canal.

I am, &c.  
(Signed) EDWARD WINGFIELD.

Inclosure in No. 111.

*Mr. Chamberlain to the Governor-General the Earl of Minto.*

(Telegraphic.) P.

*Downing Street, July 24, 1899, 6.10 P.M.*

FOLLOWING telegram has been sent to Mr. Tower at Washington on subject of provisional Alaskan boundary:—

[Telegram No. 91 of 19th July to Mr. Tower.]

United States' Government have been communicated with accordingly, and have promised earliest consideration.

*Mr. Tower to the Marquess of Salisbury.*—(Received July 25.)

(No. 61.)

(Telegraphic.) P.

*Washington, July 24, 1899.*

IN continuation of my immediately preceding telegram of the 20th instant, I have the honour to report that, in view of the objections raised by the Secretary of State to the new proposal of the Canadian Government for a provisional line on the Alaska boundary, I requested him to draw on sheet 18 of the Survey Map of 1892 a line which would satisfy the desire of the United States' Government to include the American miners within United States' jurisdiction.

Mr. Hay has this morning returned to me the map in question with the line marked as follows:—

The line starts from peak 5490 and runs to the junction of the rivers (as in the line marked "H. G." in the Canadian proposal); thence diverges in a north-westerly direction to peak 6350; thence it is drawn south-west to peak 4525, and thence, crossing the river in a westerly direction, to peak 5800.

In an accompanying Memorandum Mr. Hay stated that while he was inclined to agree with the views of the Canadian Government as to the impracticability of taking the bed of the River Klehini as a boundary, he must point out that any line drawn south of that river would, by placing under Canadian jurisdiction a considerable number of United States' citizens, defeat the very end and object of these negotiations.

As it appeared to me impossible for Her Majesty's Government to accept the line now proposed by Mr. Hay, I had a further interview with him this morning, when, after pointing out to him that Her Majesty's Government could hardly be expected to accept his counter-proposal, involving as it did a line even further north than that formerly proposed by himself, I took upon myself, acting on my own responsibility, to suggest the following compromise:—

Adopting the line marked "H. G. F." in the Canadian proposal as far as the peak marked 2800 on the eastern water-bed of the Porcupine Creek, we might thence draw the line, in a nearly northerly direction, to the junction of that creek with the Klehini, and thence in a south-westerly direction to peak 6500, my idea being to leave within American jurisdiction the wedge of land thus formed, which would include the whole of the Porcupine Creek, where the majority of the settlements of the American miners are said to be settled.

This proposal, however, failed to meet with the approval of the Secretary of State on the ground of entailing difficulty of ingress and egress on the miners, but he finally agreed to the following modification of his proposal:—

The line to be drawn from peak 5490 to the junction of the rivers, thence to the north of the Klehini in a west-north-westerly direction to peak 6500, crossing the Klehini just above its junction with the Porcupine.

I shall forward the map to your Lordship by next mail.

*The Marquess of Salisbury to Mr. Tower.*

(No. 92.)

(Telegraphic.) P.

*Foreign Office, July 25, 1899.*

OBJECTIONS to the provisional line for the Alaska boundary, proposed in Mr. Choate's communication of the 28th June, were pointed out to his Excellency yesterday in a note in which I quoted the grounds explained in the Colonial Office letter (A) of the 30th June, paragraphs 4, 6, 9, and 10 (see Confidential Print, Section I of the 1st July).

His Excellency was at the same time acquainted of the instructions which were sent you in my telegram No. 91 of the 19th instant.

No. 114.

*Foreign Office to Colonial Office.*

Sir,

*Foreign Office, July 25, 1899.*

WITH reference to my letter of the 21st instant, I am directed by the Marquess of Salisbury to transmit to you, to be laid before the Secretary of State for the Colonies for any observations he may have to offer thereon, copy of a telegram from Her Majesty's Chargé d'Affaires at Washington,\* reporting further proposals by the United States' Government with a view to a provisional settlement of the Alaska boundary.

I am, &c.  
(Signed) F. H. VILLIERS.

No. 115.

*Colonial Office to Foreign Office.—(Received July 27.)*

(Confidential.)

Sir,

*Downing Street, July 26, 1899.*

I AM directed by Mr. Secretary Chamberlain to acknowledge the receipt of your letter of the 25th instant, inclosing copy of a telegram from Her Majesty's Chargé d'Affaires at Washington submitting the new proposals of the United States' Government for a provisional boundary on the Dalton Trail.

2. Mr. Chamberlain regrets that the line now suggested by Mr. Hay is wholly inadmissible.

3. The United States had already proposed the south bank of the Klehini up to the point where it is first crossed by the Dalton Trail, in the neighbourhood of Boulder Creek, as a provisional boundary, while Canada claims a more southerly line.

4. The instructions sent to Mr. Tower in the event of the Canadian line proving unacceptable to the United States were intended to elicit some suggestion on which a compromise between the lines proposed by the United States and Canada might be based, but the United States' Government, instead of abating any part of their claim, have greatly enlarged it, and now propose to exclude the whole of the Dalton Trail and the Klehini up to beyond Porcupine Creek from Canadian jurisdiction.

5. To submit this suggestion to the Dominion Government, would, in present circumstances, provoke an outburst of feeling which would endanger the present friendly relations and render the prospect of any early settlement hopeless.

6. Mr. Chamberlain would suggest, therefore, that the United States' Government should be informed that Her Majesty's Government can only express their regret that their endeavour to ascertain whether some compromise could not be arranged between the extreme claims in this matter has only led to a large increase in the demands of the United States, and that, unless the United States' Government is prepared to second the efforts of Her Majesty's Government to find a *via media*, it appears to be useless to make any further attempt to arrange a provisional line.

7. I am to add that if the United States had been prepared to accept the compromise suggested by Mr. Tower, Mr. Chamberlain would have been prepared to press the Dominion Government to acquiesce in it.

I am, &c.  
(Signed) H. BERTRAM COX.

No. 116.

*Colonial Office to Foreign Office.—(Received July 27.)*

(Confidential.)

Sir,

*Downing Street, July 27, 1899.*

I AM directed by Mr. Secretary Chamberlain to transmit to you, to be laid before the Marquess of Salisbury, paraphrase of a telegram from the Governor-General of Canada, replying to the telegram of the 21st instant, of which a paraphrase was inclosed

\* No. 112.

in the letter from his Department of the same date, on the subject of the proposal made by Her Majesty's Government to the United States' Government for a settlement of the Alaska Boundary question.

2. Lord Salisbury will observe that, even after the full explanation given in Mr. Chamberlain's telegram of the 21st instant, the proposal of Her Majesty's Government is stated not to be acceptable to Canada, but that the Dominion Government are prepared immediately after the end of the present Session of the Federal Parliament to send a Delegate to England to discuss the question.

3. Mr. Chamberlain does not, in the circumstances, propose to attempt further explanation by telegram, and, if Lord Salisbury agrees, he will telegraph to Lord Minto urging that the Canadian Delegate should leave as soon as possible.

I am, &c.

(Signed) H. BERTRAM COX.

---

Inclosure in No. 116.

*Governor-General the Earl of Minto to Mr. Chamberlain.*

(Telegraphic.) P.

[Received July 25, 1899, 7:55 A.M.]

PROPOSED settlement of Alaska Boundary question:

Referring to your telegram of 21st July, concession by United States of America of a square of (?) land without any harbour would not be acceptable. My Ministers would have been anxious to settle the dispute by a fair compromise, but all the efforts made by the High Commission at Washington in that direction were unsuccessful.

Only possible settlement now seems to be arbitration. Venezuelan case offers almost identical precedent. Session here expected to close in two weeks, and my Ministers will be prepared immediately to send a Delegate to England to discuss the question.

---

No. 117.

*The Marquess of Salisbury to Mr. Tower.*

(No. 93.)

(Telegraphic.) P.

*Foreign Office, July 28, 1899.*

WITH reference to your telegram No. 61 of the 25th July, you should express to the United States' Government the regret of Her Majesty's Government that their efforts to arrange some compromise between the extreme claims in the matter of the Alaska boundary dispute have been met on the part of the United States by a large increase in their demands. Any further endeavour to settle a provisional boundary would appear to be futile unless the efforts of Her Majesty's Government to find a *via media* are seconded by the Government of the United States.

Had the United States' Government been ready to accept the compromise which you propose, I may inform you, confidentially, that the Secretary of State for the Colonies would have been prepared to urge the Dominion Government to give their assent to it.

---

No. 118.

*Mr. Tower to the Marquess of Salisbury.—(Received July 31.)*

(No. 210.)

My Lord,

*Washington, July 20, 1899.*

I HAVE the honour to report that, upon receipt of your Lordship's telegram No. 91 of yesterday's date, I had an interview with the United States' Secretary of State this morning, and explained to him, pointing to Sheet No. 18 of the survey made by the British Commission in 1892, the counter-proposal for a provisional

[1541]

X

line for the Alaska boundary as specified in the Earl of Minto's telegram of the 4th July.

I left with Mr. Hay a Memorandum giving the details of this proposal. Copy of my Memorandum is inclosed herewith. I also left the map at the Department for any alternative line which the United States may desire to suggest.

The Secretary of State promised to submit it without delay to the President, but remarked that the region in which the American miners are settled would be thereby left within Canadian jurisdiction. These settlements are on the Porcupine Creek, and lie north of the line as proposed by the Dominion Government.

I explained the objection entertained as to the River Klehini forming the boundary, particularly in the instance of a criminal being prosecuted, stating that, in view of the fact that the Dalton Trail crosses and recrosses the river, and that the river itself is split up into several channels, the boundary would appear to be too ill-defined to insure a satisfactory arrangement being arrived at. I added that all these objections would seem to be overcome by the line at present proposed, whereby the summits of the mountains are taken as easily-identified and well-marked bases.

Mr. Hay replied that he thought the bed of the river, even if varying in channel, was open to little objection, and that for a temporary arrangement it seemed unlikely, with a certain amount of good faith on both sides, for any question to arise on that head, though he admitted that the statement of the Dalton Trail crossing the stream was more serious.

He stated that he had yesterday had a prolonged interview with Senator Fairbanks, whose journey to Alaska I have previously reported. Mr. Fairbanks has just returned, having visited Dyca-Skagway, Juneau, and other ports, but not Pyramid Harbour. He has reported to the Department of State that the present situation is satisfactory in its outlook, and expressed himself optimistically on the results of his personal investigations.

Mr. Hay said that the report of Senator Fairbanks had relieved him from great anxiety as to the imminence of conflict with the miners in the disputed region, and this feeling was increased by the near approach of the cold season.

He said that this reassuring conviction was not likely to be disturbed by any repetition of alarmist reports from the Governor of Alaska, to whom a caution and reprimand had been sent on the subject of his former reports.

Mr. Hay is satisfied that the Canadian Government continue to display the greatest firmness in preventing the Canadian police from making any encroachments on the disputed territory.

I shall report further to your Lordship as soon as I may receive a reply from him to the proposal just made.

I have, &c.

(Signed) REGINALD TOWER.

---

**Inclosure in No. 118.**

*Counter-Proposal put forward by Her Majesty's Government for the line of a Provisional Boundary through the District at the Head of Chilkat Inlet.*

THE line to start from a summit situated approximately in 59° 18' latitude and 136° 16' longitude, and marked as "5700" on Sheet No. 18 of the survey made by the British Commission under the Convention of 1892; thence northerly to a summit in 59° 23' latitude and 136° 10' longitude, marked on the same sheet as "2800;" thence in a direct line to the junction of the Rivers Chilkat and Klehini; continuing thence for a distance of 4 miles, more or less, in the same line to the summit of the mountains bordering the valley of the Chilkat River on the north-east.

*Washington, July 20, 1899.*

---

No. 119.

*Colonial Office to Foreign Office.—(Received July 31.)*

(Confidential.)

Sir,

*Downing Street, July 29, 1899.*

I AM directed by the Secretary of State for the Colonies to transmit to you, for the information of the Marquess of Salisbury, with reference to the letter from your Department of the 28th instant, a paraphrase of a telegram to the Governor-General of Canada on the subject of the Alaska boundary question.

I am, &amp;c.

(Signed) EDWARD WINGFIELD.

Inclosure in No. 119.

*Mr. Chamberlain to Governor-General the Earl of Minto.*

(Telegraphic.) P.

*Downing Street, July 28, 1899.*

WIEN may we expect arrival of Delegate who is to discuss the Alaska boundary question with us?

Please arrange to send him as soon as possible.

No. 120.

*Colonial Office to Foreign Office.—(Received August 2.)*

(Confidential.)

Sir,

*Downing Street, August 2, 1899.*

I AM directed by the Secretary of State for the Colonies to transmit to you, for the information of the Marquess of Salisbury, with reference to the letter from this Department of the 29th instant, a copy of a telegram from the Earl of Minto on the subject of the Alaska boundary negotiations.

I am, &amp;c.

(Signed) EDWARD WINGFIELD.

Inclosure in No. 120.

*Governor-General the Earl of Minto to Mr. Chamberlain.*

(Confidential.)

(Telegraphic.) P.

*[Received July 29, 1899, 7:9 P.M.]*

REFERRING to your telegram of the 28th instant, I learn from Premier that he will arrange for the departure of a Delegate before the 15th proximo.

No. 121.

*The Marquess of Salisbury to Mr. Tower.*

(No. 182. Confidential.)

Sir,

*Foreign Office, August 2, 1899.*

THE United States' Ambassador called upon me to-day in order to discuss the proposal recorded in my note to his Excellency of the 1st ultimo, that the Alaska boundary question should be submitted to arbitration, and that the Treaty of Arbitration adopted between Great Britain and Venezuela should be applied to the determination of the present case.

Mr. Choate said that this proposal was being attentively considered by his Government, but that on several grounds, which he proceeded to explain to me, the President felt unable to assent to the proposal as it stood, and desired a further exchange of views before formally responding to my communication.

As the question of the organization of the proposed Arbitral Commission is subordinate to that concerning the subject-matter to be arbitrated, and the terms and conditions on which its action is limited, and ought easily to be agreed upon when the latter are once settled, Mr. Choate said he would confine what he had to say to some of the reasons which, in the President's judgment, make the terms of the Venezuelan Treaty, as it stands, wholly inapplicable to the present subject of controversy, in which the issues involved are radically different.

The case of the Alaska boundary was, his Excellency said, entirely unlike the controversy with Venezuela, in that it was a new question, raised for the first time after the Joint High Commission had been agreed upon, up to which date the claim which it was now asked should be submitted to arbitration had never been put forward either by Great Britain or by Canada; whereas, in the case of Venezuela, the controversy originated a century and a half ago, and had been in its entirety a subject of dispute and protest for sixty years.

The coast-line of the mainland (the *lisière* of the Treaty), including the inlets, had been in the possession or under the control of Russia and the United States since the Treaty between Russia and Great Britain in 1825, and the Settlements on the inlets, especially those about the head of the Lynn Canal, had been made with the authority and under the jurisdiction of the United States without any protest or claim of territorial ownership on the part of Great Britain; whereas, in the Venezuelan case, the British occupation and Settlements involved were upon territory claimed by Venezuela and against the constant protests of Venezuela, thus constituting, as Venezuela alleges, a series of advancing encroachments upon what that country claimed to be her territory.

In support of the proposition that from the Treaty of 1825 to the cession to the United States in 1867 the Russian Government steadily maintained its claim to a strip of territory 30 miles in width on the mainland of the continent, beginning at 50° 40' and extending north-west around all the inlets and interior waters to the 141st degree of west longitude, his Excellency called attention to the maps issued by the Russian Government to its lease or licence, contained in the Treaty with the United States of 1824, for the citizens of the latter to frequent with their ships, for ten years, "the interior seas, gulfs, harbours, and creeks upon the coast" for the purpose of fishing and trading with the natives, and to Russia's refusal in 1835 to renew the privilege.

During the whole period of Russia's occupation of this strip of territory, Great Britain had, Mr. Choate said, made no claim to it, and entered no protest; on the contrary, there were acts on her part of express recognition of the claim of Russia. By the Treaty of 1825 she took from Russia the same privilege for British subjects to frequent the same inland seas, gulfs, harbours, and creeks for ten years, as had been granted to American citizens by the Treaty of 1824, and, after the expiration of the ten years' privileges, British subjects and vessels were excluded from these interior waters, and the British Government acquiesced in this without a protest.

In the same connection his Excellency called attention to the case of the "Dryad," where the British Government presented and pressed upon the Russian Government a claim of the Hudson Bay Company for damages sustained by the detention of the vessel destined for some point on the Stikine River, which resulted in the Hudson Bay Company taking in 1830 a lease from the Russian-American Company (these two Companies representing their respective Governments in the control of the country along the north-west coast) of the strip of territory, or *lisière* of the Treaty, for ten years in consideration of an annual rent and the extinction of the claim. This lease was made with the authority and approval of the two Governments. The Hudson Bay Company entered and occupied under it for the term of the lease, and for an extension of another term, and then surrendered possession without objection or protest from any one.

Mr. Choate also called my attention to the special Parliamentary inquiry into this transaction in 1857, to the map submitted to the Committee, and to the testimony of the Governor of the Hudson Bay Company, showing the strip leased to have been 30 miles in width, and to extend around the head of all the inlets, including Lynn Canal.

In the opinion of the President the action of the two Governments during Russia's occupation of the strip of territory now in controversy makes a wholly different condition of affairs from that between Great Britain and Venezuela, and this difference has been maintained and made more distinct since the cession by Russia to the United States.



185

In support of this his Excellency called my attention to the map prepared and published by the United States in 1867 which delimited the boundary, and which traced the limits of the strip on the mainland in accordance with the uniform claim which Russia had made. Not only was no protest made against this map by the British Government, but the British map publishers and the Canadian Government had adopted the same boundary-line in their publications. And, in accordance with this delimitation, the United States had, he said, exercised acts of sovereignty—such as control of Indian tribes, establishment of post-offices and schools, and the policing of the waters of the inlets by Government vessels, and the enforcement of revenue and other Federal laws.

Mr. Choate then called attention to the fact that, up to a very recent period, the boundary-line has only twice been the subject of correspondence or discussion between our two Governments: first, in 1873-74, when there was a movement for having the boundary-line marked by a Commission of scientific experts, and it was then understood that the boundary-line crossed the Rivers Skoot, Stikine, Taku, Islecat, and Chilcat at some place above the point where they respectively empty into the inlets of the ocean, and, shortly after that, when there was some question as to where the boundary crossed the Stikine.

His Excellency referred incidentally to the case of Peter Martin, 1877, the correspondence in respect to which appears in "Foreign Relations of the United States, 1877," pp. 266-271, and to the Provisional Agreement for Customs purposes in 1878, the correspondence in respect to which appears in "Foreign Relations of the United States, 1878," pp. 339-346.

The slight conflict of jurisdiction in the vicinity of Lake Lindeman, shortly after the discovery of gold in the Yukon district, seemed, he said, to have but little bearing, as it related to territory between Lake Lindeman and the White Pass.

It appeared clear that not until after the Joint High Commission was created (30th May, 1898) did either Great Britain or Canada ever advance the claim to any portion of territory lying adjacent to the inlets of the ocean, nor to the waters thereof; nor had they objected to the occupation of the same by the Government of the United States or its citizens, and at no time had any part of the territory so lately put in dispute been held or occupied by Canadian or British authorities.

The towns, settlements, and industries about the head of Lynn Canal and the other inlets embraced in this strip of territory having been established under these circumstances, a wholly different situation had, in the opinion of the President, been created in regard to them from that involved in the Venezuela Case, so utterly different that the Government of the United States would feel that it was not properly guarding the rights of its citizens if it should consent to put these settlements in peril by applying to them the terms of the Venezuela Treaty, which was designed for a wholly different state of affairs; nor would the President feel justified in submitting the questions involved to any arbitration unless United States' settlements, made in good faith before this new claim was presented on the part of Canada, were expressly exempted from its operation.

Mr. Choate further called attention to a material difference between the questions to be decided by the two Tribunals: In the one case, the disputed interpretation of a Treaty definition of a boundary-line, in a Treaty made seventy-four years ago, and remaining undisputed through the long period of the Russian occupancy and administration of the *lisière*, and through nearly all the time that the territory had been held by the United States under the cession from Russia, and only very lately brought in question; in this case the interpretation was to be made in the light of prior and subsequent historical facts of occupation, administration, and recognition and of the acts and omissions of the parties concerned. Here, while the question of actual settlement and administration is collateral to the main subject of arbitration, and, being of great importance, is rightly to be guarded by the distinct understanding suggested by the President, it is not, as in the Venezuelan case, the essential point directly at issue. In the other case, the controversy rested, he said, not upon the interpretation of any such Treaty definition of the boundary-line, but essentially upon the historical facts of occupancy and possession, out of which the Arbitrators were to determine the boundary-line in conformity to the rules prescribed to them.

The proposal of Her Majesty's Government for an arbitration would, Mr. Choate said, be entertained by the President with that earnest consideration which its importance and the high source from which it came deserved; and having thus laid before me Mr. McKinley's reasons for his judgment, that the two cases are radically different, and the terms of the Venezuelan Treaty, as it stands, are utterly inapplicable to the

present case, he was instructed to express the opinion of the President that it would be wise, at this stage of the negotiation, to have a comparison of views, and to state that he would be much gratified if I would give my views in return upon the matter now presented, and would communicate the grounds upon which Her Majesty's Government base their opinion, that "there is nothing in the Venezuelan Treaty which is inapplicable or which would be inconsistent with an equitable solution of the Alaska controversy."

Mr. McKinley hoped that, when the conflicting views of the parties were thus disclosed, they might, perhaps, be reconciled or adjusted by mutual concession, and that the way might thus be paved for an ultimate agreement.

I am, &c.  
(Signed) SALISBURY.

No. 122.

*Mr. Tower to the Marquess of Salisbury.—(Received August 5.)*

(No. 218.)  
My Lord,

Washington, July 25, 1890.

WITH reference to my despatch No. 210 of the 20th instant, I have the honour to report that, on the 22nd instant, I had a further conversation with Mr. Hay on the subject of the last Canadian proposal for a provisional boundary-line. I referred to the objections he had made on the 20th instant, as reported in my above-mentioned despatch, and requested him to show me on sheet No. 18 of the Survey made by the British Commission in 1892 in what precise locality the American miners were settled. He pointed to the Porcupine Creek which flows into the Klehini River at about 136° 17' longitude and 59° 27' latitude.

In this creek, he said, all or nearly all were American miners, and he failed to understand the insistence of the Dominion Government to exercise control over a region peopled by aliens, whose determination to live under the "Stars and Stripes" had been so vigorously asserted. He repeated that an arrangement on such lines was likely to entail serious embarrassments on the Canadian Government, in view of any possible resistance on the part of the miners to the Dominion police. He added that, so far as his information went, the creek running south-east into the Klehini, the junction of which is to the east of the Porcupine, also contains a large number of Americans, and that he felt that their interests must also be considered.

I asked him whether, in view of these opinions, he would be prepared to submit to me a counter-proposal, tracing on the map an alternative line which would meet the requirements and wishes of the United States' Government.

He thanked me for the suggestion, and expressed his opinion that such a course would be more expeditious than a bare refusal to entertain the Canadian proposal.

On the 24th instant, Mr. Hay returned to me sheet No. 18, which I had left with him with a line traced in red ink, marking the boundary as follows:—

Starting from the west, the line to be drawn from the peak marked 5490 (H in the Canadian Proposal) to the junction of the Klehini and Chilkat Rivers (G), thence diverging in a north-westerly direction to the summit marked 6350, the Chilkat Peak, thence in a west-south-westerly direction to the peak 4525, and continuing due west to the peak 5800.

In the Memorandum which accompanied the map, Mr. Hay stated that "there is no line to the south of the Klehini (or Klehini), but will violate the very intention of the entire negotiation by placing a large number of Americans under Canadian jurisdiction," and was inclined to agree with the opinion of the Canadian Government that the line of the River Klehini was difficult if not wholly impracticable to define. He added that there remained no other alternative but "to take the most convenient series of hills on the north of the Klehini and draw a line through them and through the junction of the Chilkat and Klehini and thence to the range on the east."

Mr. Hay further stated that, should the fact of the proposed line lying to the north of the one formerly suggested by him present an insuperable objection to the acceptance of the line by Her Majesty's Government, the United States' Government would "fall back on the river and make the best of that inconvenient and unsatisfactory line."

I inclose a copy of Mr. Hay's Memorandum herewith.

On receipt of this document I called yesterday at the Department of State, and told Mr. Hay that I had only been authorized by your Lordship to ask him to indicate how he would propose to draw the provisional line so as to include within American jurisdiction the settlements of American miners, to which he laid claim, but felt that it was hardly possible to expect that Her Majesty's Government would seriously entertain the line now proposed, which was drawn so far north of that previously suggested by himself. He admitted the force of this argument, and said that he regretted that the want of accurate information had alone actuated him in proposing the river as a boundary. The only satisfactory line would be such a one as that he now indicated.

I thought it my duty to endeavour to dissuade him from this counter-proposal, and pointed out to him the principal points raised in the letter from the Colonial Office to the Foreign Office of the 30th June (see Alaska Boundary, Confidential Print, July 1, section 1), viz., that the boundary-line laid down by the Treaty of 1825 is one parallel to the coast, and that, for the purpose of a provisional line, the shores of the Lynn Canal have been accepted. I followed, therefore, that the line should be generally parallel to the shores of that channel.

In view of the insuperable objections raised by Mr. Hay to any proposal which would include the Porcupine Creek within Canadian jurisdiction, I took upon myself, though clearly reminding him that I had no authority whatever for doing so, to suggest a possible compromise by which the Canadian line marked H G F should terminate at the peak to the west marked 6500, and still leave the entire Porcupine Creek within United States' jurisdiction. This, I suggested, might be accomplished by drawing the line from the peak 2800 (E), on the eastern watershed of the Porcupine Creek to the junction of that creek with the Klehini, in a nearly northerly direction; thence in a south-westerly direction to the peak 6500. The wedge thus formed would include the entire Porcupine mining settlement in United States' jurisdiction.

Mr. Hay carefully examined the map, and foresaw objections to this plan on the ground that: (1) it would be difficult to determine the extent of territory which should belong to either country on the banks of the Porcupine Creek; and (2) that the question of the ingress and egress to the creek by American miners might be fraught with difficulty. He also was most unwilling to consider favourably a scheme which would cede so large a portion of the Dalton Trail, about which, he said, the strongest representations had been made to him.

After renewed examination of the map, and a further consideration of various schemes which appeared to present possibilities, Mr. Hay finally agreed to modify his proposal as follows:—

Starting from the peak to westward 5490 (as in the former proposal), the line to be drawn to the junction of the Rivers Klehini and Chilkat, thence in a west-north-westerly direction (to the north of the Klehini) to the peak marked 5025; thence south-east to the peak marked 6500, crossing the River Klehini a little above its junction with the Porcupine Creek.

Although objections to this amended proposal are sufficiently obvious, it appeared to me far less unsatisfactory than the original line drawn by Mr. Hay on the 24th instant, and I accordingly communicated it to your Lordship in my telegram No. 61 of yesterday's date.

I annex to this despatch the map, with Mr. Hay's first line marked in red ink, and his modified proposal traced in a dotted black line.

I have, &c.  
(Signed.) REGINALD TOWER.

Inclosure in No. 122.

Memorandum.

THE Secretary of State, at the invitation of the British Government, has indicated on the accompanying map what is, in his opinion, the best line for a *modus vivendi* in the region of the Klehini River. But as this line diverges a little from that formerly suggested by the Secretary of State, he feels a word of explanation is required.

The Secretary of State proposed the junction of the Chilkat and Klehini Rivers as a convenient point for a temporary dividing line between the American and British

jurisdictions, pending the negotiation between these two Governments as to the permanent boundary; and, as the thoroughfare through that region is the Dalton Trail, he thought it expedient to mark the point on that trail when it crosses the river. The British Government has shown with great force that this latter point was too vague, and that the bank of the river from its mouth to where it is crossed by the trail, was almost impossible to define, owing to the shifting of the channel and the changes in its course. They, therefore, proposed a line across the valley from certain mountains lying to the south-west, through the junction of the Chilkat and the Tlehini to the mountains on the north-east. But this threw under British jurisdiction a large number of Americans, who are at work along the banks of Poreupine Creek, from whom it was not advisable for the American Government to withdraw its protection; and in whose interest this Government has been constantly acting.

Mr. Tower, by direction of his Government, now asks that the Secretary of State shall indicate on the accompanying map the line which, in the judgment of the American Government, will be most appropriate for the purpose designed.

There is no line to the south of the Tlehini, but will violate the very intention of the entire negotiation by placing a large number of Americans under Canadian jurisdiction. The line of the River Tlehini is shown by the British and Canadian representation to be difficult, if not wholly impracticable to define, an opinion in which the Secretary of State after fuller information and more careful study of the facts, is inclined to agree. There is, therefore, no other alternative than to take the most convenient series of hills on the north of the Tlehini and draw the line through them, and through the junction of the Chilkat and Tlehini and then to the range on the east.

It is true that this line is a short distance north of the one formerly suggested by the Secretary of State. If this fact presents an insuperable objection to the acceptance of the line by the British Government, the Secretary of State will not insist upon it, but will fall back to the river and make the best of that inconvenient and unsatisfactory line; providing in that case, that the Americans on the Poreupine Creek shall have the means of free ingress and egress by crossing and recrossing the river. But, in view of the fact that there are many Americans both north and south of the river, and, so far as is known, no British subjects south of the line now indicated on the map, it is hoped that it may be considered convenient by Her Majesty's Government to adopt this line as a temporary arrangement, without prejudice to the claims of either Government.

In any case, the Secretary of State renews his confident hope that whatever arrangement is made, the citizens or subjects of either Power who may thereby be found in the jurisdiction of the other may have the same rights and privileges which they now enjoy.

*Department of State, Washington,  
July 24, 1899.*

---

No. 123.

*Mr. Tower to the Marquess of Salisbury.—(Received August 5.)*

(No. 223.)

My Lord,

*Newport, Rhode Island, July 28, 1899.*

MR. HAY spoke to me on the 26th instant on the subject of the Alaskan boundary in a more hopeful tone than he has adopted during the last three months.

He said that your Lordship's proposal as to the lease of a port had engaged his almost exclusive attention during the last few days, and that he had been conferring with Senator Fairbanks, Mr. Kasson, and General Foster, the members of the Joint High Commission who were within reach.

Mr. Hay said he thought the prospects of a satisfactory arrangement were promising, and trusted that the way would be rendered still easier by the acceptance by Her Majesty's Government of a provisional line in the sense of our conversation of the 24th instant, as reported in my despatch No. 218.

The press has been on the whole favourable to the scheme of leasing a port on the Lynn Canal, in so far as the information divulged to them has enabled them to form an opinion. I inclose herewith a leading article from the "New York Tribune" of yesterday's date, as a fair example of this public feeling.

The President left Washington for his summer vacation on the 26th instant, and the Secretary of State proposes starting for his country home shortly.

This may be taken as a proof that the Administration feels relieved of the acute tension which prevailed with regard to the Alaska boundary question.

I have, &c.

(Signed) REGINALD TOWER.

Inclosure in No. 123.

*Extract from the "New York Tribune" of July 27, 1899.*

**A PORT ON LYNN CANAL.**—The latest statements concerning the Alaska boundary serve somewhat to clear the air. The Joint High Commission is apparently not to resume its sessions at the appointed time next Wednesday. That is much to be regretted. But regret is tempered by the assurance that direct negotiations between the British and American Governments on the boundary matter are proceeding much more hopefully than has been commonly supposed, and that a settlement, at least tentative, is probably near at hand. If such a settlement be effected, there will be no reason why the Commission should not resume and complete its work. The exact character of the settlement to be made is, naturally and properly, not yet disclosed. Despite the urgings of some latter day iconoclasts, diplomacy is not always best conducted in town meeting. The men responsible for the negotiations are keeping their own counsel, and will let the public know what is proposed when the fitting time comes. Until then the public is willing to wait in patience. So far as the trend of negotiations has been disclosed, however, some positive opinions are held in the United States.

The crux of the situation is Canada's desire and demand for access to tidewater across the Alaska panhandle. She wants a port on Lynn Canal, and a strip of country extending from it to the interior. The United States, on the other hand, claims to own all the panhandle and all its tidewater ports, down to Portland Canal. Last winter, before the Joint High Commission, Canada demanded the outright cession of such a port and the United States refused it. The United States offered to lease Canada such a port for a nominal consideration, and Canada refused it. So the matter stood when the Commission adjourned. Now it is reported that the offer of the United States has been renewed, and there is said to be reason to think that Canada will accept it. If she has the chance she will be fortunate. The fact is that our Government went to great lengths in offering to lease a port to Canada, in view of our absolute rights and the possible effect on public opinion of such an offer, and it may be seriously questioned whether the offer, having been rejected, should be renewed. But if it has been renewed it must be borne in mind that the offer is that of a lease, with sovereignty remaining with the United States, and not, as an Ottawa despatch calls it, that of cession of a port. It is the offer of the United States of last winter renewed, not a granting of the Canadian demand of last winter. The practical effect of the one would be the same as that of the other, so far as travel and transportation to the Klondike are concerned. But in principle there is a radical difference between the two.

The leasing of a port, even though it were for a thousand years at a cent a-year, would still leave the sovereignty with the United States, and thus would uphold the claim of the United States to ownership of the entire coast. The cession of a port to Canada would be taken to imply that Canada had a right to the ownership of that port. And if she had a right to cross our strip and come down to tidewater at Dyea she might claim a similar right at Juneau, and all along the line, until she had crowded the United States off altogether. It is by no means beyond belief that some of her politicians had precisely that in mind when they put forward the claim for cession of Dyea and Skagway, or at least of Pyramid Harbour. Had the United States acceded to that demand we might next day have heard Canadians saying: "You admit that we own the coast there. How, then, can you deny that we own it elsewhere? If the 10 leagues of the Treaty are to be measured from the outside of the islands at that point, why should they not be thus measured at all points?"

The United States is not thus to be trapped. If it can afford, for the sake of being neighbourly and of helping on the less favoured Dominion, to grant important

privileges at Lynn Canal, it must be clearly understood that it does so as a voluntary concession, and without in the slightest degree waiving the rights of sovereignty on the whole coast, down to Portland Canal. The United States is in possession, and believes itself to be rightfully so. Certainly it is not to be ousted by any ill-advised talk of war by Ottawa politicians.

## No. 124.

*Mr. Tower to the Marquess of Salisbury.—(Received August 6.)*

(No. 63.)

(Telegraphic.) P.

*Newport, Rhode Island, August 6, 1899.*

I DULY communicated to the United States' Secretary of State the contents of your Lordship's telegram No. 93 of the 28th July.

Mr. Hay has addressed to me a note in reply, in which, while regretting the view taken by Her Majesty's Government of his latest proposal, he expresses the hope that they will not permanently retain the impression that it involves a considerable increase on the original demands of the United States.

He now renews the proposal to draw the line from the Peak 6500 west of Porcupine Creek across the Klehini to Peak 5025, and thence to the junction of the Klehini and the Chilcat.

By this arrangement many American citizens would still be left under Canadian jurisdiction.

Mr. Hay earnestly trusts that this proposal may prove acceptable to Her Majesty's Government; but, should this not be the case, he makes an alternative proposal to draw the line from Peak 6500 in the direction of Peak 5025 as far as its intersection with the Klehini, and thence to follow the course of the river up to its junction with the Chilcat, as formerly proposed by the United States' Government.

I am sending a copy of Mr. Hay's note by next mail.

## No. 125.

*Mr. Choate to the Marquess of Salisbury.—(Received August 9.)*

My dear Lord Salisbury,

*American Embassy, London, August 9, 1899.*

TO aid your Lordship in the consideration which you may give to the subject of our protracted conversation on Wednesday last, I have the honour to submit, in writing, the substance of what I undertook to say as to the reasons which prevent the President from assenting to the proposal that the Venezuela Treaty, as it stands, shall be applied to the determination of the Alaska boundary, and in respect to which he desires an exchange of views before formally responding to your Lordship's proposal, contained in your note of the 1st July ultimo.

As the question of the organization of the proposed Arbitral Commission is subordinate to that concerning the subject-matter to be arbitrated, and the terms and conditions on which its action is limited, and ought easily to be agreed upon when the latter are once settled, I confined what I had to say to some of the reasons which, in the President's judgment, make the terms of the Venezuela Treaty, as it stands, wholly inapplicable to the present subject of controversy, in which the issues involved are radically different.

This is entirely unlike the controversy with Venezuela, in that it is a new question, raised for the first time after the Joint High Commission had been agreed upon; up to which date the claim had never been put forward, either by Great Britain or Canada, which it is now asked shall be submitted to arbitration. Whereas, in the case of Venezuela, the controversy originated a century and a-half ago, and had been in its entirety a subject of dispute and protest for sixty years.

The coast-line of the mainland (the *lisière* of the Treaty), including the inlets, had been in the possession or under the control of Russia and the United States since the Treaty between Russia and Great Britain in 1825—and the settlements on the inlets, especially those about the head of the Lynn Canal, have been made with the authority and under the jurisdiction of the United States, without any protest or claim of

territorial ownership on the part of Great Britain—whereas, in the Venezuela case, the British occupation and settlements involved were upon territory claimed by Venezuela and against the constant protest of Venezuela; thus constituting, as Venezuela alleges, a series of advancing encroachments upon what that country claimed to be her territory.

In support of the proposition that, from the Treaty of 1825 to the cession to the United States in 1867, the Russian Government steadily maintained its claim to a strip of territory 30 miles in width on the mainland of the continent, beginning at 54° 40' and extending north-west around all the inlets and interior waters to the 141st degree of west longitude. I called attention to the maps issued by the Russian Government, to its lease or licence, contained in the Treaty with the United States of 1824, for the citizens of the latter to frequent with their ships for ten years "the interior seas, gulfs, harbours, and creeks upon the coast" for the purpose of fishing and trading with the natives, and to Russia's refusal in 1835 to renew the privilege.

During the whole period of Russia's occupation of this strip of territory Great Britain made no claim to it, and entered no protest; on the contrary, there were acts on her part of express recognition of the claim of Russia. By the Treaty of 1825 she took from Russia the same privilege for British subjects to frequent the same inland seas, gulfs, harbours, and creeks for ten years, as had been granted to American citizens by the Treaty of 1824, and, after the expiration of the ten years' privileges, British subjects and vessels were excluded from these interior waters, and the British Government acquiesced in this without a protest.

In the same connection, I called attention to the case of the "Dryad," where the British Government presented and pressed upon the Russian Government a claim of the Hudson's Bay Company for damages sustained by the detention of the vessel, destined for some point on the Stikine River, which resulted in the Hudson's Bay Company taking in 1839 a lease from the Russian-American Company (these two Companies representing their respective Governments in the control of the country along the north-west coast) of the strip of territory, or *lisière* of the Treaty, for ten years, in consideration of an annual rent and the extinction of the claim.

This lease was made with the authority and approval of the two Governments. The Hudson's Bay Company entered and occupied under it for the term of the lease, and for an extension of another term, and then surrendered possession without objection or protest from any one.

I also called your Lordship's attention to the special Parliamentary inquiry into this transaction in 1857, and to the map submitted to the Committee, and to the testimony of the Governor of the Hudson's Bay Company, showing the strip leased to have been 30 miles in width, and to extend around the head of all the inlets, including Lynn Canal.

In the opinion of the President, the action of the two Governments during Russia's occupation of the strip of territory now in controversy makes a wholly different condition of affairs from that between Great Britain and Venezuela, and this difference has been maintained and made more distinct since the cession by Russia to the United States.

In support of this, I called your Lordship's attention to the map prepared and published by the United States in 1867, which delimited the boundary, and which traced the limits of the strip on the mainland, in accordance with the uniform claim which Russia had made. Not only was no protest made against this map by the British Government, but the British map publishers and the Canadian Government adopted the same boundary-line in their publications; and, in accordance with this delimitation, the United States have exercised, as I stated to your Lordship, acts of sovereignty, such as control of Indian tribes, establishment of post offices and schools, and the policing of the waters of the inlets by Government vessels, and the enforcement of revenue and other Federal laws.

I called your Lordship's attention to the fact that, up to a very recent period, the boundary-line has only twice been the subject of correspondence or discussion between our two Governments—first, in 1873-74, when there was a movement for having the boundary-line marked by a Commission of scientific experts (and it was then understood that the boundary-line crossed the Rivers Skoot, Stikine, Taku, Isleat, and Chilcat at some place above the point where they respectively empty into the inlets of the ocean); and, shortly after that, when there was some question as to where the boundary crossed the Stikine.

I referred incidentally to the case of Peter Martin in 1877, the correspondence in respect to which appears in "Foreign Relations of the United States, 1877,"



pp. 260-271, and to the provisional Agreement for Customs purposes in 1878, the correspondence in respect to which appears in "Foreign Relations of the United States, 1878," pp. 339, 346-7. The slight conflict of jurisdiction in the vicinity of Lake Lindeman, shortly after the discovery of gold in the Yukon district, seems to have but little bearing, as it related to territory between Lake Lindeman and the White Pass.

It appears clearly that not until after the Joint High Commission was created, 30th May, 1898, did either Great Britain or Canada ever advance the claim to any portion of territory lying adjacent to the inlets of the ocean, nor to the waters thereof, nor have they objected to the occupation of the same by the Government of the United States or its citizens, and at no time has any part of the territory, so lately put in dispute, been held or occupied by Canadian or British authorities.

The towns, settlements, and industries about the head of Lynn Canal and the other inlets embraced in this strip of territory, having been established under these circumstances—a wholly different situation has been created in regard to them from that involved in the Venezuela Case, so utterly different that the Government of the United States would feel that it was not properly guarding the rights of its citizens if it should consent to put these settlements in peril by applying to them the terms of the Venezuela Treaty, which was designed for a wholly different state of affairs; nor would the President feel justified in submitting the questions involved to any arbitration, unless our settlements—made in good faith before this new claim was presented on the part of Canada—were expressly exempted from its operation.

I also called your Lordship's attention to a material difference between the questions to be decided by the two Tribunals; in the one case, the disputed interpretation of a Treaty definition of a boundary-line in a Treaty made seventy-four years ago, and remaining undisputed through the long period of the Russian occupancy and administration of the *lisière*, and through nearly all the time that the territory has been held by the United States under the cession from Russia, and only very lately brought in question. In this case the interpretation is to be made in the light of prior and subsequent historical facts of occupation, administration, and recognition, and of the acts and omissions of the parties concerned. Here, while the question of actual settlement and administration is collateral to the main subject of arbitration and, being of great importance, is rightly to be guarded by the distinct understanding suggested by the President, it is not, as in the Venezuela case, the essential point directly at issue. In the other case the controversy rested, not upon the interpretation of any such Treaty definition of the boundary-line, but essentially upon the historical facts of occupancy and possession, out of which the Arbitrators were to determine the boundary-line in conformity to the rules prescribed to them.

Your Lordship's proposal for an arbitration will be entertained by the President with that earnest consideration which its importance, and the high source from which it comes, deserves—and having thus laid before your Lordship reasons for his judgment, that the two cases are radically different, and the terms of the Venezuela Treaty, as it stands, are utterly inapplicable to the present case, he thinks it would be wise, at this stage of the negotiation, to have a comparison of views—and would be much gratified if your Lordship would give your views in return upon the matter now presented, and would communicate the grounds upon which your Lordship bases the opinion that "there is nothing in the Venezuela Treaty which is inapplicable, or which would be inconsistent with an equitable solution of the Alaska controversy."

When the conflicting views of the parties are thus dislosed, they may, perhaps, be reconciled or adjusted by mutual concessions, and so may the way be paved for an ultimate agreement.

I remain, &c.

(Signed) JOSEPH H. CHOATE.

No. 126.

Colonial Office to Foreign Office.—(Received August 11.)

Sir,

Downing Street, August 10, 1899.

I AM directed by the Secretary of State for the Colonies to transmit to you, for the information of the Marquess of Salisbury, with reference to your letter of the 7th instant on the subject of the Provisional Alaska Boundary, a paraphrase of a



telegram which he has addressed to the Governor-General of Canada, after causing the concurrence of the Foreign Office to be obtained unofficially.

I am, &c.  
(Signed) C. P. LUCAS.

---

Inclosure in No. 126.

*Mr. Chamberlain to Governor-General the Earl of Minto.*

(Telegraphic.) P.

*Colonial Office, August 9, 1899.*

PROVISIONAL boundary on Dalton Trail. United States' Government propose a line starting from peak marked 5490, going west to junction of Chilcat and Klehini Rivers, thence north of Klehini in a west-north-westerly direction to peak marked 5025, and thence south-west, crossing Klehini at a point just above Porcupine Creek, to summit marked 6500. It is maintained that many Americans would be left under Canadian jurisdiction if this line were adopted.

Her Majesty's Government having objected to this proposal, it is suggested by the United States' Secretary of State, that the line might be drawn from the peak marked 6500 in the direction of the one marked 5025, but that it should stop at the Klehini and follow its course to its junction with the Chilcat, as in the former proposal made by the United States' Government. It is said that this is necessary in order to secure to Americans access to mine-workings on the south bank of the Klehini.

This last proposal, which appears to be only a recognition of the *status quo* should, in the opinion of Her Majesty's Government be accepted, subject to the provisional line being marked by beacons from the junction of the rivers to Porcupine Creek. I hope that your Ministers will acquiesce in order that the way for a discussion of the basis for a permanent settlement may be cleared.

---

No. 127.

*Mr. Tower to the Marquess of Salisbury.—(Received August 14.)*

(No. 225.)

My Lord,

*Newport, Rhode Island, July 29, 1899.*

UPON receipt of your Lordship's telegram No. 93 of yesterday's date, I addressed a note this day to the United States' Secretary of State, in compliance with your Lordship's instructions, expressing the regret of Her Majesty's Government that their endeavour to ascertain whether some compromise could not be arranged by direct negotiation between the two Governments has led to a considerable increase in the demands of the United States.

I added that, unless the Government of the United States are prepared to second the efforts of that of Her Majesty to find a *via media*, it would appear to be impossible to make any further attempt to determine a provisional boundary-line.

I thought it well to recapitulate in my note, copy of which is herewith inclosed:—

1. The first counter-proposal made by Mr. Hay;
2. My own alternative proposal, including within United States' jurisdiction the whole of the Porcupine Creek, and otherwise preserving the main portion of the last Canadian proposal, marked "H.G.F." in the map sent by the Earl of Minto on the 4th instant; and
3. The final proposal made by Mr. Hay, as reported at the end of my despatch No. 218 of the 25th instant.

I have, &c.  
(Signed) REGINALD TOWER.

194

Inclosure in No. 127.

Mr. Tower to Mr. Hay.

Sir, I HAVE the honour to inform you that I communicated to the Marquess of Salisbury by telegraph the contents of the Memorandum addressed to this Embassy on the 24th instant, and reported the line indicated by you on the map as being the most appropriate for the provisional Alaskan boundary.

Accompanying this Memorandum you returned to me sheets Nos. 17 and 18 of the survey made by the British Commission in 1892, with a line marked in red ink, which, in the judgment of the United States' Government, would meet the requirements of the case, in view of the alleged settlements of American miners on the banks of the Porcupine Creek.

This line was drawn as follows:—

Starting from peak marked 5490 (to the westward), the line to be drawn to the junction of the Rivers Klehini and Chilkat, thence diverging in a north-westerly direction to the summit marked 6380, the Chilkat Peak; thence in a west-south-westerly direction to the peak 4525, and continuing due west to the peak 5800.

In your Memorandum you stated that "it is true that this line lies a short distance north of the one formerly suggested by the Secretary of State. If this fact presents an insuperable objection to the acceptance of this line by the British Government, the Secretary of State will not insist upon it, but will fall back to the river, and make the best of that inconvenient and unsatisfactory line."

During our subsequent conversation of the 24th instant you were courteous enough to admit that it could hardly be expected that Her Majesty's Government would accept the line as above specified, and I thereupon made an alternative suggestion to you, on my own personal initiative, as a possible compromise between the claims advanced on either side. This, as you will recollect, was as follows:—

Starting from the westward, the line to be drawn, as in the last proposal made by Her Majesty's Government, from the peak marked 5490 to the junction of the Rivers Klehini and Chilkat; thence producing that line (to the south of the Klehini) to the peak marked 2800; thence nearly north to the junction of the Porcupine Creek and the Klehini River; thence in a south-westerly direction to the summit marked 6500.

The above appeared to me a fair and reasonable compromise, including, as it did, within United States' jurisdiction the whole of the Porcupine Creek, with its settlements of American miners, and yet preserving that portion of the British proposal marked on the map which accompanied my Memorandum of the 20th instant as "H.G.F.," viz., from the peak marked 5490 through the junction of the rivers to the peak 2800.

You expressed your unwillingness to agree to my suggestion on the following grounds:—

1. It would be difficult to determine the extent of territory which should belong to either country on the banks of the Porcupine Creek.
2. That the question of the ingress or egress to the creek by American miners might be fraught with difficulty.
3. That a large portion of the Dalton Trail would be thus relinquished by the United States.

I am now in receipt of a telegraphic reply from the Marquess of Salisbury, in which his Lordship directs me to express the regret of Her Majesty's Government that their endeavour to ascertain whether some compromise could not be arranged by direct negotiation between us has led to a considerable increase in the demands made by the United States.

I am to state that, unless the Government of the United States are prepared to second the efforts of that of Her Majesty to find a *via media*, it would appear to be impossible to make any further attempt to determine a provisional boundary-line.

I have, &c.

(Signed) REGINALD TOWER.

(Cor  
Sir  
the i  
Dep  
subj  
boun  
  
(Con  
(Tel  
is to  
to th  
  
(No.  
My I  
provi  
whic  
Maj  
sure  
attit  
west  
Kle  
cons  
any  
leve  
the t  
fair  
earn  
in th  
with  
Uni  
Nos  
ho n  
supp

No. 128.

*Colonial Office to Foreign Office.—(Received August 16.)*

(Confidential.)

Sir,

*Downing Street, August 15, 1899.*

I AM directed by the Secretary of State for the Colonies to transmit to you, for the information of the Marquess of Salisbury, with reference to the letter from this Department of the 2nd instant, a copy of a telegram from the Earl of Minto on the subject of the date of the departure from Canada of a Delegate to discuss the Alaska boundary question.

I am, &amp;c.

(Signed) EDWARD WINGFIELD.

Inclosure in No. 128.

*Governor-General the Earl of Minto to Mr. Chamberlain.*

(Confidential.)

(Telegraphic.) P.

*[Received August 12, 1899, 8:40 P.M.]*

PREMIER asks me to inform you that it will be impossible for the Delegate who is to discuss the Alaska boundary question to leave here till the week after next owing to the lateness of the Session.

No. 129.

*Mr. Lower to the Marquess of Salisbury.—(Received August 17.)*

(No. 232.)

My Lord,

*Newport, Rhode Island, August 6, 1899.*

IN continuation of my despatch No. 225 of the 29th ultimo respecting the provisional Alaska boundary, I have the honour to transmit herewith copy of a note which I have this day received from Mr. Hay in reply to my note of the 29th ultimo.

As your Lordship will observe, Mr. Hay regrets the impression formed by Her Majesty's Government of the increased demands made by the United States, and feels sure that, on reflection, your Lordship will not permanently retain that view of the attitude assumed by him.

He reiterates the proposal that the line should be drawn commencing from the westward, from the peak marked 6500, to the west of the Porecupine Creek, across the Klehini River to the peak 5025 (or 5020 in the United States' Map). This, he considers, is reasonable arrangement, as not withdrawing from Canadian jurisdiction any British subjects nor an inch of ground ever occupied by Canada; while "it leaves many Americans under Canadian jurisdiction in the more northerly regions of the trail."

As to this, he states that the United States "cheerfully trust to the equity and fairness of the British Government."

Mr. Hay concludes by stating that, if this suggestion is rejected, which he earnestly hopes will prove not to be the case, then the line might be drawn from 6500 in the direction of 5020, but to stop at the Klehini and follow its course to its junction with the Chilkat, as proposed by the United States some weeks ago.

I have communicated to your Lordship by telegraph this day the substance of the United States' note.

Mr. Hay has asked me privately if I could furnish him with two copies of sheets Nos. 17 and 18 of the survey made by the British Commission in 1892. Should there be no objection to a compliance with this request, I venture to suggest that I may be supplied with them for presentation to the Secretary of State.

I have, &amp;c.

(Signed) REGINALD TOWER.

Inclosure in No. 129.

*Mr. Hay to Mr. Tower.*

Sir,

*Department of State, Washington, August 3, 1899.*

I HAVE your note of the 29th July, and I hardly think Lord Salisbury can have understood the Memorandum I gave you in regard to a *modus vivendi* on the Dalton Trail. You cannot have forgotten our original proposition and the great concessions we have made since then; and, as to the fact, which I do not dispute, that we are now suggesting a line a little to the north of the one we last proposed, the reasons for this change are clearly stated in the Memorandum itself.

The point which we have steadily kept in view throughout these negotiations has been the retention, under American protection and jurisdiction, of those American citizens who have settled south of the Klehini River, and especially on Porcupine Creek. On the other hand, every proposition made by the British Government would, if accepted by us, have resulted in throwing these people into Canadian jurisdiction—to the great inconvenience and annoyance of both countries, as I have constantly tried to show. The British Government objected to the line of the Klehini as vague and ill-defined, an objection which I found, on consultation with the topographers of the coast survey, to be not without foundation. As we were unable, after all the concessions we had made, to recede any farther to the south, I endeavoured to meet the objections of your Government by proposing a more feasible and definite line a little north of the Klehini. At the same time, as you know, I did not insist upon this line, because I foresaw the possibility of Her Majesty's Government being unwilling to accept it. I very greatly regret that my offer, made with the intention of proposing a practical and easily ascertainable line, has been regarded as "a considerable increase in our demands." I am sure that, on reflection, Her Majesty's Government will not permanently retain that impression.

I now suggest two alternatives, with either of which the Government of the United States will be satisfied. One, which I mentioned verbally to you, and which I have communicated to Mr. Choate, is to draw a line from the peak west of Porcupine Creek, numbered 6500 on Sheet No. 10 of the United States' Commission of the 31st December, 1895, across the Klehini River to a peak numbered 5020, and thence to the junction of the Chilkat and Klehini. [On Sheet No. 5 of March 1898, Department of the Interior, Ottawa, these numbers are 6500 and 5025.]

This seems a reasonable arrangement. It does not take from Canadian jurisdiction a single British subject nor an inch of ground which Canada has ever occupied. It leaves many Americans under Canadian jurisdiction in the more northerly regions of the trail, but as to this we cheerfully trust to the equity and fairness of the British Government.

If this suggestion is rejected, which I earnestly hope will prove not to be the case, then the line might be drawn from 6500 in the direction of 5020, but to stop at the Klehini and follow its course to its junction with the Chilkat as proposed by us several weeks ago. I recognize the value of all the objections which you have made to this line, but the only alternative seems to be to cross the river for a better one.

I am, &amp;c.

(Signed) JOHN HAY.

No. 130.

*Mr. Tower to the Marquess of Salisbury.—(Received August 17.)*

(No. 235. Very Confidential.)

My Lord,

*Newport, Rhode Island, August 7, 1899.*

WITH reference to my despatch No. 232 of to-day, inclosing copy of a note from the United States' Secretary of State concerning the provisional Alaskan Boundary, I have the honour to transmit copy of a letter marked "Private and Personal," which I have also received from Mr. Hay.

I have merely acknowledged the receipt of this letter, informing him that his

oral proposal, referred to in the 2nd paragraph of the inclosed letter, was submitted by me to your Lordship, by telegraph on the 24th ultimo, and that the contents of his official note No. 1529 have been also brought to your Lordship's knowledge.

I have, &c.  
(Signed) REGINALD TOWER.

Inclosure in No. 130.

*Mr. Hay to Mr. Tower.*

(Private.)

Dear Mr. Tower,

*Department of State, Washington, August 3, 1899.*

I WAS greatly distressed at receiving your note of the 29th. When you consider that our first proposition for a *modus vivendi* was to take a point full 12 miles north of the one we are now discussing, and that we have been constantly endeavouring ever since to find something that will suit you, I could not but wonder at the tone of your note. Besides, as you know, it makes no earthly difference to you or to Canada whether the line for this temporary arrangement is drawn 2 miles north or 2 miles south of the Klehini—while the fact that the Porcupine swarms with American settlers makes it most difficult for us to exclude them from our jurisdiction, and would bring endless annoyances to both of us if they were brought temporarily under Canadian control.

In the note which goes to you with this I have proposed the compromise I suggested orally to you, and which you have apparently not communicated to your Government. It avoids the troublesome and difficult line of the Klehini and gives us a clean line from 6500 to 5020, and puts in our hands only a trifling bit of a triangle north of the river.

I sincerely hope this will be acceptable, if not, I can only offer again the line of the river, awkward and inconvenient as both of us know that to be.

Yours faithfully,  
(Signed) JOHN HAY.

No. 131.

*The Marquess of Salisbury to Mr. Tower.*

(No. 184.)

Sir,

*Foreign Office, August 17, 1899.*

I HAVE received your despatch No. 225 of the 29th ultimo inclosing a copy of the note which you addressed to the United States' Government, according to your instructions, in reply to the suggestions made in Mr. Hay's Memorandum of the 24th ultimo for a provisional boundary-line in the neighbourhood of the Lynn Canal.

The terms of your note are approved.

I am, &c.  
(Signed) SALISBURY.

No. 132.

*Mr. Tower to the Marquess of Salisbury.—(Received August 19.)*

(No. 239.)

My Lord,

*Newport, Rhode Island, August 10, 1899.*

I HAVE the honour to report that I have this day received a request from the Governor-General of Canada to obtain permission from the United States' Government for a detachment of 100 officers, non-commissioned officers and men, to pass from the summit of White Pass to Skagway on their way home.

I inclose herewith copy of an approved Minute of the Canadian Privy Council.

I have addressed a note to the United States' Secretary of State, applying for the desired permission.

I have, &c.  
(Signed) REGINALD TOWER.

198

Inclosure in No. 132.

*Extract from a Report of the Committee of the Honourable the Privy Council, approved by the Governor-General on the 4th August, 1899.*

THE Committee of the Privy Council, on the recommendation of the Minister of Militia and Defence, advise that your Excellency be moved to make application to the United States' Secretary of State for permission to allow a detachment of 100 officers, non-commissioned officers and men, to pass from the summit of the White Pass to Skagway, on their way home.

All which is respectfully submitted for your Excellency's approval.

(Signed) JOHN J. MCGEE,  
Clerk of the Privy Council.

No. 133.

*Foreign Office to Colonial Office.*

(Confidential.)

Sir,

*Foreign Office, August 19, 1899.*

WITH reference to my letter of the 5th ultimo, inclosing a copy of a note to the United States' Ambassador, in which it was proposed that the terms of the Treaty of Arbitration with Venezuela should be applied to the determination of the Alaska boundary, I am directed by the Marquess of Salisbury to transmit to you, to be laid before the Secretary of State for the Colonies, a copy of a despatch which his Lordship has addressed to Her Majesty's Chargé d'Affaires at Washington,\* recording a conversation with Mr. Choate on the subject of that proposal, which the United States' Government are unable to accept as it stands.

After setting forth in detail the grounds on which the President considers the Venezuelan Treaty to be inapplicable to the Alaska controversy, Mr. Choate said he was instructed to ask for an expression of the views of Her Majesty's Government on the arguments which he had presented.

Lord Salisbury would be glad to learn the nature of the answer which, in Mr Chamberlain's opinion, should be returned to Mr. Choate's communication.

I am, &c.  
(Signed) F. H. VILLIERS.

No. 134.

*Colonial Office to Foreign Office.—(Received August 22.)*

(Confidential.)

Sir,

*Downing Street, August 22, 1899.*

I AM directed by the Secretary of State for the Colonies to transmit to you, for the consideration of the Marquess of Salisbury, with reference to the letter from this Department of the 10th instant, a copy of a telegram from the Governor-General of Canada on the subject of the provisional Alaska boundary.

I am, &c.  
(Signed) EDWARD WINGFIELD.

Inclosure in No. 134.

*Governor-General the Earl of Minto to Mr. Chamberlain.*

(Telegraphic.) P.

*[Received August 29, 1899.]*

REFERRING to your letter of the 9th concerning provisional Alaska boundary on Chilcat River, my Ministers will agree to second line proposed, while suggesting a slight modification. The proposed line is from the peak marked 6500 in

\* No. 121.

ed by

ter of  
to the  
, nea-  
gway,

cil.

399.  
to the  
nty of  
ndary,  
re the  
dressed  
with  
nt are

rs the  
he was  
on the

Cham-

RS.

399.  
ou, for  
on this  
eral of

ELD.

399.]  
Alaska  
, while  
500 in

No. 133\*.

*The Marquess of Salisbury to Mr. Tower.*

(No. 94.)

(Telegraphic.) P.

*Foreign Office, August 21, 1899.*

REFERRING to your despatch No. 232 of the 6th instant, you should apply to the Canadian Government for the maps and communicate them to Mr. Hay.

---

the c  
whic  
direc  
is th  
bank  
year

refer

---

(Com  
Sir,

Maje  
Salis  
Mr.  
from  
Alas

Gove  
Mr.

---

(No.  
(Tele

sent  
19th  
the l  
shou  
the l  
Gove  
with

---

(Cor  
Sir,

inclc  
that  
Stat  
to a

to re  
and  
been  
Gove  
line

---



the direction of the one marked 5025, but it stops at the Klehini River, the course of which it follows to its junction with the Chileat, going thence in an east-northern direction to the summit of the peak marked 5490. The suggestion of my Ministers is that instead of following the course of the Klehini the line should follow the high bank of that river, as on account of the gravelly bottom the course is shifting from year to year. The line ought to be marked on the ground by monuments.

While agreeing to this provisional line, my Ministers would urge the immediate reference of the permanent boundary to arbitration.

No. 135.

*Foreign Office to Colonial Office.*

(Confidential.)

Sir,

*Foreign Office, August 23, 1890.*

WITH reference to my letter of the 7th instant, inclosing a telegram from Her Majesty's Chargé d'Affaires at Washington, I am directed by the Marquess of Salisbury to transmit to you, for Mr. Secretary Chamberlain's information, a copy of Mr. Tower's despatch,\* in which he forwards the text of the note, which he received from Mr. Hay, containing further proposals for the provisional boundary-line with Alaska.

Lord Salisbury has instructed Mr. Tower by telegraph to apply to the Canadian Government for the sheets of the survey map which have been asked for by Mr. Hay.

I am, &c.

(Signed) F. H. VILLIERS.

No. 136.

*The Marquess of Salisbury to Mr. Tower.*

(No. 95.)

(Telegraphic.) P.

*Foreign Office, August 24, 1890.*

REFERRING to your telegram No. 63 of the 6th instant, instructions have been sent to the Governor-General of Canada to repeat to you his telegram, dated the 19th August, in which he accepts, with slight alteration, the alternative proposal of the United States' Government in regard to the Alaska provisional boundary. You should communicate to Mr. Hay the substance of that telegram, with the exception of the last paragraph, at the same time expressing to him the hope of Her Majesty's Government that a settlement of the provisional line may be arrived at in accordance with its terms.

No. 137.

*Foreign Office to Colonial Office.*

(Confidential.)

Sir,

*Foreign Office, August 24, 1890.*

I LAID before the Marquess of Salisbury your letter of the 22nd instant, inclosing a telegram from the Governor-General of Canada, from which it appears that the Canadian Government are willing to accept the latest proposal of the United States' Government in regard to the provisional line of boundary with Alaska, subject to a slight modification.

I am directed by his Lordship to request that the Governor-General may be asked to repeat his telegram to Her Majesty's Chargé d'Affaires at Newport, Rhode Island, and I am to state, for Mr. Secretary Chamberlain's information, that Mr. Tower has been instructed by telegraph to communicate its substance to the United States' Government, and to express the hope of Her Majesty's Government that the provisional line may be settled in accordance with the suggestion of the Canadian Government.

I am, &c.

(Signed) F. H. VILLIERS.

\* No. 129.

No. 138.

*Colonial Office to Foreign Office.—(Received August 25.)*

(Confidential.)

Sir,

*Downing Street, August 24, 1899.*

WITH reference to the letter from this Office of the 15th instant, I am directed by Mr. Secretary Chamberlain to transmit to you, to be laid before the Marquess of Salisbury, the accompanying paraphrase of a telegram from the Governor-General of Canada, stating that his Government propose to send Sir Louis Davies as their Delegate in the matter of the Alaska boundary discussion, and inquiring whether, if he were to leave Canada on the 6th or 9th September, he would arrive at a convenient time for the discussion.

I am to say that either of the dates mentioned would be convenient to this Office, and to ask whether they would be equally convenient to your Department.

I am, &amp;c.

(Signed) C. P. LUCAS.

---

 Inclosure in No. 138.
*Governor-General the Earl of Minto to Mr. Chamberlain.*

(Telegraphic.) P.

*[Received August 22, 1899.]*

MY Government propose to send Sir Louis Davies as their Delegate in the matter of the Alaska boundary discussion. He proposes to leave Canada on the 6th or 9th September, but asks me first to ascertain whether that date would be convenient to other Representatives. What reply shall I give him?

---

 No. 139.
*Foreign Office to Colonial Office.*

(Confidential.)

Sir,

*Foreign Office, August 26, 1899.*

I LAID before the Marquess of Salisbury your letter of the 24th instant, notifying the proposal of the Canadian Government to send Sir Louis Davies to this country as their Delegate for the discussion of the Alaska boundary question, and I am directed by his Lordship to state, for Mr. Secretary Chamberlain's information, that either of the dates named for Sir L. Davies' departure will be convenient to this Department.

I am, &amp;c.

(Signed) F. H. VILLIERS.

---

 No. 140.
*Mr. Tower to the Marquess of Salisbury.—(Received August 28.)*

(No. 240.)

My Lord,

*Newport, Rhode Island, August 14, 1899.*

WITH reference to my despatch No. 239 of the 10th instant, concerning the permission desired by the Canadian Government for a detachment of men to pass from the summit of White Pass to Skagway, I have the honour to transmit herewith copy of a note which I have received, in reply to my application to the United States' Department of State, granting the permission under the same Regulations which have heretofore governed the passage of a force of the one country through the north-western territory of the other.

I have communicated the inclosed note to the Governor-General of Canada.

I have, &amp;c.

(Signed) REGINALD TOWER.

Inclosure in No. 140.

Mr. Adee to Mr. Tower.

Sir, *Department of State, Washington, August 12, 1899.*

I HAVE the honour to acknowledge the receipt of your note of the 10th instant, whereby, at the instance of the Governor-General of Canada, you apply for permission for a detachment of 100 officers, non-commissioned officers, and men to pass from the summit of White Pass to Skagway on their way home.

In reply I have the pleasure to inform you that the desired permission is granted, under the same regulations which have heretofore governed the passage of a force of the one country through the north-western territory of the other, namely, that the men shall not be under arms, and that arms and munitions of war shall go through United States' territory as baggage.

The Secretaries of the Treasury and of War have been advised of the granting of this permission, and have been requested to give appropriate orders to facilitate, in every possible way, the passage of the British detachment, while the Secretary of War has been further asked to direct the Commanding Officer at Skagway to furnish, if desired, an escort for the detachment from the summit of White Pass to Skagway.

I have, &c.

(Signed) ALVEY A. ADEE,  
*Acting Secretary.*

No. 141.

Mr. Tower to the Marquess of Salisbury.—(Received August 28.)

(No. 242.)

My Lord,

*Newport, Rhode Island, August 15, 1899.*

WITH reference to my despatch No. 176 of the 12th June last, I have the honour to transmit copies of a further order from the War Department, specifying the limits of the military reservation for the post of Fort Gibbon, where the Tanana River joins the Yukon, district of Alaska.

I have, &c.,

(Signed) REGINALD TOWER.

Inclosure in No. 141.

General Orders, No. 142.

*Head-quarters of the Army, Adjutant-General's Office,  
Washington, August 5, 1899.*

THE following order from the War Department is published for the information and guidance of all concerned :—

*War Department, Washington, August 2, 1899.*

The President, by order, dated 10th July last, having set apart for military purposes the following described public lands, located at the point where the Tanana River joins the Yukon, district of Alaska, the same are declared a military reservation for the post of Fort Gibbon, subject to any existing legal rights to any land within the limits of the reservation, viz. :—

Beginning at a post marked U.S.M.R. situated on the north or right bank of the Yukon River, opposite the mouth of the Tanana River; thence running due north from said post 10 miles; thence due west 10 miles; thence due south to a point at low-water mark on the north bank of the Yukon River; thence easterly along the

203

north bank of said Yukon River at low-water mark to a point due south of said beginning post; thence north to the place of beginning.

(Signed) ELIHU ROOT,  
*Secretary of War.*

By command of Major-General Miles.

(Signed) H. C. CORBIN,  
*Adjutant-General.*

No. 142.

*Colonial Office to Foreign Office.—(Received August 28.)*

(Confidential.)

Sir, *Downing Street, August 28, 1899.*

I AM directed by Mr. Secretary Chamberlain to acknowledge the receipt of your letter of the 24th instant on the subject of the proposed Provisional Boundary in the region of the Lynn Canal, and to request you to inform the Marquess of Salisbury that the Governor-General of Canada has been asked to repeat his telegram of the 19th instant to Mr. Tower at Newport, Rhode Island, and to explain to him that by "high bank" is meant the southern bank of the Klehini, the meaning of that phrase having been elucidated by the telegraphic correspondence, of which a paraphrase is inclosed.

I am, &c.  
(Signed) C. P. LUCAS.

Inclosure 1 No. 142.

*Mr. Chamberlain to Governor-General the Earl of Minto.*

(Telegraphic.) P. *Downing Street, August 23, 1899.*

IF phrase "high bank" in your telegram of 19th instant relating to Provisional Boundary is correct, which bank does it mean?

Inclosure 2 in No. 142.

*Governor-General the Earl of Minto to Mr. Chamberlain.*

(Telegraphic.) P. *[Received August 24, 1899].*

THE words "high bank" in my telegram of the 19th instant are correct. They refer to the southern bank of the Klehini.

No. 143.

*Colonial Office to Foreign Office.—(Received August 29.)*

(Confidential.)

Sir, *Downing Street, August 29, 1899.*

I AM directed by the Secretary of State for the Colonies to transmit to you, for the information of the Marquess of Salisbury, with reference to the letter from your Department of the 26th instant, a copy of a telegram to the Governor-General of Canada on the subject of the proposed discussion of the Alaska Boundary question by Representatives of Her Majesty's and the Canadian Governments.

I am, &c.  
(Signed) EDWARD WINGFIELD.

Inclosure in No. 143.

*Mr. Chamberlain to Governor-General the Earl of Minto.*

(Telegraphic.)

*Downing Street, August 28, 1899.*

REFERRING to your telegram of 22nd August, dates for departure of Minister of Marine will be convenient.

No. 144.

*Mr. Tower to the Marquess of Salisbury.—(Received September 7.)*

(No. 65.)

(Telegraphic.) P.

*Newport, Rhode Island, September 7, 1899.*

YOUR Lordship's telegram No. 95 (24th August) respecting the Alaska provisional boundary.

Following is substance of Mr. Hay's reply to my note of 27th August:—

Assuming that the purpose is to obviate difficulties consequent on following the unstable bed of the Klehini River, Mr. Hay, though unable to ascertain the significance of the phrase "high bank," accepts the Canadian modification in that sense; and he expresses confidence that due and equal consideration can and will thereby be effected for the respective interests concerned.

The following is the line agreed upon:—

"From 6,500 to Klehini River in the direction of 5,025, then following the high bank of that river to its junction with Chileat, a mile and a-half more or less north of Klakwan, provided that free ingress and egress of American citizens to and from valley of Porcupine Creek is permitted, and from junction to peak 5,490."

Commissioners could immediately be appointed by the United States' Government to mark the temporary line agreed upon by the erection of appropriate monuments in conjunction with those of Her Majesty's Government.

Copy of Mr. Hay's note will be sent by Saturday's mail.

No. 145.

*Foreign Office to Mr. Tower.*

(No. 97.)

(Telegraphic.) P.

*Foreign Office, September 9, 1899.*

REFERRING to your telegram No. 65 of the 7th September, I have to inform you that the Canadian Government have explained that they mean by the expression "high bank" the right or south bank. This should be made clear to the United States' Government.

No. 146.

*Foreign Office to Colonial Office.*

(Confidential.)

Sir,

*Foreign Office, September 9, 1899.*

WITH reference to your letter of the 28th ultimo respecting the provisional line of boundary with Alaska, I am directed by the Marquess of Salisbury to transmit to you a telegram from Mr. Tower,\* reporting that the United States' Government accept the Canadian modification of their last proposal, provided free ingress and egress be permitted to American citizens passing to and from the valley of Porcupine Creek.

I am to request that the reply of the United States' Government may be communicated to the Governor-General of Canada. Lord Salisbury would suggest that Mr. Secretary Chamberlain should, at the same time, ask his Excellency to give the assurance required with regard to access to Porcupine Creek, and also to state what reply he would wish to be returned to the proposal that Commissioners should at once be appointed to mark the temporary line by the erection of appropriate monuments.

\* No. 144.

I am to add that Mr. Tower has been instructed to make it clear that the "high bank" referred to in the Governor-General's telegram of the 20th ultimo is the right, or south, bank of the Klehini River.

I am, &c.  
(Signed) F. H. VILLIERS.

No. 147.

*Mr. Tower to the Marquess of Salisbury.—(Received September 11.)*

(No. 246.)

My Lord,

*Newport, Rhode Island, August 27, 1899.*

I HAD the honour, on the 24th instant, to receive your Lordship's telegram No. 95, instructing me to communicate to the United States' Secretary of State the reply of the Dominion Government to the proposals for a provisional boundary-line in Alaska, as submitted to your Lordship in my telegram No. 63 of the 6th instant.

I received late last night a telegram from the Earl of Minto, containing the reply of the Canadian Government.

I have this day, in compliance with your Lordship's instructions, addressed a note to Mr. Hay, informing him that the Canadian Government agree to his second alternative proposal with a slight modification. Instead of the line being drawn from Peak 6500 towards Peak 5025, stopping at the Klehini River and following the course of that river to its junction with the Chilkat, thence to the Peak 5490, the suggestion is that the line should follow the high bank of the Klehini, the reason adduced being that the course of the river is shifting from year to year on account of the gravelly bottom.

In my note I communicated the desire that the line should be marked upon the ground by the erection of monuments, and expressed the hope of Her Majesty's Government that it may now be possible to come to a settlement of the provisional boundary question as above indicated.

I have, &c.  
(Signed) REGINALD TOWER.

Inclosure in No. 147.

*Mr. Tower to Mr. Hay.*

Sir,

*Newport, Rhode Island, August 27, 1899.*

I HAD the honour to receive your note dated the 3rd, on the 6th instant, and immediately brought its contents to the knowledge of the Marquess of Salisbury by telegraph, specifying the alternative proposals put forward by you for a provisional boundary-line in Alaska, viz. :—

1. The line to be drawn from the Peak west of Porcupine Creek, marked 6500, across the Klehini River to the Peak 5025, and thence to the junction of the Chilkat and Klehini rivers;

2. The line to be drawn from 6500 in the direction of 5025, but to stop at the Klehini and follow its course to its junction with the Chilkat, thence to the summit of the Peak 5490.

In explaining the above, I reported your statement that the former proposal would still leave many Americans under Canadian jurisdiction in the more northerly regions of the trail.

I am now in receipt of telegraphic instructions from the Marquess of Salisbury to communicate to you the reply received from the Canadian Government to the following effect :—

The Government of the Dominion of Canada will agree to the second line proposed, but suggest a slight modification.

Instead of following the course of the Klehini River, it is proposed that the line should follow the high bank of that river.

This would appear to obviate many of the objections which have been previously raised to the river being taken as to the boundary, and is the more necessary as the river flows through many channels over a bed of gravel, sometimes filling the whole bed

and sometimes shrunk to the dimensions of a small stream. On account of its gravelly bottom the river course is shifting from year to year.

In submitting to you the above slight modification of the second alternative proposed by your note, I am directed to express the hope of Her Majesty's Government that it may now be possible to come to a settlement of the provisional boundary question as above indicated, marking the line upon the ground by the erection of monuments.

I have, &c.  
(Signed) REGINALD TOWER.

No. 148.

*Colonial Office to Foreign Office.—(Received September 13.)*

(Confidential.)  
Sir,

*Downing Street, September 12, 1899.*

I AM directed by the Secretary of State for the Colonies to transmit to you, for the information of the Marquess of Salisbury, with reference to the letter from your Department of the 9th instant, paraphrase of a telegram to the Governor-General of Canada on the subject of proposed establishment of a provisional boundary in the region of the Lynn Canal.

I am, &c.  
(Signed) EDWARD WINGFIELD.

Inclosure in No. 148.

*Mr. Chamberlain to Governor-General the Earl of Minto.*

(Telegraphic.) P.

*Downing Street, September 11, 1899, 6 P.M.*

FOLLOWING telegram, dated 7th September, has been received from Mr. Tower at Newport.

[Mr. Tower's telegram No. 65 of 7th September].

The assurance required with regard to access to Porcupine Creek will, we presume, be given to your Ministers.

What reply should be given to the proposal for the immediate appointment of Demarcation Commissioners?

Mr. Tower has been told to make it clear that "high bank" of Klehini means the right or southern bank.

No. 149.

*Colonial Office to Foreign Office.—(Received September 13.)*

(Confidential.)  
Sir,

*Downing Street, September 12, 1899.*

I AM directed by the Secretary of State for the Colonies to transmit to you, for the information of the Marquess of Salisbury, with reference to previous correspondence, a copy of the despatch from the Governor-General of Canada on the subject of the proposal made by Her Majesty's Government to the United States' Government for the settlement of the Alaska boundary dispute by the grant of a lease of territory to Canada on the terms of the Chinde Concession.

I am, &c.  
(Signed) EDWARD WINGFIELD.

## Inclosure 1 in No. 149.

*Governor-General the Earl of Minto to Mr. Chamberlain.*

(Confidential.)

Sir,

*The Citadel, Quebec, August 24, 1899.*

WITH reference to your despatch of the 27th ultimo, marked Confidential, communicating the terms of a proposal made by Her Majesty's Government to the United States' Government for the settlement of the Alaska boundary dispute, I have the honour to forward herewith a copy of an approved Minute of the Privy Council dealing with that proposal.

You will observe that Ministers are of opinion that no settlement of this question by compromise can be hoped for, and its only solution would be by a reference of the whole matter to arbitration.

I have, &c.  
(Signed) MINTO.

## Inclosure 2 in No. 149.

*Extract from a Report of the Committee of the Honourable the Privy Council, approved by the Governor-General on the 19th August, 1899.*

THE Committee of the Privy Council have had under consideration a Confidential despatch, dated the 27th July, 1899, from the Right Honourable the Principal Secretary of State for the Colonies, respecting a proposition made by the Most Honourable the Marquess of Salisbury to Mr. Choate on the 18th July, 1899, with reference to the general question of the Alaska boundary.

The President of the Privy Council, to whom the said despatch was referred, submits the annexed Report thereon.

The Committee concur in the said Report, and advise that your Excellency be moved to transmit a certified copy of this Minute and of the said annexed Report to the Right Honourable Her Majesty's Principal Secretary of State for the Colonies.

All which is respectfully submitted for your Excellency's approval.

JOHN J. MCGEE,  
*Clerk of the Privy Council.*

## PRIVY COUNCIL, CANADA.

The Committee have had under consideration a despatch from the Colonial Office to his Excellency the Governor-General, covering a communication addressed by the Foreign Office to the Colonial Office, acquainting the Colonial Office of a proposition made by the Marquess of Salisbury to Mr. Choate on the 18th July last, with reference to the general question of the Alaska boundary.

The Undersigned, to whom the said despatch was referred, observes:—

The Marquess of Salisbury, in his letter to Mr. Choate of the above date, referring to a verbal proposal previously discussed between them on the said question, continues in the following language:

"My suggestion, which, as I stated, I have reason to believe the Canadian Government would be prepared to accept, was that Canada should have a perpetual lease of territory to the extent of half a square mile at a suitable spot on the Lynn Canal on similar conditions to those on which territory is held by Her Majesty's Government at the Chinde mouth of the Zambezi River, with liberty to construct a railway from there to the Yukon territory."

Referring to the Convention between Great Britain and Portugal, signed at Lisbon on the 7th May, 1892, under which Her Majesty's Government holds the piece of land at the Chinde mouth of the Zambezi River, to which allusion is made by the Marquess of Salisbury, the Undersigned observes that by the terms of the above Convention the King of Portugal grants in lease to Her Britannic Majesty a piece of land "situated on the right bank of the Chinde River, within the district of Quilimane, in



the Province of Mozambique, forming a rectangular block of 10 hectares, and measuring 400 metres along the river bank by 250 metres in depth," on the following among other conditions:—

"The lease shall run for ninety-nine years uninterruptedly, commencing from the 1st January, 1892.

"The land so leased shall be used exclusively for the purpose of the landing, storage, and transhipment of goods, and for such purposes as may be considered subsidiary thereto; and that the only permanent residents shall be, besides British Consular officials, their families and servants, or the persons employed in the charge, and for the security of such goods.

"In other respects the said land shall be subject to the Portuguese Code in so far as its provisions do not conflict with the stipulations of the Anglo-Portuguese Convention of the 11th June, 1891, of this Agreement."

Her Majesty's Government will be bound—

"(a.) To fence in the said land (with the exception of the side which faces the River Chinde) by a wall, or by a stockade, or by any sort of continuous fence which shall not be less than 3 metres; there shall be one door only on each of the three sides of the fence.

"(b.) Not to permit on the said land the receipt of exit of any goods in contravention of the Portuguese Customs Regulations, accepted by the British Government as being in conformity with the stipulations of the above-named Anglo-Portuguese Convention. Any act in violation of this stipulation shall be considered as evasion of customs duties, and shall be punished accordingly.

"(c.) Not to sell nor allow the sale of any goods in retail on the said land. The sale of quantities less in weight or measure than 1,000 klog., 1,000 litres, or 1,000 metres is held to be sale in retail."

The Undersigned observes that the concession of a piece of land on the Lynn Canal, accompanied with concessions and restrictions of the nature above recited, even if it were coupled with the liberty to construct a railway from there to the Yukon territory, could hardly be held to be a fair compromise for the settlement of the controversy between Canada and the United States, as to the construction of the Treaty of 1825 respecting the Alaska boundary.

The Undersigned further observes that under the terms of that Treaty, Canada has a very strong case to claim that under the most favourable construction which can be set forth by the United States, her jurisdiction over the Lynn Canal cannot extend more than 10 marine leagues from the coast, and that, consequently, all the upper portion of the canal, which portion is not less than 50 miles, belongs to Canada.

It is quite true that this construction is not admitted by the Government of the United States, and that it interprets the Treaty as conveying to it the whole of the Lynn Canal, and a strip of territory around it.

It would serve no practical purpose to discuss the respective merits of the claims advanced by either party, but it may be remarked that in the face of such wide divergence in the views presented on behalf of both nations, the concessions suggested could hardly be held sufficient to engage Canada to surrender pretensions which, in her opinion, are tantamount to positive rights. Admitting, however, that the Government of the United States also entertains a high opinion of the value of its own case, it seems that no settlement by the way of compromise can be hoped for, and that the only solution is a reference of the whole matter to arbitration.

(Signed) WILFRID LAURIER.

Ottawa, August 17, 1899.

No. 150.

Mr. Tower to the Marquess of Salisbury.—(Received September 16.)

(No. 255.)

My Lord,

Newport, Rhode Island, September 7, 1899.

WITH reference to my despatch No. 246 of the 27th ultimo, transmitting copy of my note of that day to the United States' Secretary of State on the subject of the proposed Canadian modification for the provisional Alaskan boundary-line, I have the honour to inclose herewith copy of a note which I have this day received from Mr. Hay.

As your Lordship will have already learnt from my telegram No. 65 of this day's date, Mr. Hay accepts the Canadian modification as to the "high bank" of the Klehini River being taken as the boundary, but states that he has been unable, from maps and data at his command, to ascertain the significance of the phrase. He assumes, however, from antecedent negotiations, that "the purpose is to draw a line free from the objections raised to one following the unstable bed of the Klehini River, and that its purpose is to be accomplished by setting the monuments at such convenient points on the bank of that river as shall secure them from destruction by flood or by the caving in of the bank."

In his note Mr. Hay specifies the line now agreed upon, and informs me that the United States' Government will at once appoint Commissioners, with those of Her Majesty, to mark the temporary line thus agreed upon by erecting appropriate monuments.

I have, &c.  
(Signed) REGINALD TOWER.

Inclosure in No. 150.

*Mr. Hay to Mr. Tower.*

Sir,

*Department of State, Washington, September 6, 1890.*

I HAVE had the honour to receive your note of the 27th ultimo, by which you inform me that, having telegraphed to the Marquess of Salisbury the alternative proposals for a provisional boundary in that part of Alaska circumjacent to Lynn Canal, you are now in receipt of telegraphic instructions from his Lordship to communicate to me the reply received from the Canadian Government, to the effect that the Government of the Dominion of Canada will agree to the second of the lines proposed, but suggest a slight modification in that, instead of following the course of the Klehini River, it is proposed that the line should follow "the high bank of that river." You explain that this change is sought in order to obviate the difficulties which have been heretofore brought forward because of the broken nature of the Klehini channel and the variable volume and course of the stream, and, in conclusion, you express the hope of Her Majesty's Government that it may be possible to come to a settlement of the provisional boundary question as above indicated, marking the line upon the ground by the erection of monuments.

The second of the alternatives proposed in my note of the 3rd August was to draw the line from the peak marked "6500"—on sheet No. 10 of the map of the United States' Commission, 31st December, 1895—in the direction of the peak numbered 5025, but to stop at the Klehini and follow its course to the junction of the Chilkat, as proposed by us several weeks before the 3rd August. From that point towards the summit of the peak numbered 5490 we have been in constant agreement.

Your recital of the second alternative accords with this definition.

With these data, and incorporating the details as to which agreement exists, with inclusion of the modification now proposed by the Dominion Government, our agreement as to the main points of the provisional boundary-line in the territory circumjacent to the head of Lynn Canal is reducible to the following definite terms:—

"It shall be agreed between the Governments of the United States and of Great Britain that the boundary-line between Canada and the territory of Alaska in the region about the head of Lynn Canal shall be provisionally fixed without prejudice to the claims of either party in the permanent adjustment of the international boundary."

"In the region of the Dalton Trail, a line beginning at the peak west of Porcupine Creek, marked on the map No. 10 of the United States Commission, December 31, 1895, and on sheet No. 5, Department of the Interior, Ottawa, March 1898, with the No. 6500; thence running to the Klehini River in the direction of the peak north of that river marked 5020 on the aforesaid United States' Map, and 5025 on the aforesaid Canadian Map; thence following the high bank of the Klehini River to the junction thereof with the Chilkat River a mile and a-half, more or less, north of the Klukwan: provided that this line shall be so drawn as to permit the free ingress and egress of American citizens and from the valley of the Porcupine Creek, and from said junction to the summit of the peak east of the Chilkat River marked on the aforesaid maps 5490.

"On the Dycn and Skagway Trails, the summits of the Chillkoot and White Passes.

"It is understood, as formerly set forth in communications of the Department of State of the United States, that the citizens or subjects of either Power, found by this

arrangement within the temporary jurisdiction of the other, shall suffer no diminution of the right and privileges which they now enjoy.

"The Government of the United States will at once appoint Commissioners, in conjunction with Commissioners to be named by the Government of Her Britannic Majesty, to mark the temporary line agreed upon by the erection of appropriate monuments."

I am unable, from any maps or data now at my command, to ascertain the significance of the phrase "the high bank" of the Klehini River which is employed in formulating the modification of my second alternative which is proposed by the Dominion Government. I may, however, rightly assume from the antecedent negotiation that the purpose is draw a line free from objections raised to one following the unstable bed of the Klehini River, and that this purpose is to be accomplished by setting the monuments at such convenient points on the bank of that river as shall secure them from destruction by flood or by the caving in of the bank.

Without seeking, however, to establish these points now upon a conjectural basis, the proposed modification is accepted in the confidence that the fixation of the provisional boundary-line in that quarter can and will be effected with due and equal consideration for the respective interests concerned.

I have, &c.  
(Signed) JOHN HAY.

No. 151.

*Mr. Tower to the Marquess of Salisbury.—(Received September 25.)*

(No. 260.)

My Lord,

*Newport, Rhode Island, September 10, 1899.*

I HAVE the honour to transmit herewith copy of a note which I have this day addressed to the United States' Secretary of State, in compliance with the instructions contained in your Lordship's telegram No. 97 of yesterday's date, explaining that by the "high bank" of the Klehini River, the right, or southern, bank is meant.

I have, &c.  
(Signed) REGINALD TOWER.

Inclosure in No. 151.

*Mr. Tower to Mr. Hay.*

Sir,

*Newport, Rhode Island, September 10, 1899.*

IN communicating to my Government the contents of your note of the 6th instant, I called the attention of the Marquess of Salisbury to the statement contained therein of your inability, from any maps or data at your command, to ascertain the significance of the phrase "the high bank" of the Klehini River, which was employed in formulating the modification of your second alternative proposal for a provisional boundary-line in that part of Alaska circumjacent to the Lynn Canal.

I have now received a reply by telegraph, stating that, according to explanations furnished by the Canadian Government, the right, or southern, bank is meant.

I have accordingly the honour, by direction of Lord Salisbury, to inform you of the above without delay, in order to remove any possible cause of future misunderstanding in the settlement of this question, which is so earnestly desired by Her Majesty's Government.

I have, &c.  
(Signed) REGINALD TOWER.

## No. 152.

*Mr. Tower to the Marquess of Salisbury.—(Received September 25.)*

(No. 265.)

My Lord,

Newport, R.I., September 14, 1899.

UPON receipt of your Lordship's telegram No. 94 of the 21st ultimo, I applied to the Governor-General of Canada for the maps desired by the United States' Secretary of State, and I have this day received from his Excellency, and forwarded to Mr. Hay, in compliance with the latter's request, two copies of sheets Nos. 17 and 18 of the Alaska Boundary Survey made by the British Commission in 1892.

I have, &amp;c.

(Signed) REGINALD TOWER.

## No. 153.

*Colonial Office to Foreign Office.—(Received September 28.)*

(Confidential.)

Sir,

Downing Street, September 27, 1899.

WITH reference to the letter from this Department of the 12th instant, and to your letter of the 21st instant, respecting the Alaska provisional boundary in the neighbourhood of the Dalton Trail, I am directed by Mr. Secretary Chamberlain to transmit to you, for the information of the Marquess of Salisbury, a paraphrase of a telegram from the Governor-General of Canada stating that all necessary explanations as to the proposal of the Dominion Government would be furnished by Sir Louis Davies, who is now in England.

2. The correspondence which accompanied your letter of the 21st instant was accordingly submitted to that gentleman, and I am to inclose a copy of a Memorandum which he has furnished on the subject.

3. I am to point out that to accept, in the form proposed by Mr. Hay in his note of the 6th instant, the proviso as to freedom of access to the valley of the Porcupine Creek would render it impossible to draw the boundary-line without practically transferring both banks of the Klehini to the American side of the provisional boundary; and I am to inclose a modified form of Agreement, in which Sir L. Davies has expressed his concurrence, and which appears to Mr. Chamberlain to guarantee sufficiently the freedom of passage for which the United States' Government ask.

4. If Lord Salisbury concurs in these modifications, Mr. Chamberlain would suggest that Her Majesty's Chargé d'Affaires at Washington should be instructed to submit the Agreement as modified to the United States' Government, and to intimate that he is authorized to sign it at once.

I am, &amp;c.

(Signed) H. BERTRAM COX.

## Inclosure 1 in No. 153.

*Governor-General the Earl of Minto to Mr. Chamberlain.*

(Telegraphic.) P.

[Received September 25, 1899.]

ALASKA provisional boundary: Your telegram of 11th instant.

All necessary explanations will be given by Sir Louis Davies, who is now in England.

## Inclosure 2 in No. 153.

*Sir L. H. Davies to Colonial Office.*

(Confidential.)

SIR LOUIS H. DAVIES presents his compliments to the Under-Secretary of State for the Colonies, and begs to offer the following observations on the despatches from Mr. Tower dealing with the proposed provisional boundary in the region of the

Lynn Canal. He desires to say that, in his opinion, too much importance cannot be attached to the use of languages, showing, beyond the possibility of doubt, that the lines in question are merely temporary and provisional ones agreed to pending the delimitation of the real boundary, and suggests in this connection that the Agreement recited in Mr. Hay's letter to Mr. Tower should be amended by inserting the word "temporary" in the last line of the first page of Mr. Hay's letter to Mr. Tower, between the words "the" and "boundary-line."

He further is of the opinion that, as this agreed line is only a temporary and provisional one, it is not necessary to appoint Joint Commissioners on behalf of the two Governments to mark it "by the erection of appropriate monuments." Such a course would be eminently desirable and necessary if the line was to be in any way permanent, but he ventures to think that an instruction by each of the two Governments to their officers in the localities as to the lines agreed on would be quite sufficient, and, if this is not enough, the officers of the Canadian North-west Mounted Police and of the United States' force, military or civil, in the vicinity might put up a few stakes or posts at one or two points to indicate where the lines were. The "erection of monuments" gives an importance and implies a permanency that the Canadian Government does not wish attached to this temporary boundary.

With respect to the right of passage expressly provided for American citizens into and over the territory on the Canadian side of the agreed temporary line, he fails to understand with what object these words are inserted. If the object is to enable the miners going to and from Porcupine Creek to take what goods they require with them, words should be inserted to the effect that the right of entry was to be subject to such reasonable "regulations for the protection of the revenue as the Canadian Government should prescribe." The language used in the despatch he thinks capable of misconstruction, as it speaks of "the line to be so drawn," as to permit free egress and ingress, and this involves, or might be held to involve, a movable or variable line. If the sentence was framed as follows: "Provided that American citizens shall be freely permitted to follow the trail between the Porcupine Creek and said junction of the rivers into and across the territory on the Canadian side of "the temporary line wherever the trail crosses to such side, with such goods and articles as they desire to carry with them, but in the latter case subject to such reasonable regulations for the protection of the revenue as the Canadian Government may prescribe," it would, he thinks, carry out what is desired.

The sentence describing the temporary line between the junction and the peak east of the Chilkat River would, he thinks, be rendered much clearer if it was amended by adding the words "the line shall be drawn" between the words "junction" and "to" on the eleventh line of p. 2, and a clause should be added to make clear what is intended by the use of the term "high bank" as follows: "The words 'high bank of the Klehini River' mean the south bank of such river."

He also suggests that the reference to sheet No. 5, Department of the Interior, Ottawa, March 1898, had better be to sheet No. 18 of the British Commission, 31st December, 1895, thus making it correspond with the reference to the United States' Commission.

*Hotel Métropole, London, September 23, 1899.*

Inclosure 3 in No. 153.

*Agreement as to Provisional Boundary at the Head of the Lynn Canal.*

[Proposed modifications shown in italics.]

"IT shall be agreed between the Governments of the United States and of Great Britain that the boundary-line between Canada and the Territory of Alaska, in the region about the head of Lynn Canal shall be provisionally fixed without prejudice to the claims of either party in the permanent adjustment of the international boundary.

"In the region of the Dalton Trail, a line beginning at the peak west of Porcupine Creek, marked on the Map No. 10 of the United States' Commission, the 31st December, 1895, and on sheet No. 18 of the British Commission, the 31st December, 1895, with the No. 6500; thence running to the Klehini River in the direction of the peak north of that river marked 5020 on the aforesaid United States' map, and 5025 on the aforesaid British Map; thence following the high or right bank of the Klehini River to the

junction thereof with the Chilkut River, a mile and a-half, more or less, north of Klukwan; provided that persons proceeding to or from Porcupine Creek shall be freely permitted to follow the trail between the said creek and the said junction of the rivers, into and across the territory on the Canadian side of the temporary line wherever the trail crosses to such side, and subject to such reasonable Regulations for the protection of the revenue as the Canadian Government may prescribe, to carry with them over such part or parts of the trail between the said points as may lie on the Canadian side of the temporary line, such goods and articles as they desire, without being required to pay any customs duties on such goods and articles; and from said junction to the summit of the peak east of the Chilkut River marked on the aforesaid maps 5490.

"On the Dyea and Skagway Trails, the summits of the Chilkoot and White Passes.

"It is understood, as formerly set forth in communications of the Department of State of the United States, that the citizens or subjects of either Power, found by this arrangement within the temporary jurisdiction of the other, shall suffer no diminution of the right and privileges which they now enjoy.

"The Government of the United States will at once appoint an officer or officers, in conjunction with an officer or officers to be named by the Government of Her Britannic Majesty, to mark the temporary line agreed upon by the erection of posts, stakes, or other appropriate temporary marks."

## No. 154.

*Mr. Tower to the Marquess of Salisbury.—(Received October 2.)*

(No. 271.)

My Lord,

*Newport, Rhode Island, September 21, 1899.*

I HAVE the honour to transmit herewith copy of a note which has been addressed to me by the Acting Secretary of State of the United States, objecting to the presence in Skagway of two members of the North-West Mounted Police of Canada.

As your Lordship will observe, Mr. Adee suggests that it would be more to his liking if a Consular Agent were appointed to perform the duties now devolving upon these police agents.

Attention is also called to the fact that the police agent at Skagway wears the uniform of his service.

I have forwarded to the Governor-General of Canada copy of Mr. Adee's note, and have requested his Excellency to inform me what reply his Excellency's Government may desire me to return to the observations therein contained.

I have, &c.

(Signed) REGINALD TOWER.

Inclosure in No. 154.

*Mr. Adee to Mr. Tower.*

*Department of State, Washington,  
September 19, 1898.*

Sir,

I HAVE the honour to advise you that it has recently been ascertained, as the result of reports which have reached me and of investigation made by the Federal Agents of the United States at Skagway, Alaska Territory, that upon a building in that town is displayed a sign reading "North-West Mounted Police of Canada, Office," and that the place is occupied by two members of the North-West Mounted Police, one of whom appears in uniform.

The functions of these two agents are not fully understood. From a notice posted at the doorway, reading as follows:—

*"North-West Mounted Police, Dawson,  
November 18, 1898.*

"The Commissioner of the Yukon Territory orders that no person will be permitted to enter the territory without satisfying the North-West Mounted Police

Officers at Tagish and White Horse Rapids, that they have with them two months' assorted provisions and at least 500 dollars in cash, or six months' assorted provisions and not less than 200 dollars in cash, over and above the money required to pay expenses from the border to Dawson.

" N.B.—This order will not apply to residents of the Yukon Territory returning, if they are identified and prove their competence to pay their way into the country.

" By order :  
(Signed) " S. B. STEELE, Superintendent, Commanding North-West Mounted Police, Yukon Territory."

It might be inferred that they assert some supervision over persons going into the Yukon Territory. It is also said that one of the men has charge of forwarding police-mail from Skagway to the different police-stations.

So far as appears, the work assigned to these men is of the nature usually assigned to Consular Representatives of a foreign State. It cannot be supposed that they perform any military or police duties which it would not be appropriate for a police officer to perform.

Under these circumstances, the maintenance by the Commander of the North-West Mounted Police of the Yukon Territory of a police agency in Skagway appears open to legitimate objection, which would not be the case were Her Majesty's Government to station a Consular Agent at that point.

I am happy to assure you that this Government would have pleasure in according to such a Consular officer that official recognition which it could not well be asked to give to a police agent, and which it would not give unasked even were it disposed to do so.

As I have mentioned, the police agent now stationed at Skagway is reported to habitually wear the uniform of his service. This fact, while suggesting valid ground for objection, has not appeared to present representations through the diplomatic channel.

Having in mind the desire heretofore expressed by the Dominion Government that members of the armed service of the United States should not wear uniform north of the summits of the Chilkoot and White Passes, and recognizing the reasonableness and propriety of such a rule, the Commander of the United States' detachment posted at Skagway has been decided to reach, if possible, a convenient understanding with the British Commanding Officer whereby the Converse of the Canadian requirement shall be observed with Alaskan jurisdiction, and I doubt not that I shall soon be informed that this arrangement has been brought about.

I have, &c.  
(Signed) ALVEY A. ADEE,  
Acting Secretary.

No. 155.

Colonial Office to Foreign Office.—(Received October 2)

(Confidential.)

Sir, Downing Street, September 30, 1899.

I AM directed by Mr. Secretary Chamberlain to acquaint you, for the information of the Marquess of Salisbury, that he has had before him copy of his Lordship's despatch to Her Majesty's Chargé d'Affaires at Washington, No. 182, of the 2nd August, in which he stated the substance of the representation made by the United States' Ambassador as to the grounds upon which the President felt unable to assent to the proposal recorded in Lord Salisbury's note of the 1st July, for the reference of the Alaska boundary question to arbitration, on the terms adopted in the Treaty of Arbitration between Great Britain and Venezuela.

2. I am to observe at the outset that there appears to be some misapprehension on the part of the United States' Government as to the nature and scope of the proposal submitted to his Excellency, who has treated it as if it only applied to the determination of the boundary in the neighbourhood of the Lynn Canal, instead of to

215

the whole frontier of the *lisière* of coast defined in the IIIrd and IVth Articles of the Treaty of 1825.

3 No doubt it is in regard to that part of the boundary that the widest divergence of view has arisen between the two Governments, but it only needs a reference to the maps which purport to mark the boundary as claimed by the respective Governments to show that the difference is by no means confined to the region of the Lynn Canal, but extends throughout the whole length of the strip from Portland Channel to Mount St. Elias.

4. The events of the last two or three years arising out of the Yukon gold discoveries have given exceptional prominence and importance to that part of the boundary, but it will hardly be maintained that prior to these events there was any reason why, while the whole line was undetermined, and its settlement was not regarded on either side as a matter of pressing importance, special attention should have been devoted by Her Majesty's Government to that particular region.

5. It is necessary to bear this in mind in considering the various reasons put forward by the United States' Government, on account of which they claim to distinguish the present dispute from that now being discussed before the Tribunal of Arbitration at Paris.

6. The general effect of the United States' contention is that the claim put forward by Her Majesty's Government that the boundary-line should cross the Lynn Canal in the neighbourhood of Berner's Bay, following the general line of the coast range of mountains indicated by the Treaty as the position of the boundary, is a new one first put forward after the Joint High Commission had been created, and that before then Her Majesty's Government had made no claim to the head waters of the canal, or any protest against various acts on the part of Russia and the United States inconsistent with that claim, and that the United States' Government is therefore justified in refusing to allow the question of the possession of these waters to be adjudicated upon by an independent tribunal.

7. I am to point out in the first place that there has been but little discussion of the boundary question between the two Governments, but whenever it has been referred to, it has been on the admitted basis that the whole line was undetermined, and that the interpretation of the boundary Articles of the Treaty was entirely an open question as to which each Government was free to urge its own views.

8. This was the view accepted by President Grant in his Annual Message to Congress of the 2nd December, 1872, and by the late Secretary Bayard in his despatch to Mr. Phelps of the 20th November, 1888, and, as was pointed out in that despatch, no question concerning the true location of the line stipulated in the Treaty had ever arisen between Great Britain and Russia prior to the cession of Alaska to the United States. The only value of the region during that period lay in the fur trade, and during the first ten years after 1825 that trade was thrown open on equal terms to the subjects and citizens of Great Britain, Russia, and the United States by Article VII of the Treaty between Great Britain and Russia of 1825, and Article IV of the Treaty of 1824 between the United States and Russia, and before the expiry of the ten years the negotiations between the Hudson's Bay Company and the Russian American Company which resulted in the lease to the former of the trade of the whole of *lisière* southward and eastward of a line joining Cape Spencer and Mount Fairweather had been initiated. By that lease the exclusive right of trade and commerce in the *lisière* outside the line mentioned, covering practically the whole territory the boundary of which is in dispute, became vested in the Company which enjoyed a similar monopoly in the territory on the British side of the frontier, wherever it might be, and, as it was a matter of indifference to it whether it derived its rights from its British Charter or its Russian lease, no question as to the true location of the line could arise. The lease, though originally for ten years only, was renewed from time to time and terminated only on the date when Alaska was ceded to the United States.

9. When, subsequently to that cession, the gold discoveries in the Cassiar district of British Columbia, to which the most convenient access lay through the Stikine River traversing the *lisière*, rendered it desirable to locate the boundary to that region, the discussion between the two Governments was entirely confined to the question of a joint survey, an indispensable preliminary to any attempt to fix the boundary, and never touched on the interpretation of the Treaty. Indeed, in the complete absence of topographical information as to the country, it was obviously impossible to discuss that question, and it is tacitly avoided by both sides. Even when later Mr. Secretary Fish threw out the suggestion referred to by Mr. Choate that the points where



the boundary crosses certain rivers might be surveyed with a view to a partial delimitation, he declared that it was doubtful whether Congress would vote the money necessary for the purpose, doubts which were speedily verified by the action of that body, and it can scarcely be a matter of surprise that a suggestion made in such circumstances failed to receive critical examination at the hands of the British or Dominion Governments, and that no attempt was made to initiate a discussion as to the interpretation of the Treaty which in the absence of a survey, must have been of a purely academic nature.

10. The case of Peter Martin in 1877 to which Mr. Choate refers does not appear to have any bearing on the matter, as it turned on the question of his unauthorized conveyance as a prisoner through United States' territory, and Her Majesty's Government have never questioned the right of the United States' Government to territory at the mouth of the Stikine River, though the question how far inland that territory extends remains in dispute.

11. Mr. Choate made no reference to the correspondence initiated by the late Mr. Bayard in his note to Mr. Phelps of the 20th November, 1885, which has already been mentioned. That note made no claim that the interpretation of the Treaty as regards any particular part of the boundary-line was no longer open, and the Earl of Iddesleigh, in his note to Mr. Phelps of the 27th August, 1883, inclosing copy of the map of the Dominion of Canada, geologically coloured, for which Mr. Phelps had asked, and on which a line was shown separating the *lisière* from Canadian territory, stated clearly the attitude of Her Majesty's Government in regard to the position of the boundary disputed in the following words:—

"In forwarding to you a copy of the map in question, I have the honour to invite your attention to the fact, that the Alaska boundary-line shown thereon is merely an indication of the occurrence of such a dividing line somewhere in that region. It will, of course, be clearly understood that no weight could attach to the map location of the line now denoted, inasmuch as the Convention between Great Britain and Russia of the 28th February, 1825, which defines the line, making its location depend on alternative circumstances, the occurrence or the non-occurrence, of mountains, and, as is well-known to all concerned, the country has never been topographically surveyed. Her Majesty's Government therefore feel that they are bound distinctly to disavow the recognition of the correctness of the line shown, on the edition of the map in question forwarded herewith, as the boundary-line between the province of British Columbia and Alaska."

12. The United States' Government took no exception to this declaration, which was followed later by the statement in the Memorandum given to Mr. Bayard by Sir L. Sackville West on the 14th September, 1887, as to the action of Lieutenant Schwatka during his reconnaissance of 1883 in purporting to fix Perrier's Pass at the head of the Lynn Canal as a point on the boundary. It was there stated that "although Her Majesty's Government have agreed in principle to take part in a preliminary investigation of the Alaska boundary question, they are not prepared to admit that the points referred to by Lieutenant Schwatka in any way fix where the line should be drawn. It is not sought to raise any discussion at the present moment in regard to the position of the boundary between Alaska and British Columbia; but in order that it may not be prejudiced hereafter by absence of remark on the points alluded to above, Her Majesty's Government have thought it expedient to call the attention of the United States' Government to the foregoing observations."

13. Shortly after in the informal discussion of the boundary question between Dr. Dawson on the part of Her Majesty's Government and Dr. Dall on the part of the United States' Government, during the sittings of the Joint High Commission of 1888, the former made it distinctly clear that Her Majesty's Government claimed that the boundary should, in accordance with the terms of the Treaty, be drawn along the summits of the coast range, crossing all narrow waters which were of such width as to be within territorial jurisdiction.

14. When the Conference between the British Delegates and the late Mr. Secretary Blaine was held in February 1892, the views of Her Majesty's Government as to the boundary were fully stated, and it was proposed on the part of the British Representatives "that a reference to some impartial authority be made by Great Britain and the United States for the purpose of ascertaining and deciding finally the true boundary, regard being had to the Treaties relating to the subject and likewise to the case which may be presented by either Government, and to the testimony which may be adduced as to the physical features of that country," &c.

15. The Representatives of the United States, Mr. Blaine and General Foster,

considered that it was premature to provide for a reference to arbitration until a survey had been made, and the two Governments had had an opportunity of considering and discussing the question in the light of the facts revealed by that survey, and they handed in a proposal which was accepted and embodied with slight verbal amendments in Article I of the Treaty of the 22nd July, 1892. That Article provided for a coincident or joint survey "with a view to the ascertainment of the facts and data necessary to the permanent delimitation of said boundary-line in accordance with the spirit and intent of the existing Treaties in regard to it between Great Britain and Russia and between the United States and Russia," and further, that "The High Contracting Parties agree that, as soon as practicable after the Report or Reports of the Commissions shall have been received, they will proceed to consider and establish the boundary-line in question."

16. It is clear from this that the whole question of the interpretation and application of the Treaty was, by common consent, left over for discussion, after the completion of the survey in the light of the facts which it disclosed, and it might fairly be argued from the express terms of the Convention that both Governments had stepped themselves from contending that the boundary should be run otherwise than in accordance with the "spirit and intent" of the existing Treaties in regard to it between Great Britain and Russia and between the United States and Russia.

17. It is evident in any case that, at any rate, in 1892, neither Government claimed to have any rights in the disputed territory arising out of possession, occupation, or political control. Nor does it appear that any such claims were preferred on the part of the United States until the meetings of the Joint High Commission.

18. The elaborate series of maps on which the results of the joint survey were embodied were not received by Her Majesty's Government until March 1898, but in the meantime Her Majesty's Government, realizing the improbability of a settlement being reached by diplomatic discussion, as contemplated by the Convention of 1892, and the need of an early settlement, owing to the new conditions created by the Yukon gold discoveries, had instructed Sir J. Panncofote to propose to the United States' Government a reference of the question to three jurists of high standing, one nominated by each of the two Powers, and the third by an independent Power, and that this Commission should proceed at once to delimit the boundary at the heads of the inlets through which the traffic for the Yukon entered, principally at the head of the Lynn Canal.

19. This proposal was made by Sir J. Panncofote to Mr. Sherman on the 23rd February, and in making it he specifically alluded to the divergence of views revealed by the informal discussion which took place in 1888. On the 2nd March he reported to Lord Salisbury that the United States' Government were anxious for a provisional boundary, the rights of both parties being reserved pending a final settlement, but were unwilling to proceed with a new Convention providing for arbitration until diplomatic discussion had failed to secure a settlement.

20. The proposal for a provisional boundary was made by Sir J. Panncofote on the 18th April in a Memorandum in which he stated that, "in view of the wide divergence of views existing on the subject of the Alaska-Canadian boundary, the Dominion Government fear that the suggestion to proceed with the demarcation under the Convention of 1892 would lead to no result. They are, however, prepared to agree that a provisional line should be fixed without prejudice to the claims of either party at the watershed of the first summit north of Dyea. Such a provisional boundary would be at a distance of considerably more than 10 leagues from the coast." In answering this Memorandum, on the 9th May, Mr. Day stated: "In consenting to the temporary marking of the boundary-line in the method just indicated, this Government desires it to be distinctly understood, on the part of both Governments, that this arrangement is not to be construed as affecting in any manner rights under existing Treaties for the ultimate consideration and establishment of the boundary-line in question."

21. When, therefore, the Joint High Commission met to discuss the question, it was clearly understood on both sides that the line was to be determined "in accordance with the spirit and intent" of the Treaty, without restriction, the rights of both parties having been fully and distinctly reserved whenever any question of the interpretation or application of the Treaty was discussed, and the fact of such reservation expressly recognized on both sides.

22. It has already been fully explained why no question as to the interpretation of the Treaty was raised by either party until 1885, and that on the first occasion when

the discussion of the matter was approached, Her Majesty's Government gave distinct notice that they entirely disavowed the correctness of the line shown on the maps to which the United States' Government appeal.

23. In view of these facts, Her Majesty's Government are strictly entitled to claim that a settlement of the question cannot be reached diplomatically, the interpretation of the Treaty and its application to the facts ascertained by the survey should be submitted unreservedly to an impartial tribunal, without any such restrictions as were contained in the Venezuelan Treaty, and in proposing to allow, as provided by that instrument, continuous adverse possession for fifty years, if such can be proved, to override Treaty right, they have made a great concession to the United States.

24. They do not, of course, admit that there has been any such adverse possession, by way either of exercise of jurisdiction or of political control, and if United States' citizens have settled recently at the head of the Lynn Canal, they have done so in the full knowledge, as given in the documents inclosed in President Cleveland's Message to Congress of the 2nd March, 1889, that they were settling in disputed territory, and Her Majesty's Government are unable to see any reason why such settlement should receive further or greater recognition and protection than the United States' Government considered should be accorded to British subjects who had settled in the area in dispute between this country and Venezuela.

25. Mr. Chamberlain does not consider it necessary to discuss in detail each of the various points advanced in Mr. Choate's communication in favour of the United States' interpretation of the Treaty. Facts and arguments of at least equal cogency can be advanced on the other side by Her Majesty's Government, and they are all points which can be submitted to an Arbitration Tribunal under the rules laid down in the Venezuelan Treaty, and unless there are other facts and circumstances upon which the United States' Government rely, but which might be excluded from the consideration of the tribunal by these Rules, Mr. Choate has not, so far as Mr. Chamberlain can see, advanced any reason to warrant Her Majesty's Government in departing from the view expressed in Lord Salisbury's note of the 1st July, that there is nothing in the terms of the Venezuelan Treaty "which is inapplicable, or which would be inconsistent with an equitable solution of the Alaskan controversy."

26. The question immediately under discussion is whether or not the dispute as to the boundary should be referred to arbitration, and Mr. Chamberlain is unable to understand why the length of time during which the rival claims to disputed territory have been matters of controversy should form an element to be taken into consideration in that connection. If it is desirable, on other grounds, to employ the assistance of an impartial tribunal as the best means of terminating the dispute, the length of the period of previous controversy appears to be immaterial.

27. The exercise of rights of sovereignty within the area in dispute by control of the Indian tribes and establishment of administrative machinery therein, as the United States' Government are aware, one of the principal grounds put forward by Great Britain in support of her right to the territory claimed by Venezuela, and such grounds, if put forward by the United States' Government with reference to the Alaska boundary would, no doubt, be fully considered by a Tribunal of Arbitration, and if found to be established for the period prescribed in the Treaty, might settle the controversy in their favour.

28. But the exercise of such control by the United States until very recently and after due notice of the claim of Her Majesty's Government, is not admitted, and in these circumstances, the fact of its exercise appears to be a reason in favour of, rather than an obstacle to, arbitration.

29. The fact that the starting-point in the present controversy is a Treaty, and, in the dispute with Venezuela, discovery and occupation, cannot constitute any essential difference between the two cases. The rules agreed to by Great Britain and the United States for the guidance of the tribunal were intended to provide for the admission in argument of every ground upon which an equitable claim to disputed territory may be based. As has already been pointed out, it is the Government of the United States that has imported into the present discussion other considerations than that of strict Treaty right, and Mr. Chamberlain cannot believe that on full consideration they will continue to object to these considerations being tested by rules which, with their approval and with the consent of Her Majesty's Government, have been applied to a similar case.

30. If, however, the United States' Government consider that the terms of the Venezuelan Treaty are in any respect inadequate to provide for an equitable settle-

ment of the present controversy, any suggestion which they may have to offer will receive attentive consideration from Her Majesty's Government.

I am, &c.

(Signed) H. BERTRAM COX.

No. 156.

*The Marquess of Salisbury to Mr. Tower.*

(No. 204 Confidential.)

*Foreign Office, October 3, 1899.*

I reference to your despatch No. 255 of the 7th instant, inclosing a copy of a note from Mr. Hay, in which he gives the terms of Agreement proposed by the United States' Government for the provisional boundary between Alaska and the Dominion of Canada, I transmit to you a copy of a letter from the Colonial Office,\* forwarding a Memorandum by Sir Louis Davies, and submitting a modified form of Agreement.

The proviso in Mr. Hay's proposal with regard to freedom of access to the valley of Porcupine Creek would render it impossible to draw the provisional line of boundary without practically transferring both banks of the Klehini to the American side, and the text of the Agreement has, therefore, been amended in such a manner as to permit persons proceeding to and from Porcupine Creek to carry with them such goods and articles as they desire without being required to pay any customs duties, whilst the arrangement that the line should follow the high or right bank of the Klehini is retained.

By this means Her Majesty's Government consider that the freedom of passage asked for by the United States' Government is sufficiently assured.

With regard to the alterations in the last paragraph of the Agreement, it may be stated that, as the line is to be provisional, it does not seem necessary to appoint Joint Commissioners for the purpose of erecting appropriate monuments. The officers on either side who may be in the vicinity can be entrusted with the work of erecting such temporary marks as may be deemed requisite.

I should wish you to communicate the modified draft of the Agreement to the United States' Government, with the explanations given above, and to inform Mr. Hay that you are authorized to sign it at once.

I am, &c.

(Signed) SALISBURY.

No. 157.

*Mr. Tower to the Marquess of Salisbury.—(Received October 5.)*

(No. 273.)

My Lord,

*Newport, R.I., September 23, 1899.*

I HAVE the honour to report that, upon receipt of your Lordship's telegram No. 100 of the 22nd instant, I have transmitted this day to the Governor-General of Canada copy of Mr. Hay's note of the 6th instant, respecting the provisional Alaska boundary-line.

I have, &c.

(Signed) REGINALD TOWER.

No. 158.

*The Marquess of Salisbury to Mr. Tower.*

(No. 213.)

Sir,

*Foreign Office, October 14, 1899.*

IN my despatch No. 182 of the 2nd August I informed you of a communication made to me by the United States' Ambassador, stating the grounds upon which the President felt himself unable to assent to my proposal for the reference of the Alaska Boundary question to Arbitration on the terms adopted in the Treaty of the 2nd February, 1897, between Great Britain and Venezuela.

Mr. Choate said, in conclusion, that he was instructed to express the opinion of the President that it would be wise at this stage of the negotiation to have a comparison of views, and to state that he would be much gratified if I would give my views in return upon the matter presented and communicate the grounds upon which Her Majesty's Government base their opinion that "there is nothing in the Venezuelan Treaty which is inapplicable, or which would be inconsistent with an equitable solution of the Alaska controversy."

I would observe at the outset that there appears to be some misapprehension on the part of the United States' Government as to the nature and scope of the proposal submitted to his Excellency, who has treated it as if it only applied to the determination of the boundary in the neighbourhood of the Lynn Canal, instead of to the whole frontier of the *lisière* of coast defined in the IIIrd and IVth Articles of the Treaty of 1825.

No doubt it is in regard to that part of the boundary that the widest divergence of views has arisen between the two Governments, but it only needs a reference to the maps which purport to mark the boundary as claimed by the respective Governments to show that the difference is by no means confined to the region of the Lynn Canal, but extends throughout the whole length of the strip from Portland Channel to Mount St. Elias.

The events of the last two or three years arising out of the Yukon gold discoveries have given exceptional prominence and importance to that part of the boundary, but it will hardly be maintained that prior to these events there was any reason why, while the whole line was undetermined, and its settlement was not regarded on either side as a matter of pressing importance, special attention should have been devoted by Her Majesty's Government to that particular region.

It is necessary to bear this in mind in considering the various reasons put forward by the United States' Government, on account of which they claim to distinguish the present dispute from that recently discussed before the Tribunal of Arbitration at Paris.

The general effect of the United States' contention is that the claim put forward by Her Majesty's Government that the boundary-line should cross the Lynn Canal in the neighbourhood of Berner's Bay, following the general line of the coast range of mountains indicated by the Treaty as the position of the boundary, is a new one first put forward after the Joint High Commission had been created, and that before then Her Majesty's Government had made no claim to the head waters of the canal, or any protest against various acts on the part of Russia and the United States inconsistent with that claim, and that the United States' Government are therefore justified in refusing to allow the question of the possession of these waters to be adjudicated upon by an independent tribunal.

I wish to point out in the first place that there has been but little discussion of the boundary question between the two Governments, but whenever it has been referred to it has been on the admitted basis that the whole line was undetermined, and that the interpretation of the boundary Articles of the Treaty was entirely an open question as to which each Government was free to urge its own views.

This was the view accepted by President Grant in his Annual Message to Congress of the 2nd December, 1872, and by the late Secretary Bayard in his despatch to Mr. Phelps of the 20th November, 1888, and, as was pointed out in that despatch, no question concerning the true location of the line stipulated in the Treaty had ever arisen between Great Britain and Russia prior to the cession of Alaska to the United States. The only value of the region during that period lay in the fur trade, and during the first ten years after 1825 that trade was thrown open on equal terms to the subjects and citizens of Great Britain, Russia, and the United States by Article VII of the Treaty between Great Britain and Russia of 1825, and Article IV of the

Treaty of 1824 between the United States and Russia, and before the expiry of the ten years the negotiations between the Hudson's Bay Company and the Russian American Company which resulted in the lease to the former of the trade of the whole of the *lisière* southward and eastward of a line joining Cape Spencer and Mount Fairweather had been initiated. By that lease the exclusive right of trade and commerce in the *lisière* outside the line mentioned, covering practically the whole territory the boundary of which is in dispute, became vested in the Company which enjoyed a similar monopoly in the territory on the British side of the frontier, wherever it might be, and, as it was a matter of indifference to it whether it derived its rights from its British Charter or its Russian lease, no question as to the true location of the line could arise. The lease, though originally for ten years only, was renewed from time to time and terminated only on the date when Alaska was ceded to the United States.

When, subsequently to that cession, the gold discoveries in the Cassiar district of British Columbia, to which the most convenient access lay through the Stikine River traversing the *lisière*, rendered it desirable to locate the boundary in that region, the discussion between the two Governments was entirely confined to the question of a joint survey, an indispensable preliminary to any attempt to fix the boundary, and never touched on the interpretation of the Treaty. Indeed, in the complete absence of topographical information as to the country, it was obviously impossible to discuss that question, and it was tacitly avoided by both sides. Even when later Mr. Secretary Fish threw out the suggestion referred to by Mr. Choate that the points where the boundary crosses certain rivers might be surveyed with a view to a partial delimitation, he declared that it was doubtful whether Congress would vote the money necessary for the purpose, doubts which were speedily verified by the action of that body, and it can scarcely be a matter of surprise that a suggestion made in such circumstances failed to receive critical examination at the hands of the British or Dominion Governments, and that no attempt was made to initiate a discussion as to the interpretation of the Treaty which, in the absence of a survey, must have been of a purely academic nature.

The case of Peter Martin in 1877, to which Mr. Choate also refers, does not appear to have any bearing on the matter, as it turned on the question of his unauthorized conveyance as a prisoner through United States' territory, and Her Majesty's Government have never questioned the right of the United States' Government to territory at the mouth of the Stikine River, though the question how far inland that territory extends remains in dispute.

Mr. Choate made no reference to the correspondence initiated by the late Mr. Bayard in his note to Mr. Phelps of the 20th November, 1855, which has already been mentioned. That note made no claim that the interpretation of the Treaty as regards any particular part of the boundary-line was no longer open, and the Earl of Idlesleigh, in his note to Mr. Phelps of the 27th August, 1856, inclosing copy of the map of the Dominion of Canada, geologically coloured, for which Mr. Phelps had asked, and on which a line was shown separating the *lisière* from Canadian territory, stated clearly the attitude of Her Majesty's Government in regard to the position of the disputed boundary in the following words:—

"In forwarding to you a copy of the map in question, I have the honour to invite your attention to the fact that the Alaska boundary-line shown thereon is merely an indication of the occurrence of such a dividing line somewhere in that region. It will, of course, be readily understood that no weight could attach to the map location of the line now noticed, inasmuch as the Convention between Great Britain and Russia of the 28th February, 1825, which defines the line, makes its location depend on alternative circumstances, the occurrence or the non-occurrence, of mountains, and, as is well known to all concerned, the country has never been topographically surveyed. Her Majesty's Government therefore feel that they are bound distinctly to disavow the recognition of the correctness of the line shown, on the edition of the map in question forwarded herewith, as the boundary-line between the Province of British Columbia and Alaska."

The United States' Government took no exception to this declaration, which was followed later by the statement in the Memorandum given to Mr. Bayard by Sir L. Sackville West on the 14th September, 1857, as to the action of Lieutenant Schwatka during his reconnaissance of 1853 in purporting to fix Perrier's Pass at the head of the Lynn Canal as a point on the boundary. It was there stated that "although Her Majesty's Government have agreed in principle to take part in a preliminary investigation of the Alaska boundary question, they are not prepared to

admit that the points referred to by Lieutenant Schwatka in any way fix where the line should be drawn. It is not sought to raise any discussion at the present moment in regard to the position of the boundary between Alaska and British Columbia; but in order that it may not be prejudiced hereafter by absence of remark on the points alluded to above, Her Majesty's Government have thought it expedient to call the attention of the United States' Government to the foregoing observations."

Shortly after in the informal discussion of the boundary question between Dr. Dawson on the part of Her Majesty's Government and Dr. Dall on the part of the United States' Government, during the sittings of the Joint High Commission of 1888, the former made it distinctly clear that Her Majesty's Government claimed that the boundary should, in accordance with the terms of the Treaty, be drawn along the summits of the coast range, crossing all narrow waters which were of such width as to be within territorial jurisdiction.

When the Conference between the British Delegates and the late Mr. Secretary Blaine was held in February 1892, the views of Her Majesty's Government as to the boundary were fully stated, and it was proposed on the part of the British Representatives "that a reference to some impartial authority be made by Great Britain and the United States for the purpose of ascertaining and deciding finally the true boundary, regard being had to the Treaties relating to the subject and likewise to the case which may be presented by either Government, and to the testimony which may be adduced as to the physical features of that country," &c.

The Representatives of the United States, Mr. Blaine and General Foster, considered that it was premature to provide for a reference to arbitration until a survey had been made, and the two Governments had had an opportunity of considering and discussing the question in the light of the facts revealed by that survey, and they handed in a proposal which was accepted and embodied with slight verbal amendments in Article 1 of the Treaty of the 22nd July, 1892. That Article provided for a coincident or joint survey "with a view to the ascertainment of the facts and data necessary to the permanent delimitation of said boundary-line in accordance with the spirit and intent of the existing Treaties in regard to it between Great Britain and Russia and between the United States and Russia," and further, that "The High Contracting Parties agree that, as soon as practicable after the Report or Reports of the Commissions shall have been received, they will proceed to consider and establish the boundary-line in question."

It is clear from this that the whole question of the interpretation and application of the Treaty was, by common consent, left over for discussion, after the completion of the survey in the light of the facts which it disclosed, and it might fairly be argued from the express terms of the Convention that both Governments had estopped themselves from contending that the boundary should be run otherwise than in accordance with the "spirit and intent" of the existing Treaties in regard to it between Great Britain and Russia and between the United States and Russia.

It is evident in any case that, at any rate, in 1892, neither Government claimed to have any rights in the disputed territory arising out of possession, occupation, or political control. Nor does it appear that any such claims were preferred on the part of the United States until the meetings of the Joint High Commission.

The elaborate series of maps on which the results of the joint survey were embodied were not received by Her Majesty's Government until March 1898, but in the meantime Her Majesty's Government, realizing the improbability of a settlement being reached by diplomatic discussion, as contemplated by the Convention of 1892, and the need of an early settlement, owing to the new conditions created by the Yukon gold discoveries, had instructed Sir J. Pauncefoot to propose to the United States' Government a reference of the question to three jurists of high standing, one nominated by each of the two Powers, and the third by an independent Power, and that this Commission should proceed at once to delimit the boundary at the heads of the inlets through which the traffic for the Yukon entered, principally at the head of the Lynn Canal.

This proposal was made by Sir J. Pauncefoot to Mr. Sherman on the 23rd February, 1898, and in making it he specifically alluded to the divergence of views revealed by the informal discussion which took place in 1888. On the 2nd March he reported to me that the United States' Government were anxious for a provisional boundary, the rights of both parties being reserved pending a final settlement, but were unwilling to proceed with a new Convention providing for arbitration until diplomatic discussion had failed to secure a settlement.



A proposal for a provisional boundary was made by Sir J. Pakenfote on the 18th April in a Memorandum in which he stated that, "in view of the wide divergence of views existing on the subject of the Alaska-Canadian boundary, the Dominion Government fear that the suggestion to proceed with the demarcation under the Convention of 1892 would lead to no result. They are, however, prepared to agree that a provisional line should be fixed without prejudice to the claims of either party at the watershed of the first summit north of Dyea. Such a provisional boundary would be at a distance of considerably more than 10 leagues from the coast." In answering this Memorandum, on the 9th May, Mr. Day stated: "In consenting to the temporary marking of the boundary-line in the method just indicated, this Government desires it to be distinctly understood, on the part of both Governments, that this arrangement is not to be construed as affecting in any manner rights under existing Treaties for the ultimate consideration and establishment of the boundary-line in question."

When, therefore, the Joint High Commission met in August 1898 to discuss the question, it was clearly understood on both sides that the line was to be determined "in accordance with the spirit and intent" of the Treaty, without restriction, the rights of both parties having been fully and distinctly reserved whenever any question of the interpretation or application of the Treaty was discussed, and the fact of such reservation expressly recognized on both sides.

It has already been fully explained why no question as to the interpretation of the Treaty was raised by either party until 1885, and that on the first occasion when the discussion of the matter was approached, Her Majesty's Government gave distinct notice that they entirely disavowed the correctness of the line shown on the maps to which the United States' Government appealed.

In view of these facts, Her Majesty's Government are fairly entitled to claim that as a settlement of the question cannot be reached diplomatically, the interpretation of the Treaty and its application to the facts ascertained by the survey should be submitted unreservedly to an impartial tribunal, without any such restrictions as were contained in the Venezuelan Treaty, and in proposing to allow, as provided by that instrument, continuous adverse possession for fifty years, if such can be proved, to override Treaty right, they have made a distinct concession to the United States.

They do not, of course, admit that there has been any such adverse possession, by way either of exercise of jurisdiction or of political control, and if the United States' citizens have settled recently at the head of the Lynn Canal, they have done so in the full knowledge, as given in the documents inclosed in President Cleveland's Message to Congress of the 2nd March, 1889, that they were settling in disputed territory, and Her Majesty's Government are unable to see any reason why such settlement should receive further or greater recognition and protection than the United States' Government considered should be accorded to British subjects who had settled in the area in dispute between this country and Venezuela.

It is not necessary to discuss in detail each of the various points advanced in Mr. Choate's communication in favour of the United States' interpretation of the Treaty. Facts and arguments of equal cogency can be advanced on the other side by Her Majesty's Government, and they are all points which can be submitted to an Arbitration Tribunal under the Rules laid down in the Venezuelan Treaty; and unless there are other facts and circumstances upon which the United States' Government rely, but which might be excluded from the consideration of the Tribunal by these Rules, Mr. Choate has not, so far as can be seen, advanced any reason to warrant Her Majesty's Government in departing from the view expressed in my note of the 1st July, that there is nothing in the terms of the Venezuelan Treaty "which is inapplicable or which would be inconsistent with an equitable solution of the Alaskan controversy."

The question immediately under discussion is whether or not the dispute as to the boundary should be referred to arbitration, and it is difficult to understand why the length of time during which the rival claims to disputed territory have been matters of controversy should form an element to be taken into consideration in that connection. If it be desirable, on other grounds, to employ the assistance of an impartial tribunal as the best means of terminating the dispute, the length of the period of previous controversy appears to be immaterial.

The exercise of the rights of sovereignty within the area in dispute by control of the Indian tribes and establishment of administrative machinery therein was, as the United States' Government are aware, one of the principal grounds put forward by Great Britain in support of her right to the territory claimed by Venezuela, and such



grounds, if put forward by the United States' Government with reference to the Alaska boundary would, no doubt, be fully considered by a Tribunal of Arbitration, and if found to be established for the period prescribed in the Treaty, might settle the controversy in their favour.

But it is not admitted that such control was exercised by the United States until very recently and after due notice of the claim of Her Majesty's Government, and in these circumstances, the fact of its exercise appears to be a reason in favour of, rather than an obstacle to, arbitration.

The fact that the starting-point in the present controversy is a Treaty, and that, in the dispute with Venezuela, the claims on either side were based on discovery and occupation, cannot, in the opinion of Her Majesty's Government, constitute any essential difference between the two cases. The Rules agreed to by Great Britain and the United States for the guidance of the Tribunal were intended to provide for the admission in argument of every ground upon which an equitable claim to disputed territory may be based. As has already been pointed out, it is the Government of the United States who have imported into the present discussion other considerations than that of strict Treaty right, and I trust that on full consideration they will not continue to object to these considerations being tested by Rules which, with their approval and with the consent of Her Majesty's Government, have been applied to a similar case.

If, however, the United States' Government still consider that the terms of the Venezuelan Treaty are in any respect inadequate to provide for an equitable settlement of the present controversy, such suggestions as they have to offer will receive attentive consideration from Her Majesty's Government.

You are authorized to read this despatch to Mr. Hay, and to leave a copy of it with him if he should so desire.

I am, &c.  
(Signed) SALISBURY.

---

No. 159.

*Mr. Tower to the Marquess of Salisbury. — (Received October 18.)*

(No. 68.)

(Telegraphic.) P.

*Washington, October 18, 1899.*

WITH reference to your despatch No. 204 of the 3rd October, all the modifications which your Lordship proposes are accepted by the Secretary of State. Mr. Hay suggests exchanging notes, so that the Agreement may come into force at once.

Am I authorized to alter the first line of draft Agreement so as to run "It is hereby agreed," and to insert a clause in my note to the effect that the Agreement is understood to become binding from the date of my note accepting it?

---

No. 160.

*The Marquess of Salisbury to Mr. Tower.*

(No. 103.)

(Telegraphic.) P.

*Foreign Office, October 19, 1899.*

REFERRING to your telegram No. 68 of the 15th instant, you are authorized to make the alteration you propose in the first line of the Provisional Agreement in regard to the Alaska boundary in the region of the Lynn Canal. After the words "provisionally fixed" the words "as follows" should be inserted.

A colon should be substituted for a full stop after "adjustment of the international boundary," and you should place a comma and hyphen after "north of Kiukwan" instead of a semicolon, but do not delay the signature on account of these changes.

You are also authorized to insert in your note a clause to the effect that the Agreement shall come into force from the date when the notes are exchanged.

---

225

No. 161.

*Foreign Office to Colonial Office.*

Sir, *Foreign Office, October 19, 1899.*  
WITH reference to Mr. Tower's telegram No. 68 of yesterday, of which a copy has been communicated to your Department, I am directed by the Marquess of Salisbury to transmit to you the draft of a telegram which his Lordship proposes to address to him,\* suggesting some further verbal amendments in the arrangement for a provisional boundary with Alaska, but stating that these changes should not delay the signature of the Agreement.

I am to ask whether Mr. Secretary Chamberlain concurs in the terms of the proposed instruction.

I am, &c.  
(Signed) F. H. VILLIERS.

No. 162.

*Mr. Tower to the Marquess of Salisbury.—(Received October 20.)*

(No. 69.) *Washington, October 20, 1899.*  
(Telegraphic.) P.

WITH reference to your Lordship's despatch No. 204 of the 3rd instant, I have the honour to report that the notes respecting the provisional Alaska boundary-line were exchanged to-day, and that copies will be sent to your Lordship and Lord Minto by post.

No. 163.

*Colonial Office to Foreign Office.—(Received October 23.)*

Sir, *Downing Street, October 19, 1899.*

I AM directed by Mr. Secretary Chamberlain to acknowledge the receipt of your letter of this day's date, inclosing draft of a telegram which the Marquess of Salisbury proposes to address to Her Majesty's Chargé d'Affaires at Washington with regard to the signature of the Agreement with the United States' Government for the establishment of a provisional boundary in the region of the Lynn Canal.

2. Mr. Chamberlain will be glad if you will inform Lord Salisbury that he concurs in the terms of the proposed telegram.

I am, &c.  
(Signed) H. BERTRAM COX.

No. 164.

*Question asked in the House of Commons, October 24, 1899.*

*Mr. Hogan.*—To ask the Under-Secretary of State for Foreign Affairs whether any agreement has yet been arrived at with the Government of the United States in connection with the Alaskan boundary.

*Answer.*

Yes; an agreement for a provisional boundary between Canada and Alaska in the neighbourhood of the Lynn Canal has been arrived at with the Government of the United States, and its text will be laid on the Table of the House so soon as the terms of the notes recording it have been received from Washington.

\* No. 160.

No. 165.

*Colonial Office to Foreign Office.—(Received October 26.)*

(Secret and Confidential.)

Sir,

*Downing Street, October 25, 1899.*

AS the Marquess of Salisbury is aware, the Delegate appointed by the Canadian Government to discuss the Alaska boundary question with Her Majesty's Government has now left to return to Canada.

2. Mr. Chamberlain thinks it desirable that the Dominion Government in considering their Delegate's report should have before them a formal expression of the views held by Her Majesty's Government with regard to the present position of the question. He proposes, therefore, to address to the Governor-General the despatch of which a draft is inclosed, and he will be glad to learn at an early date whether Lord Salisbury concurs in the terms of the draft.

I am, &amp;c.

(Signed) H. BERTRAM COX.

Inclosure 1 in No. 165.

*Draft of Despatch from Mr. Chamberlain to Governor-General the Earl of Minto.*

(Very Confidential.)

My Lord,

*Downing Street, October , 1899.*

I HAVE the honour to acquaint you, for the information of your Ministers, that Her Majesty's Government have had under their consideration the present position of the Alaska boundary question.

They have had the advantage of conferring on the subject with Sir Louis Davies, who has furnished a full statement of the case of your Ministers for the interpretation of the boundary Articles of the Treaty which is maintained by Canada.

I need scarcely say that Her Majesty's Government share the views of your Ministers as to the interpretation of the Treaty of 1825 and have, as you are already aware, been urging the United States' Government to agree to the reference of the dispute to a Tribunal of Arbitration on the lines adopted in the case of the boundary dispute between this country and Venezuela, but hitherto without success.

The main difficulty arises from the position of the two towns of Dyea and Skagway at the head of the Lynn Channel. The United States' Government maintain that these towns were established by them on what they had every reason to believe was undoubtedly American soil, that they were so established largely in the interests of, and for the convenience of, Canadian trade, that no protest or objection was made by Her Majesty's Government on behalf of Canada against their action in this matter, and that until the meeting of the Joint High Commission they had no reason to believe that any claim on the part of the Dominion to the head-waters of the channel was seriously entertained.

I do not propose now to examine how far these statements are warranted; but there can be no doubt that the United States' Government are convinced of their validity, and consequently refuse to entertain any proposals for an arbitration which would place the position of these towns in question; and though the discussion is still proceeding, it is improbable that they will modify their attitude on this point.

They are so far justified in differentiating the present dispute from that with Venezuela, in that in the controversy on the latter case extending over a long period the claims of Venezuela had been repeatedly and distinctly formulated and supported by continual protests against the alleged aggressions of Great Britain. In the case of the Alaskan boundary, on the other hand, there was no discussion until comparatively recent years, and though both Her Majesty's Government and the Dominion Government were aware that the United States believed and claimed that the Treaty intended the boundary to go round the Lynn Channel, and the Canadian Government had in 1888 suggested that a protest should be made against the United States' claim, the language in which the protest was conveyed to that Government by Her Majesty's Minister was not sufficiently precise, and the claim was never formally and directly challenged in express terms; moreover, the action of your Ministers in establishing their Customs

227

station on the eastern side of the mountains bordering the channel without any formal notice to the United States that the head-waters of the channel were claimed by the Dominion would naturally be construed as an acquiescence in the United States' claim. There was, again, in the case of the Venezuela boundary, no question involved of a possible transfer of jurisdiction over organized towns or settlements of the size and population of Dyea and Skagway, and there does not appear to be any previous case of a boundary dispute in which the possession of towns or settlements of such importance was in question. This fact, and the absence of any explicit statement of claim by Her Majesty's Government at the time when those towns were being formed to the territory upon which they are situated, render it improbable that any Tribunal with the discretion allowed by section (c) of the Rules applied in the Venezuelan dispute would, even if satisfied that the territory in question belonged of right to Her Majesty, decree that it should be surrendered by the United States, and if they were to do so, it is unlikely, looking to the nature and extent of the interests involved, that those immediately concerned would submit peacefully to such an arrangement.

Looking, therefore, at the situation in all its aspects, Her Majesty's Government are convinced that, even if the boundary question were submitted to arbitration on terms exactly similar to those of the Venezuelan Case, the United States' possession of Dyea and Skagway would not be disturbed.

In these circumstances, the only question really remaining to be decided, so far as the Lynn Canal region is concerned, is that of the Valley of the Chilkat, along which, by the Dalton Trail and Pyramid Harbour, access can be gained to the interior, and the compensation, if any, to be given in the event of the British interpretation being accepted for the occupation of the Taiya Inlet by the United States. Her Majesty's Government, as matters stand, entertain considerable doubt as to the expediency of continuing to press for arbitration on terms which would appear to raise doubt as to the position of Dyea and Skagway, seeing that the facts above mentioned appear to them already to have practically disposed of this question.

It is impossible to avoid the conviction that to do so would have the result of indefinitely postponing a settlement, and most probably of throwing away whatever chance there may be of securing Pyramid Harbour and the Chilkat Valley for Canada.

The provisional line agreed to places the whole of the shores of the Lynn Canal in the possession of the United States. Parts of the country along the Dalton Trail have already proved rich in placer gold, and with prospectors steadily at work throughout further discoveries may be announced at any time, the result of which would be the formation of an United States' Settlement at Pyramid Harbour as large as at Skagway, which it would be equally impracticable to disturb. The whole of the rest of the *lisière* is also undefined, and so long as it remains so, and the United States claim on the one hand the full breadth of 10 marine leagues throughout its length, while Her Majesty's Government maintain that the boundary should be drawn along the mountain summits generally at less than half that distance from the coast, there will be within this disputed area ample opportunity for encroachment, and for a possible conflict of jurisdiction.

The claim of the United States, moreover, to the islands commanding the entrance to Observatory Inlet, a claim which, however unfounded it may be, is not likely to be withdrawn except on the result of arbitration, seriously affects the military security of the only practical route alternative to the Lynn Canal by which Canada can secure an all-British communication with the Yukon territories.

If, therefore, no settlement is reached, not only will Canada lose any chance of securing a lodgment on the Lynn Canal affording access to the Hinterland, but the value of the route by Observatory Inlet will be impaired, and the Dominion will remain exposed to the loss of what may be valuable territory all along the *lisière*, and to the risks of conflict of jurisdiction attending an unsettled boundary, risks which are much more probable now that the whole area is being actively explored for gold.

There is the further consideration that until an arrangement has been reached in regard to the boundary, no settlement can be made of the numerous other questions at issue between the United States and Canada. In ordinary circumstances these questions do not, it is true, give rise to any serious difficulty, but in times of popular excitement, or in the event of any untoward circumstances leading to a temporary strain of the friendly relations now happily subsisting between this country and the United States, an incident might arise in connection with any of these outstanding matters which would lend itself to exaggeration and open up the possibility of serious misunderstanding.

These considerations have forced Her Majesty's Government to the conclusion that it would be desirable, in the best interests of Canada and the Empire, to meet the objections of the United States to arbitration on the boundary dispute by offering to agree to an addition to the Rules adopted by the Venezuelan Treaty, on the lines of the inclosed draft which was submitted to Sir L. Davies, but was not regarded by him as acceptable to Canada.

In such a matter Her Majesty's Government, of course, recognize that the decision must rest with your Ministers, who are responsible to the people of Canada for the protection of the interests of the Dominion, and while they have thought it necessary to place their views on record, they have no desire to force them upon your Government, and will continue to use every effort to reach a settlement acceptable to the Government and people of the Dominion.

I have, &c.

---

Inclosure 2 in No. 165.

*Draft of Addition to Rules.*

WHERE such occupation by the subjects or citizens of either Party in the territory of the other has been so extensive as to form a distinct settlement or town, and provision has been made prior to March 1898, by or under the laws and authority of the Government whose subjects or citizens they are, for municipal or other local government, and for the administration of justice, police, and revenue within such settlement or town, the Arbitrators shall define and mark out reasonable limits for such town or settlement, and shall leave it within the jurisdiction of the Party which has provided for its administration as aforesaid, and shall, in the delimitation of the remainder of the boundary, award to the other Party equitable compensation for the loss of the territory covered by such town or settlement.

---

No. 166.

*Mr. Tower to the Marquess of Salisbury.—(Received October 27.)*

(No. 71)

(Telegraphic.) P.

Washington, October 27, 1899.

THE United States' Secretary of State has asked me when Her Majesty's Government will be prepared to take up the matter of the officers who are to be sent to delimit the boundary between Alaska and Canada about the head of Lynn Canal, under the terms of the Agreement signed on the 20th instant.

---

No. 167.

*Mr. Tower to the Marquess of Salisbury.—(Received October 28.)*

(No. 295.)

My Lord,

Washington, October 20, 1899.

WITH reference to your Lordship's despatch No. 204, Confidential, of the 3rd instant, and telegram No. 103 of the 19th, relative to the Agreement for a provisional boundary between the territory of Alaska and the Dominion of Canada in the region about the head of the Lynn Canal, I have the honour to report that Mr. Hay and I have this day exchanged notes, stating the text of Agreement to be observed by the two Governments.

In compliance with your Lordship's instructions, contained in telegram No. 103 I have inserted the words "as follows" after the words "provisionally fixed," and have made the alterations in punctuation as directed.

The only changes from the text inclosed in your Lordship's despatch No. 204 are as follows:—

After the words "thence running to the Klehini" we have inserted the words "(or Klahcela)" before "River," the latter being the spelling adopted by the United States.

729

Three lines lower down, after the words "high or right bank of the" we have inserted the word "said" before "Khehini River."

Lastly, after the words "Chilkat River marked on the aforesaid" we have inserted the words "Map No. 10 of the United States' Commission with the number 5410, and on the Map No. 17 of the aforesaid British Commission with the number before '5490.'"

These alterations were all made at Mr. Hay's request; and, as they do not in any way constitute the slightest change of meaning, I have ventured to comply with his suggestions.

The reference to the United States' Map in the third change is necessary, inasmuch as the peak is marked thereon with a different attitude to that given on the British Map.

I inclose herewith copies of the notes which we have this day exchanged, and have forwarded copies of the same to the Governor-General of Canada.

I have, &c.

(Signed) REGINALD TOWER

Inclosure 1 in No. 167.

Mr. Hay to Mr. Tower.

Department of State, Washington, October 20, 1899.

Sir,

YOUR note of the 13th instant was duly received, in which you submit to me, under instructions from the Marquess of Salisbury, a modified form of Agreement relative to a provisional boundary between the territory of Alaska and the Dominion of Canada in the region about the head of Lynn Canal.

I have given careful consideration to the modifications indicated in your note and am prepared, on the part of the Government of the United States, to accept the same as a provisional Agreement respecting the boundary in the localities stated. In examining the text of the proposed Agreement, inclosed in your note of the 13th instant, I have, however, noted some verbal changes which it seems desirable should be made, and which in nowise affect the terms of the Agreement. I therefore submit the following as the text of Agreement to be observed by the two Governments:—

"It is hereby agreed between the Governments of the United States and of Great Britain that the boundary-line between Canada and the territory of Alaska in the region about the head of Lynn Canal shall be provisionally fixed as follows, without prejudice to the claims of either Party in the permanent adjustment of the international boundary:—

"In the region of the Dalton Trail, a line beginning at the Peak West of Poreupine Creek, marked on the Map No. 10 of the United States' Commission, the 31st December, 1895, and on sheet No 18 of the British Commission, the 31st December, 1895, with the number 6500; thence waning to the Khehini (or Kheheela) River, in the direction of the Peak north of that river, marked 5020 on the aforesaid United States' Map, and 5025 on the aforesaid British Map; thence following the high or right bank of the said Khehini River to the junction thereof with the Chilkat River, a mile and a-half, more or less, north of Klukwan—provided that persons proceeding to or from Poreupine Creek shall be freely permitted to follow the trail between the said creek and the said junction of the rivers, into and across the territory on the Canadian side of the temporary line wherever the trail crosses to such side, and subject to such reasonable Regulations for the protection of the revenue as the Canadian Government may prescribe, to carry with them over such part or parts of the trail between the said points as may lie on the Canadian side of the temporary line, such goods and articles as they desire, without being required to pay any customs duties on such goods and articles; and from said junction to the summit of the peak east of the Chilkat River, marked on the aforesaid Map No. 10 of the United States' Commission with the number 5410, and on the Map No 17 of the aforesaid British Commission with the number 5490.

"On the Dyea and Skagway Trails, the summits of the Chilkoot and White Passes.

"It is understood, as formerly set forth in communications of the Department of State of the United States, that the citizens or subjects of either Power, found by this

arrang  
of the  
" "  
conjun  
Majest  
other a  
" "  
Govern  
" "  
Sir,  
I  
instan  
the tw  
the De  
" "  
Great  
the reg  
prejud  
nation  
" "  
Creek,  
Decem  
Decem  
River  
United  
or right  
a mile  
or from  
creek  
side of  
reason  
may p  
said p  
articl  
goods  
Chilka  
with t  
with t  
" "  
Passes  
" "  
State  
this  
dimin  
" "  
in con  
Brita  
stakes  
" "  
Govern

arrangement within the temporary jurisdiction of the other, shall suffer no diminution of the rights and privileges which they now enjoy.

"The Government of the United States will at once appoint an officer or officers in conjunction with an officer or officers to be named by the Government of Her Britannic Majesty, to mark the temporary line agreed upon by the erection of posts, stakes, or other appropriate temporary marks."

It shall be understood that the foregoing Agreement is binding upon the two Governments from the date of your written acceptance of its terms.

I have, &c.

(Signed) JOHN HAY.

Inclosure 2 in No. 167.

*Mr. Tower to Mr. Hay.*

Sir,

*Washington, October 20, 1899.*

I HAVE the honour to acknowledge the receipt of your note of the 20th instant, submitting the following as the text of the Agreement to be observed by the two Governments as a provisional boundary between the territory of Alaska and the Dominion of Canada in the region about the head of Lynn Canal:—

"It is hereby agreed between the Governments of the United States and of Great Britain that the boundary-line between Canada and the Territory of Alaska in the region about the head of Lynn Canal shall be provisionally fixed as follows, without prejudice to the claims of either party in the permanent adjustment of the international boundary.

"In the region of the Dalton Trail, a line beginning at the peak west of Porcupine Creek, marked on the Map No. 10 of the United States' Commission, of the 31st December, 1895, and on sheet No. 18 of the British Commission of the 31st December, 1895, with the number 6500; thence running to the Klehini (or Klabeel) River in the direction of the peak north of that river, marked 5020 on the aforesaid United States' Map and 5025 on the aforesaid British Map; thence following the high or right bank of the said Klehini River to the junction thereof with the Chilkat River, a mile a-half, more or less, north of Klukwan,—provided that persons proceeding to or from Porcupine Creek shall be freely permitted to follow the trail between the said creek and the said junction of the rivers, into and across the territory on the Canadian side of the temporary line wherever the trail crosses to such line, and, subject to such reasonable Regulations for the protection of the revenue as the Canadian Government may prescribe, to carry with them over such part or parts of the trail between the said points as may lie on the Canadian side of the temporary line, such goods and articles as they desire, without being required to pay any customs duties on such goods and articles; and from said junction to the summit of the peak east of the Chilkat River, marked on the aforesaid Map No. 10 of the United States' Commission with the number 5410 and on the Map No. 17 of the aforesaid British Commission with the number 5490.

"On the Dyea and Skagway Trails, the summits of the Chilkoot and White Passes.

"It is understood, as formerly set forth in communications of the Department of State of the United States, that the citizens or subjects of either Power, bound by this arrangement within the temporary jurisdiction of the other, shall suffer no diminution of the rights and privileges which they now enjoy.

"The Government of the United States will at once appoint an officer or officers in conjunction with an officer or officers to be named by the Government of Her Britannic Majesty, to mark a temporary line agreed upon by the erection of posts, stakes, or other appropriate temporary marks."

It shall be understood that the foregoing Agreement is binding upon the two Governments from the date of this, my written acceptance of its terms.

I have, &c.

(Signed) REGINALD TOWER.

No. 168.

*Foreign Office to Colonial Office.*

(Confidential.)

*Foreign Office, October 28, 1899.*

Sir,

WITH reference to my letter of the 20th instant and to previous correspondence in regard to the provisional boundary with Alaska, I am directed by the Marquess of Salisbury to transmit to you a telegram from Her Majesty's Chargé d'Affaires at Washington,\* stating that the United States' Secretary of State has inquired as to the selection of officers to delimit the boundary.

I am to ask what answer should, in Mr. Secretary Chamberlain's opinion, be returned to the Secretary of State's inquiry.

I am, &amp;c.

(Signed) FRANCIS BERTIE.

No. 169.

*Foreign Office to Colonial Office.*

(Secret.)

*Foreign Office, October 30, 1899.*

Sir,

I LAID before the Marquess of Salisbury your letter of the 25th instant, inclosing the draft of a despatch which Mr. Secretary Chamberlain proposes to address to the Governor-General of Canada, expressing the views of Her Majesty's Government on the question of the Alaska boundary, and I am directed by his Lordship to state that he concurs in the terms of the proposed despatch.

I am, &amp;c.

(Signed) FRANCIS BERTIE.

No. 170.

*Foreign Office to Colonial Office.*

Sir,

*Foreign Office, November 1, 1899.*

WITH reference to my letter of the 28th ultimo, inclosing a copy of a despatch from Mr. Tower in which he forwarded the notes exchanged with Mr. Hay respecting the Alaska provisional boundary, I am directed by the Marquess of Salisbury to transmit to you the draft of a despatch which his Lordship proposes to address to Mr. Tower,† approving the terms of his note to Mr. Hay, and the minor alterations which were inserted in the Agreement at Mr. Hay's request.

I am to inquire whether Mr. Secretary Chamberlain concurs in the inclosed draft.

I am, &amp;c.

(Signed) FRANCIS BERTIE.

No. 171.

*Colonial Office to Foreign Office.—(Received November 2.)*

Sir,

*Downing Street, November 1, 1899.*

I AM directed by the Secretary of State for the Colonies to transmit to you, for the information of the Marquess of Salisbury, with reference to the letter from your Department of the 28th October, a copy of a telegram to the Earl of Minto on the subject of the selection of officers to demarcate the provisional boundary between Canada and Alaska.

I am, &amp;c.

(Signed) EDWARD WINGFIELD.



Inclosure in No. 171.

*Mr. Chamberlain to Governor-General the Earl of Minto.*

(Telegraphic.)

*Downing Street, October 30, 1899.*

ALASKA Provisional Agreement.

Please inform your Ministers that Her Majesty's Government would be glad to know as soon as possible name of officer or officers whom they desire to be selected for purpose of demarcation of boundary.

No. 172.

*Colonial Office to Foreign Office.—(Received November 3.)*

Sir,

*Downing Street, November 2, 1899.*

I AM directed by Mr. Secretary Chamberlain to acknowledge the receipt of your letter of the 1st instant, inclosing draft of a despatch which the Marquess of Salisbury proposes to address to Her Majesty's Chargé d'Affaires at Washington, expressing approval of the terms of his note to Mr. Hay accepting the Alaska Boundary Provisional Agreement, with the minor alterations which were inserted in the Agreement at Mr. Hay's request.

2. I am to state, for Lord Salisbury's information, that Mr. Chamberlain concurs in the terms of the draft despatch.

I am, &c.

(Signed) H. BERTRAM COX.

No. 173.

*The Marquess of Salisbury to Mr. Tower.*

(No. 224.)

Sir,

*Foreign Office, November 3, 1899.*

I HAVE received your despatch No. 295 of the 20th ultimo, inclosing copies of the notes which you exchanged with the Secretary of State of the United States, comprising the text of the Agreement with regard to the provisional boundary between Canada and Alaska.

I approve the terms of your note to Mr. Hay, and the minor alterations which you consented to insert in the Agreement at his request.

I am, &c.

(Signed) SALISBURY.

No. 174.

*Mr. Tower to the Marquess of Salisbury.—(Received November 6.)*

(No. 303.)

My Lord,

*Washington, October 27, 1899.*

WITH reference to my despatch No. 295 of the 20th instant, I have the honour to transmit herewith printed copies of a *modus vivendi* between Great Britain and the United States, fixing a provisional boundary between the territory of Alaska and the Dominion of Canada about the head of the Lynn Canal; also copies of a reduced map of the described locality, showing the points and lines specified in the Agreement.

I have forwarded to the Governor-General of Canada copies of the above.

I have, &c.

(Signed) REGINALD TOWER.

## Inclosure 1 in No. 174.

## GREAT BRITAIN-ALASKAN BOUNDARY.

*"Modus vivendi" between the United States of America and the United Kingdom of Great Britain and Ireland, fixing a provisional Boundary Line between the Territory of Alaska and the Dominion of Canada about the head of Lynn Canal.*

*Concluded by exchange of Notes, October 20, 1899, by John Hay, Secretary of State of the United States, and Reginold Tower, Chargé d'Affaires of Her Britannic Majesty at Washington.*

IT is hereby agreed between the Governments of the United States and of Great Britain that the boundary-line between Canada and the territory of Alaska in the region about the head of Lynn Canal shall be provisionally fixed as follows, without prejudice to the claims of either Party in the permanent adjustment of the international boundary:—

In the region of the Dait-a Trail, a line beginning at the peak West of Porcupine Creek, marked on the map No. 10 of the United States' Commission, December 31, 1895, and on Sheet No. 18 of the British Commission, December 31, 1895, with the number 6500; thence running to the Klehini (or Klaheela) River in the direction of the peak north of that river, marked 5020 on the aforesaid United States map and 5025 on the aforesaid British map; thence following the high or right bank of the said Klehini River to the junction thereof with the Chilkat River, a mile and a-half, more or less, north of Klukwan: provided that persons proceeding to or from Porcupine Creek shall be freely permitted to follow the trail between the said creek and the said junction of the rivers, into and across the territory on the Canadian side of the temporary line wherever the trail crosses to such side, and, subject to such reasonable regulations for the protection of the revenue as the Canadian Government may prescribe, to carry with them over such part or parts of the trail between the said points as may lie on the Canadian side of the temporary line, such goods and articles as they desire, without being required to pay any customs duties on such goods and articles; and from said junction to the summit of the peak east of the Chilkat River, marked on the aforesaid map No. 10 of the United States' Commission with the number 5410 and on the map No. 17 of the aforesaid British Commission with the number 5490.

On the Dyea and Skagway Trails, the summits of the Chilcoot and White Passes.

It is understood, as formerly set forth in communications of the Department of State of the United States, that the citizens or subjects of either Power, found by this arrangement within the temporary jurisdiction of the other, shall suffer no diminution of the rights and privileges which they now enjoy.

The Government of the United States will at once appoint an officer or officers in conjunction with an officer or officers to be named by the Government of Her Britannic Majesty, to mark the temporary line agreed upon by the erection of posts, stakes, or other appropriate temporary marks.

## Inclosure 2 in No. 174.

*Sketch Map.*

[Not printed.]

No. 175.

*The Marquess of Salisbury to Mr. Tower.*

(No. 108.)

(Telegraphic.) P.

*Foreign Office, November 7, 1899.*

REFERRING to your despatch No. 303 of 27th October, I have to inform you that it is proposed to lay before Parliament the text of the notes exchanged between Mr. Hay and you respecting the provisional boundary of Alaska.

I should wish to be informed whether the Agreement has yet been published by the United States' Government, and in the event of such not being the case, you should inquire whether there is any objection on their part to its publication here.

No. 176.

*Mr. Tower to the Marquess of Salisbury.—(Received November 8.)*

(No. 77.)

(Telegraphic.) P.

*Washington, November 8, 1899.*

ALASKA provisional boundary.

The Agreement has been published in this country. Secretary of State has no objection to publication of notes exchanged.

No. 177.

*Mr. Tower to the Marquess of Salisbury.—(Received November 9.)*

(No. 309.)

My Lord,

*Washington, October 30, 1899.*

I HAVE the honour to acknowledge the receipt of your Lordship's despatch No. 213 of the 14th instant, containing the reply of Her Majesty's Government, to Mr. Choate's communication to your Lordship, as recorded in your Lordship's despatch No. 182, Confidential, of the 2nd August, relating to the reference of the Alaska Boundary question to arbitration on the terms adopted in the Treaty of the 2nd February, 1897, between Great Britain and Venezuela.

I read the despatch to Mr. Hay this morning, and, at his desire, left a copy with him in accordance with your Lordship's authorization.

I have, &c.

(Signed) REGINALD TOWER.

No. 178.

*Mr. Tower to the Marquess of Salisbury.—(Received November 20.)*

(No. 322.)

My Lord,

*Washington, November 6, 1899.*

WITH reference to my despatch No. 271 of the 21st September last, informing your Lordship of the complaint, raised by the United States' Government, of the presence in Skagway of two members of the North-Western Mounted Police of Canada.

I have the honour to inclose herewith copy of an approved Minute of the Canadian Privy Council, which has been sent to me by the Governor-General, containing explanations of the matter complained of.

I have forwarded copy of the inclosed Minute this day to the United States' Secretary of State, expressing the hope that the assurances given by the Dominion Government may be considered to be entirely satisfactory.

I have, &c.

(Signed) REGINALD TOWER.

## Inclosure in No. 178.

*Extract from a Report of the Committee of the Honourable the Privy Council,  
approved by the Governor-General on the 27th October, 1899.*

THE Committee of the Privy Council have had under consideration a copy of a despatch from Her Majesty's Chargé d'Affaires at Washington, dated Newport, Rhode Island, the 21st September, 1899, hereto attached; inclosing copy of a note from the Acting Secretary of State, of the United States, calling attention to the presence in Skagway of two members of the North-West Mounted Police of Canada, one of whom appears in uniform, and also to the fact that a notice, purporting to have been issued by the Commissioner of the Yukon territory, has been published on behalf of the officers of the Canadian Mounted Police in Skagway.

The Minister of the Interior, to whom the said despatch was referred, states that a non-commissioned officer of the Mounted Police has been located at Skagway, his duty is simply to attend to the transhipment and forwarding of supplies for the Canadian Government, and he was, in the month of August, 1899, instructed not to wear his uniform while in Skagway.

The Minister further states that an official connected with the Post Office Department is also stationed at Skagway for the purpose of assisting in the transmission of mails to and from the Canadian territory. The duties of both of these officials are of a purely civil character, and they are stationed in Skagway purely as a matter of Departmental convenience.

The Minister also states that the notice mentioned in the despatch warning people against entering the Yukon territory without provisions or money was issued as an emergency precaution for the purpose of preventing unnecessary distress and privation in the interior of the Yukon territory during the winter months. It is presumed that the officers in Canadian territory asked to have this notice posted in Skagway so that it might be the more effectually brought to the notice of persons intending to proceed to the interior. Instructions will be given immediately for the removal of the notice, and also for the removal of the sign "North-West Mounted Police of Canada Office" to which attention is also called in the despatch.

The instructions will also be repeated to the member of the Police Force to the effect that he is forbidden to wear uniform while in Skagway.

The Committee advise that your Excellency be moved to forward a certified copy of this Minute to Her Majesty's Chargé d'Affaires at Washington

All of which is respectfully submitted for your Excellency's approval.

(Signed) JOHN J. MCGEE,

*Clerk of the Privy Council.*

No. 179.

*Lord Pauncefote to the Marquess of Salisbury.—(Received November 22.)*

(No. 327.)

My Lord,

*Washington, November 11, 1899.*

WITH reference to Mr. Tower's despatch No. 322 of the 6th instant respecting the complaint by the United States' Government of the presence in Skagway of two members of the North-Western Mounted Police of Canada, I have the honour to transmit copy of a further note which I have received from the United States' Secretary of State.

I have sent a copy of this note to the Governor-General of Canada.

I have &c.

(Signed) PAUNCEFOTE.

Inclosure in No. 179.

*Mr. Hay to Mr. Tower.*

Sir,

*Department of State, Washington, November 10, 1899.*

YOUR note of the 6th instant, inclosing a copy of the Minute of the Canadian Privy Council respecting the presence of members of the North-Western Mounted Police of Canada in Skagway, Alaska, has received my attention, and I regret to say that the action of the Privy Council hardly meets the objections stated in the note of this Department of the 19th September last.

The action of the Privy Council relates to the uniform worn by the Mounted Police and to the notice of the Commanding Officer posted by them in Skagway. An examination of the note of the 19th September will show that the objection advanced was to the maintenance by the Commander of the North-West Mounted Police of police or military agents at Skagway without the official recognition or authority of the Government of the United States. If the intimation made in that note that the objection might be obviated by the appointment of a Consular Officer does not meet the convenience of the British Government, I have to suggest that the service of these police agents might be discharged by a British civilian, and it is possible that the Canadian interests could be as well served by such a person.

I have, &c.

(Signed) JOHN HAY.

No. 180.

*The Marquess of Salisbury to Lord Pauncefoot.*

(No. 113.)

(Telegraphic.) P.

*Foreign Office, November 24, 1899.*

WITH reference to Mr. Tower's telegram No. 71 of the 27th ultimo, pray inform the United States' Government of the selection of Mr. F. King, Government Astronomer at Ottawa, as the Representative of Her Majesty's Government in the Alaska provisional boundary demarcation.

No. 181.

*Foreign Office to Colonial Office.*

Sir,

*Foreign Office, November 25, 1899.*

I AM directed by the Marquess of Salisbury to acknowledge the receipt of your letter of the 22nd instant, inclosing a copy of a telegram from the Governor-General of Canada recommending Mr. W. F. King, the Government Astronomer at Ottawa, to represent Her Majesty's Government in the demarcation of the Alaska provisional boundary, and stating that Mr. Chamberlain concurs in that recommendation.

Her Majesty's Ambassador has accordingly been instructed by telegraph to notify Mr. King's appointment to the United States' Government.

I am, &c.

(Signed) F. H. VILLIERS.

No. 182.

*Foreign Office to Colonial Office.*

Sir,

*Foreign Office, November 27, 1899.*

WITH reference to my letter of the 24th instant respecting the complaint of the United States' Government of the presence in Skagway of members of the  
[1541]

2 M

North-West Police of Canada, I am directed by the Marquess of Salisbury to transmit to you, for the consideration of Mr. Secretary Chamberlain, copy of a further despatch on the subject which has been received from Her Majesty's Ambassador at Washington.\*

I am, &c.  
(Signed) F. H. VILLIERS.

No. 183.

*Colonial Office to Foreign Office.—(Received November 30.)*

Sir, *Downing Street, November 29, 1899.*  
I AM directed by Mr. Secretary Chamberlain to acknowledge the receipt of your letters of the 11th ultimo and the 24th instant, inclosing copies of despatches from Her Majesty's Chargé d'Affaires at Washington on the subject of the objection taken by the United States' Government to the maintenance of a Canadian Police Agency in Skagway.

2. Mr. Chamberlain presumes that Mr. Tower's action in the matter will be approved.

I am, &c.  
(Signed) H. BERTRAM COX.

No. 184.

*Colonial Office to Foreign Office.—(Received November 30.)*

(Confidential.)

Sir, *Downing Street, November 29, 1899.*  
I AM directed by Mr. Secretary Chamberlain to transmit to you, for the information of the Marquess of Salisbury, six copies of a Memorandum,† which has been prepared in this Department, on the subject of the boundary between the Dominion of Canada and the United States' territory of Alaska in the region of the Lynn Canal.

I am, &c.  
(Signed) R. L. ANTROBUS.

No. 185.

*The Marquess of Salisbury to Lord Pauncefote.*

(No. 247.)

My Lord,

*Foreign Office, December 2, 1899.*  
I COMMUNICATED to the Secretary of State for the Colonies Mr. Tower's despatch No. 322 of the 6th ultimo, reporting that he has forwarded to the United States' Government a copy of the approved Minute of the Canadian Privy Council relative to the presence in Skagway of two members of the North-Western Mounted Police of Canada.

Mr. Tower's action is approved.

I am, &c.  
(Signed) SALISBURY.

No. 186.

*Foreign Office to Colonial Office.*

Sir, *Foreign Office, December 2, 1899.*  
 I AM directed by the Marquess of Salisbury to acknowledge the receipt of your letter of the 29th ultimo, and to express his Lordship's thanks for the valuable Memorandum on the Alaska boundary which accompanied it.

I am, &c.  
 (Signed) F. H. VILLIERS.

No. 187.

*Colonial Office to Foreign Office.—(Received December 4.)*

Sir, *Downing Street, December 2, 1899.*  
 I AM directed by Mr. Secretary Chamberlain to acknowledge the receipt of your letter of the 27th November, inclosing copy of a despatch from Her Majesty's Ambassador at Washington in which he transmits copy of a note from the United States' Government stating that their objections to the maintenance of a Canadian Police Agency at Skagway are hardly met by the terms of the Minute of the Dominion Privy Council of the 27th October.

2. As regards the suggestion made by the United States' Government that the difficulty may be removed by the appointment of a British Consular Representative at Skagway, the Marquess of Salisbury will remember that in his Consular despatch No. 25, of the 23rd November, 1898, Lord Pauncefote proposed that the consideration of the question of British Consular representation in Alaska should be dropped pending the negotiations respecting the boundary dispute, and that his Lordship's proposal was subsequently referred to the Dominion Government for an expression of their opinion. No reply having as yet been received from the Dominion Government, Mr. Chamberlain is unable to say what view they would take of the United States' suggestion, though the Agreement as to the provisional boundary has no doubt altered the situation as regards Skagway since the date of Lord Pauncefote's despatch.

3. Mr. Chamberlain observes, however, that Mr. Hay's note has been communicated by Lord Pauncefote to the Dominion Government, and he proposes to await the result of that communication before offering my further remarks on the subject.

I am, &c.  
 (Signed) H. BERTRAM COX.

No. 188.

*Lord Pauncefote to the Marquess of Salisbury.—(Received December 13.)*

(No. 91.)

(Telegraphic.) P.

*Washington, December 13, 1899.*

ALASKA provisional boundary demarcation.

The United States' Government has designated Mr. O. H. Tittman, Assistant Superintendent of United States' Coast and Geodetic Survey.

No. 189.

*Colonial Office to Foreign Office.—(Received December 23.)*

(Confidential.)

*Downing Street, December 22, 1899.*

Sir,

I AM directed by Mr. Secretary Chamberlain to transmit to you, for the information of the Marquess of Salisbury, six copies of a Memorandum on the Alaska boundary question submitted by Sir L. H. Davies shortly before his return to Canada.\*

I am, &amp;c.

(Signed) C. P. LUCAS.

---

o



99.  
orma-  
laska  
n to

AS.

