

LETTERS AND PAPERS  
RELATING TO THE  
ALASKA FRONTIER

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EDWIN SWIFT BALCH



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PRESENTED BY

T. W. Balch









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EDITED BY

EDWIN SWIFT BALCH

A. B. (HARVARD)  
MEMBER OF THE PHILADELPHIA BAR

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## INTRODUCTION.

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During the last years of the nineteenth century, the Canadians began to claim more and more forcibly territory on the coast of Alaska which had always been considered as part of the United States, until finally there seemed to be danger of a clash between American and Canadian miners in their search for gold in the region of the Chilkat River. In 1899, Great Britain grew very anxious for an exact delineation of the boundary in that locality, because of the growing troubles in South Africa, and the *modus vivendi* of October 20, 1899, between the United States and Great Britain, arranged for a temporary boundary around the head of the Lynn Canal. The United States withdrew her posts at three points and Canada advanced hers correspondingly. It was the United States that made all the concessions in this arrangement and in so doing it acted most generously toward the British Empire, for on October 11, 1899, war had begun in South Africa between the English and the Boers, and Britain was in an awkward position. My brother, Mr. Thomas Willing Balch, thought the *modus vivendi*—which yielded temporarily to Canada so much of the territory of the lisière to which the United States were justly entitled—so very one-sided, that he began a careful

study of the unsettled *status* of the eastern frontier of the Alaska lisière. A short examination soon convinced him that it would be difficult for the political men and the newspapers of the United States to form, from the then accessible data, a fair and adequate opinion, and in order to prevent, by any mischance, the giving away to the Canadians of any American territory or ports on the northwest coast above fifty four forty, it seemed well to my brother to publish in a connected form at least the more important evidence, and place it in the hands of some of the leading political men and newspaper editors of the country.

In the summer of 1900, a visit to Alaska, and the next summer to Europe, resulted in the finding of valuable and important evidence. This matter was embodied in two papers. One of these, *La Frontière Alasko-Canadienne*, was printed as the initial article for 1902 in *La Revue de Droit International et de Législation Comparée* of Brussels, and the other, *The Alasko-Canadian Frontier* was published in *The Journal of the Franklin Institute* of Philadelphia for March, 1902. This latter article was reprinted and copies were sent in the spring of 1902 to all the members of the Fifty-seventh Congress, then in session, and from many of those gentlemen, both Senators and Congressmen, letters of thanks were received. Copies were sent also to President Roosevelt by personal friends of his. Ten thousand copies were distributed throughout the United States. Many of the leading papers of the country reviewed and approved of the pamphlet

in their editorial column, and the Hon. Charles F. Cochran, member of Congress from Missouri, introduced the entire article early in 1903 into the *Congressional Record*.

After additional information was found in the summer of 1902 at Saint Petersburg and other places, a larger work, *The Alaska Frontier*, was printed in February, 1903, and sent during the extra session of the Senate to all the members of that body, to ex-Senator Turner; and then to ex-President Cleveland, and other gentlemen who had held high office under the Government. From a large number of these gentlemen letters of acknowledgment and thanks were received. Both *The Alasko-Canadian Frontier* and *The Alaska Frontier* were sent, at the request of Count Cassini, the Russian Ambassador, to the Emperor of Russia.

Among the gentlemen from whom aid was received in collecting information, but who could not be named earlier, was the late Hon. Frederick W. Holls, of New York, a member of the United States Delegation at the Hague Peace Conference in 1899.

This collection of letters and papers is printed now to show something of the development of public opinion on the Alaska frontier question. The facts in the case were not accessible to the public until the publication of *The Alasko-Canadian Frontier* and *The Alaska Frontier*. But when the newspapers and the public men of the United States had the facts set squarely before them in these books, the numerous articles and the vigorous editorials in the press showed the tide of public

opinion rising in opposition to any possible giving away of United States territory. It was the influence of these editorials, and the fact that the data were accessible to everyone, which made it imperative for the United States Government to insist on a Court of Adjudication instead of a Court of Arbitration. *The Alaska Frontier* was in the hands of the members of the Court and of the counsel on both sides and although the decision that the Court handed down was really a diplomatic compromise, in that it yielded Wales and Pearse Islands to Canada and brought the frontier across the Stikine River too close to tidewater, yet that award did not cut the American lisière in two by giving up a port in American territory. The United States should always be grateful to Lord Alverstone for deciding as he did, but it would have been difficult for him not to do so, in view of the facts which were clearly set forth before him in *The Alaska Frontier*.

EDWIN SWIFT BALCH.

PHILADELPHIA, January 10th, 1904.

## CANADA AND ALASKA.<sup>1</sup>

*To the Editor of The Nation:*

SIR:—A short time since, the *Toronto Globe* printed a rumor from Ottawa that Canada was about to press again her recent claim to a portion of Alaska, and a second time to urge the United States to submit this demand to the arbitration of foreigners for settlement. But there is nothing in this demand to arbitrate.

Russia and England, after protracted negotiations, agreed by treaty, in 1825, upon a line to divide their respective North American possessions. This frontier was drawn from the Arctic Ocean, along the meridian of one hundred and forty-one degrees west longitude to Mount Saint Elias, and then was to follow the crest of the mountains running parallel to the coast, to the head of the Portland Canal, and down that sinuosity to the ocean in fifty-four degrees forty minutes north latitude. But if at any point the crest of the mountains proved to be at a greater distance than ten marine leagues from the shore, then the frontier should run parallel to the sinuosities of the coast at a distance of ten marine leagues inland, but never further than that from the shore.

This gave to Russia a strip of territory, or *lisière*, from Mount Saint Elias to the Portland Canal of sufficient width to entirely exclude the British Empire

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<sup>1</sup> *The Nation*, New York, January 2, and *The Evening Post*, New York, January 4, 1902.

from any access to tide water above fifty-four degrees forty minutes. And that England was so excluded from contact with the sea north of fifty-four degrees forty minutes, the English and the Canadian Governments recognized, both on their maps and by the acts of their officials. This strip of territory, or *lisière*, became ours when we bought Alaska in 1867 from Russia, and we succeeded to all her rights of sovereignty.

If the claim of Canada—that she is entitled to many outlets upon tide water above fifty-four degrees forty minutes—were submitted to arbitration, and the judges decided anything in favor of Canada, it would be a clear gain for her. And if the judgment gave Canada but a single port, like Pyramid Harbor or Dyea on the Lynn Canal, for instance, the present and future value to the United States of the Alaskan *lisière* would be greatly impaired. The evidence in the case is all in favor of the United States, and shows that they are entitled, by long, uninterrupted occupancy and other rights, to an unbroken strip of territory on the mainland from Mount Saint Elias down to the Portland Canal.

There is no more reason for this country to agree to refer its right to the possession and sovereignty of this unbroken Alaskan *lisière* to the decision of foreigners, than would be the case if the English Empire advanced a demand to sovereignty over the coast of the Carolinas or the port of Baltimore, and suggested that the claim should be referred to the judgment of the subjects of third Powers. Whether the frontier should pass over a certain mountain or through a given gorge is a proper subject for settlement by a mutual



survey. But by no possibility has Canada any right to territory touching tide water above fifty-four degrees forty minutes. The United States should not consent to submit such a proposition to arbitration.

T. W. BALCH.

PHILADELPHIA, December 27th, 1901.

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CANADA AND ALASKA.<sup>2</sup>

*To the Editor of The Nation:*

SIR:—Your correspondent, T. W. Balch, states that there is nothing to arbitrate in the dispute between Canada and the United States over the boundary between Alaska and our Northwest Territories. Whether this is so may be learned from the notes exchanged between the United Kingdom and the United States upon the subject up to and including those of October 20, 1899, fixing a provisional boundary. Here it will be found that the problem at issue involves the interpretation of a treaty made between England and Russia in 1825, whose terms are ambiguous, requiring for their true construction a consideration of the state of geographical knowledge at the time the document was signed, a reference to the correspondence which led up to it, and the application of well-known principles of international law.

Article III. of the treaty provided that, from a certain point at 56 degrees north latitude, "the line of demarcation shall follow the crest of the mountains

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<sup>2</sup>*The Nation*, New York, January 16, and *The Evening Post*, January 18.

situated parallel to the coast, as far as its point of intersection with the 141st degree of west longitude." The whole region is highly mountainous, and the question arises, What are the mountains whose crest is to be followed?

Article IV., section 2, provides that where the crest of the mountains is more than ten miles from the shore, the line shall be drawn parallel to the sinuosities of the coast, but never to be more than ten marine leagues from it. Upon this ground the United States raises the contention that the boundary is intended to be throughout not less than thirty miles from the ocean, whereas the language of the document is "not more than."

Further, the question arises, What is the "coast" spoken of? In the negotiations which preceded the treaty of 1825, the Russian plenipotentiaries distinguished between the "coast" of the main ocean and the shores of inlets. Canada takes her stand upon the sense in which the term was used by those who drew up the treaty. Is that position so clearly wrong that it is not even open to argument?

Your correspondent says: "The evidence in the case is all in favor of the United States, and shows that they are entitled, by long, uninterrupted occupancy and other rights, to an unbroken strip of territory on the mainland from Mount Saint Elias down to the Portland Canal." Why, then, is the United States unwilling to submit its claims to an impartial tribunal?

Canada sought to have this frontier ascertained in 1872, shortly after the purchase of Alaska by the United States, but without success, although Hamil-

ton Fish, the Secretary of State, was favorable. In 1892 an international survey commission was appointed to ascertain facts and data, and the commission made a joint report on December 31, 1895, accompanied with elaborate maps and photographic views. Up to this time Vancouver's maps, made in 1792, were the standard and only original authority, except that the shores of the Lynn Canal had been surveyed in 1881. In 1898-99 the British delegates to the International Commission, including Lord Herschell, offered certain terms to the United States, and, in the event of these not being acceptable, they expressed their willingness to refer the whole question to arbitration on the lines of the Venezuela boundary treaty. That treaty provided that adverse holding for fifty years should make a good title, and also that such effect should be given to occupation for less than fifty years as reason, justice, the principles of international law, and the equities of the case required. The United States Commissioners refused both offers, making, however, a counter-proposal that, in the event of their consenting to arbitration, it should be provided beforehand that the settlements on tidewater made on the authority of the United States should continue to be American territory, even though they might prove to be on the British side of the line. In other words, they demanded that Canada should yield her rights as a preliminary condition to having those rights determined.

The claims put forward by Canada are made in good faith, and based upon grounds which, if disputable, are none the less solid. The issue is precisely of the kind to which arbitration is suitable.

Yet the United States, which insisted upon arbitration in the Venezuela boundary difficulty, refuses it here, acts as judge and advocate in its own cause, and decides that there is "nothing to arbitrate."

R. W. SHANNON.

OTTAWA, CANADA, January 11, 1902.

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### FACTS ABOUT THE ALASKAN BOUNDARY.<sup>3</sup>

*To the Editor of The Nation:*

SIR:—As Mr. Balch, in common with almost all the writers and speakers in this country who touch upon the matter, has much befogged the real points at issue, I earnestly hope that you will permit me, through your columns, to give a brief statement of the facts upon which Canada bases her claim. They are as follows:

(1.) That the strait now called Portland Channel, through which the United States have run their line of demarcation, is not, and cannot be, the Portland Channel referred to in the Anglo-Russian Convention of 1825, upon which the title of the United States to their Alaskan territory is founded; and that, in consequence of this erroneous assumption, Canada has been deprived of a large extent of territory rightfully belonging to her.

(2.) That, in running their line of demarcation ten marine leagues from the shores of every inlet that debouches from the seacoast, instead of from the seacoast itself, the United States have violated the true

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<sup>3</sup>*The Nation*, January 23, *The Evening Post*, January 27, 1902.

intent of the treaty; these inlets being, in fact, but narrow fjords, only a few miles in width at their greatest extension, and in no sense being a part of the coast proper.

In support of the first contention, I would refer to the words of the treaty itself. In laying down the line of demarcation, it says:

“A partir du point le plus méridional de l'île dite Prince of Wales, lequel point se trouve sous le parallèle du 54<sup>me</sup> degré 40 minutes de latitude nord, et entre le 131<sup>me</sup> et le 133<sup>me</sup> degré de longitude ouest, la dite ligne remontera au nord le long de la passe dite Portland Channel, jusqu'au point de la terre ferme ou elle atteint de 56<sup>me</sup> degré de latitude nord; de ce dernier point la ligne de demarcation suivra la crête des montagnes situées parallèlement à la côte, jusqu'au point d'intersection du 141<sup>me</sup> degré de longitude ouest, etc.”

Now I affirm that no unprejudiced person who reads the above and afterwards consults a map of the territory involved, can say that they furnish sufficient evidence to establish the claim of the United States.

By the terms of the treaty, the line of demarcation is to begin at the southernmost point of the Prince of Wales Island; from that point it is to *ascend* to the north along a strait called Portland Channel until it reaches a point on the mainland where it attains the 56th degree of north latitude. Does the line as laid down by the United States do this? Not by any manner of means! Instead of ascending to the north as the treaty says it shall do, it actually *descends*, passing along a line *a little south of east*, for a dis-

tance of *one hundred and thirty miles!* Then, and then only, it begins to meander northward.

So far, it must be clear to the unprejudiced investigator that there is something wrong either with the treaty or with the American interpretation thereof. Let us see, then, what other interpretation is possible and reasonable.

Turn again to the map, and place one end of a ruler upon the southernmost point of Prince of Wales Island, which, as we have seen, is the place where the line of demarcation begins, the other end pointing northward. It will be seen that it follows very nearly the course of the eastern arm of a channel marked upon some maps as "Clarence Strait." This channel actually terminates at the prescribed latitude of 56 degrees north, which the one now called Portland does not. I say it will be found that the ruler very nearly follows the course of this channel; it does not quite, for it cuts off some outlying edges of the island. It is this fact which furnishes one of the strongest proofs of the correctness of Canada's claim. Taken in connection with a clause of the treaty which provides "*que l'île dite Prince of Wales appartiendra toute entière à la Russie,*" it shows almost conclusively that this strait, and not the one now so designated, was referred to in the treaty by the name of "Portland Channel."

The only possible explanation of this clause is that the line of demarcation as laid down in the treaty, if strictly followed, would leave some part of the island outside of the territory assigned to Russia, and therefore this provision was inserted in order that it might

retain the whole. This explanation accords with the hypothesis that the line of demarcation was intended to pass through the strait now called "Clarence," and not the one now called "Portland," for if the line ran through the latter, there would be no need of a special clause to preserve the whole island to Russia, for every part of it would be at least a hundred miles inside the territory assigned to that country.

With regard to the second contention on behalf of Canada, the question turns upon the true meaning of the word "sinuosities" which occurs in the treaty. Does it mean, as is claimed it does by Canada, that the line shall follow the coast proper, or that it shall follow up every narrow inlet, one of which at least runs into the mainland for over a hundred miles, and the upper part of which no more resembles the sea-coast, than do the Palisades of the Hudson? This second contention is also strengthened by a clause in the treaty which grants to Great Britain the right to "free navigation" of all these inlets. Of what use would this be did she not own their upper reaches?

As to the first, it is not at all unlikely that the name Portland Channel was anciently applied to a different strait from the one now known by that name. A similar confusion occurred many years ago when, in an attempt to delineate the boundary line between the United States and British possessions, the question arose as to what was the stream referred to in the treaty by the name of St. Croix River. The dispute was settled to the satisfaction of both parties.

Mr. Balch claims, as other writers and speakers have done, that the United States is "entitled by

long uninterrupted occupancy to an unbroken strip of territory on the mainland, etc." If my memory serves me aright, a similar claim was set up on behalf of Great Britain in the Venezuelan matter, which claim was received with indignant remonstrance in this country as being an instance of British arrogance. America of course is incapable of arrogance. In any case this plea is beside the question, for there happens to be a clause in the treaty made to fit this possibility, which clause expressly denies prescriptive rights to either party.

I am, Mr. Editor, respectfully yours,

ARTHUR JOHNSTON.

SANTA ANA, CAL., January 8, 1902.

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#### THE ALASKAN BOUNDARY.<sup>4</sup>

*To the Editor of The Nation:*

SIR:—Is it too much to ask that gentlemen who propose to instruct the public as to the meaning and scope of an international treaty shall first inform themselves as to the history and object of that treaty, and shall quote it without omitting essential qualifying clauses? This question is suggested by certain recent correspondence in your columns, especially a letter signed Arthur Johnston in the issue of January 23. The history of the treaty of St. Petersburg made in 1825 has been fully set forth by the writer in 1889; and more recently, from a study of the unpublished documents, the Hon. John W. Foster has given an

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<sup>4</sup>*The Nation*, January 30, and *The Evening Post*, February 1, 1902.



account of the negotiations which led up to it, the object insisted upon by Russia and finally conceded by Great Britain, and other details. This statement has not been and cannot successfully be attacked on the score of accuracy and fairness. To this inquirers should be referred, as neither your space nor my time permits of an extended restatement here.

The so-called "claims of Canada" arose from the fact that the exclusion of Great Britain from the sea between Skagway and Port Simpson, which was the effect of the treaty, has become inconvenient to Canada now that the hinterland of the Northwest Territory is being developed. This led some ill-informed individuals to propose an interpretation of the treaty, aided by some obscurity in its terms, which interpretation, to obtain plausibility, requires (1) the total ignoring of the history of the treaty, written and cartographic, and of the mutual action of the parties to it after it had been signed; (2) that, when the treaty says Portland Channel, it must be assumed not to mean Portland Channel; (3) that when the treaty purports to convey a continuous strip of coast (*lisière de côte*) it must be assumed to mean broken patches of coast interrupted by foreign territory; (4) that when the treaty directs that a line shall follow the sinuosities of the coast (*parallèle aux sinuosités de la côte*) it shall be interpreted as meaning that the line shall be drawn disregarding these sinuosities.

What we may ask, is the value of any treaty if it be subject to such interpretations? I believe I am correct in stating that the British Government has never officially adopted these propositions, though col-

onial politicians have used them for their own purposes; and, by constant reiteration, it is probable that many well-meaning but ill-informed persons may finally come to believe, in defiance of the real facts, that there is something reasonable and even equitable in these hypothetic interpretations.

In addition to hypotheses, Mr. Johnston is guilty of direct error in several instances when it would be inferred he had the treaty before him. He says that a clause in the treaty "grants to Great Britain the right to 'free navigation' of all these inlets" and asks, "Of what use would this be did she not own their upper reaches?" The truth is that the treaty grants this privilege for a term of ten years. If she "owned the upper reaches" of the inlets, she could hardly have been excluded from them at any time. With regard to the name Portland Channel, or inlet, its history is short, definite, and precise, and the contrary assumption is utterly baseless. Its location and character were settled by Vancouver, who first mapped it, and have never been in doubt since. Mr. Johnston also states that there is a clause in the treaty "which expressly denies prescriptive rights to either party." This is untrue. The only clause which gives even a color of plausibility to such a statement is one in which the contracting parties agree not to make settlements in each other's territory. In pursuance of this, Russia made a settlement on one of the Gravina islands within a few miles of Portland Inlet and the British post of Fort Simpson, and her right to do so was never questioned. When the Hudson Bay Company tried to erect a post surreptitiously on Wrangell Island, they

were ignominiously driven away by Russian naval forces.

But, we are asked, why are you not willing to arbitrate this question if the case is so clear? In the first place, we may well wait until these preposterous hypotheses are officially adopted by Great Britain before we consider arbitration as in question at all. Secondly, arbitration, unfortunately for the world's peace, has not of late upheld the ideal character with which it was formerly endowed. The result of the Delagoa Bay arbitration has been fitly described as an international scandal. The United States, secure in the possession of her rights, may well wait until they are attacked in good faith by more redoubtable adversaries than colonial Jingoës.

WM. H. DALL.

WASHINGTON, January 28, 1902.

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#### CANADA AND ALASKA.<sup>5</sup>

*To the Editor of The Nation:*

SIR:—The present contention of Canada about the Alaskan frontier, which she brought up at the Quebec Conference in 1898, is that she is entitled to many outlets upon tide-water above fifty-four degrees forty minutes north latitude; and the possession of even only one such outlet on the Lynn Canal would serve her purposes admirably well. The United States, on the other hand, as Russia before them, have always maintained that (by Articles III. and IV. of the Anglo-Muscovite Treaty of 1825), no matter whether the

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<sup>5</sup>*The Nation*, February 6, and *The Evening Post*, February 7, 1902.

frontier pass over a certain mountain top or through a given gorge, yet it is at all points far enough inland to entirely cut off the British empire from all contact with tidewater above the Portland Canal, which debouches into the ocean at fifty-four degrees forty minutes. And this view of the United States has been supported in the past and not so long ago either, by both the British and the Canadian Governments.

In the early course of the negotiations between Russia and England in the years 1823 and 1824, Sir Charles Bagot fought strenuously to keep open for Britain an outlet upon tide-water as far up above fifty-four degrees forty minutes as possible. But to all his propositions, including his last one that the frontier should pass from the southern extremity of Prince of Wales Island up through Clarence Straits, which wash the eastern shore of Prince of Wales Island, the Russians would not agree. And finally England, represented by Stratford Canning, yielded the point and agreed on the Portland Canal as a boundary. As to what sinuosity Count Nesselrode, M. de Poletica, and Stratford Canning meant by the Portland Canal, when they negotiated and concluded the treaty of 1825, may be seen by looking at Vancouver's chart, upon which is marked clearly "Portland Canal." And the map of the "Northwestern Part of the Dominion of Canada," published by the Surveyor-General at Ottawa, in 1898, agrees with Vancouver and the United States as to where is the "Portland Canal."

In 1872 Sir Edward Thornton, acting on his instructions from the British Foreign Office, which was serving as the intermediary for the Government of

Canada, proposed to Secretary Hamilton Fish the advisability of having a survey made of the territory through which the boundary ran, so that the frontier could be located exactly, and Mr. Fish thought well of the idea and said that he would urge Congress to provide funds for such a survey. At that time no mention was made of Canada's present claim, that she is entitled to the upper part of many or all of the fiords or sinuosities that cut into the mainland above fifty-four degrees forty minutes. On the contrary, the Surveyor-General of Canada, J. S. Dennis, in a written communication in 1874 to the Minister of the Interior of the Dominion, gave his opinion that it would be sufficient at that time to determine exactly the points at which the frontier crosses the "Rivers Skoot, Stakeen, Taku, Isilcat, and Chilkah." He added further: "The United States surveys of the coast could be advantageously used to locate the coast line in deciding the mouths of the rivers in question, as points from whence the necessary triangulation surveys should commence in order to determine the ten marine leagues back." In addition, a United States Coast Survey map, certified to "January 16, 1878," by Surveyor-General Dennis, was published in connection with this letter, with the boundary line crossing the Skoot, Stickine, and Taku Rivers, ten leagues back from the coast.

In 1877 the Canadian Government, through the intermedium of the British Foreign Office, formally recognized that the lisière of Alaska shut off Canadian territory from access to salt water. The previous year while taking a prisoner named Peter Martin, who was

condemned in the Cassiar District of British Columbia, for some act committed in Canadian territory, from the place where he was convicted to the place where he was to be imprisoned, Canadian constables crossed the Stickine River. They encamped with Martin at a point some thirteen miles up the river from its mouth. There Martin attempted unsuccessfully to escape, and made an assault on an officer. Upon his arrival at Victoria, the capital of British Columbia, he was tried and convicted for his attempted escape and attack upon the constable; and the court sentenced him. Our Secretary of State, Hamilton Fish, protested vigorously against this infringement of the territorial sovereignty of the United States in the Territory of Alaska. After an investigation into the facts of the case, the Dominion Government acknowledged the justness of Secretary Fish's protest by "setting Peter Martin at liberty without further delay;" and thus recognized that the Canadian constables who had Martin in their charge when they encamped on the Stickine thirteen miles up from the mouth of the river, were on United States soil, and so that Canada's jurisdiction in that region did not extend to tide-water.

A striking truth of what the best official geographers of the British Government thought was the true boundary, is "Admiralty Chart No. 787" of the British Admiralty, that gives the northwest coast of America from "Cape Corrientes, Mexico, to Kadiak Island." This was prepared in 1876 by F. J. Evans, R. N., published in 1877, and corrected up to *April*, 1898, only a few months before the opening of the Quebec Conference. On this chart of the British Admiralty,

the frontier of the United States descends the one hundred and forty-first degree of longitude west from Greenwich, and then, advancing on the Continent, but passing around the sinuosities of the coast so as to give a continuous *lisière* of territory cutting off the Dominion of Canada from all contact with any of the fiords or sinuosities that bulge into the continent between Mount Saint Elias and the Portland Canal, the frontier is drawn to the head of the Portland Canal at about fifty-six degrees, and then down that sinuosity, striking Dixon's Entrance at fifty-four degrees forty minutes. *Thus the British Admiralty itself upholds the territorial claims held and maintained by both the Russian and the United States Governments.*

It is one thing to ask the United States to agree, as Mr. Fish was willing to do in 1872, to have a joint survey to examine the country in the interior in order to locate exactly where the frontier runs. But it is quite another thing to ask the United States to submit to arbitration their right to all the sinuosities of the coast in their *entirety* above fifty-four degrees forty minutes, and the unbroken strip of territory round these sinuosities, which Great Britain recognized, from 1825 to 1867, as a part of Russia, and, since then, until recently, as a part of the United States. The more the subject is examined, the more evident does it become that there is nothing in the proposition of Canada and England which the United States should refer to arbitration.

T. W. BALCH.

PHILADELPHIA, January 27, 1902.

(The argument must close here.—ED. *Nation*.)

WASHINGTON, D. C., March 17, 1902.

*T. W. Balch, Esq., Philadelphia:*

DEAR SIR:—I have received your book, "The Alasko-Canadian Frontier," and read it with much interest. I was especially attracted to your new maps.

I have not given the boundary question any attention since I read my paper before the Geographic Society and the details have largely passed out of my mind. I think there is some reference to the "Dryad" in one of H. H. Bancroft's books; also in some of the manuscript papers belonging to the Joint High Commission, but to these I do not have ready access.

Yours truly,

JOHN W. FOSTER.

NEW YORK, March 19th, 1902.

*Thomas Willing Balch, Esq., Philadelphia, Pa.:*

MY DEAR SIR:—I am very greatly obliged to you for the copy of your interesting monograph on the Alasko-Canadian Frontier. It seems to me that your argument is absolutely unanswerable. \* \* \* No cause has greater reason to pray to be delivered from its friends than that of international arbitration. It received its severest blow in the Behring Sea controversy and it would be fatally discredited if applied to such a question as this about the frontier.

I have good reason to believe that the statesmen of Great Britain understand this perfectly well but they are in great terror on account of the Canadian politicians. Under these circumstances there is nothing for this country to do but to stand firm and your advice in this direction is invaluable.

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Very faithfully yours,

FREDERICK W. HOLLS.



ALASKAN BOUNDARY.<sup>6</sup>REASONS WHY UNITED STATES MUST SUBMIT TO  
ARBITRATION.

CONCESSIONS MADE IN PAST NEGOTIATIONS PRECLUDE THIS GOV-  
ERNMENT NOW FROM RIGID ATTITUDE.

*To the Editor of The Evening Star:*

A printed paper on "The Alasko-Canadian Frontier" by Thomas Willing Balch, of Philadelphia, is today circulated in the official and legislative circles of Washington by its author. Mr. Balch has summed up the claim of the United States admirably. He has also added several new and valuable items of information which have hitherto not been clearly and forcibly brought forward in behalf of our case by any one since the dispute first arose over this question in 1877 between Great Britain and ourselves.

But Mr. Balch has closed this publication of March, 1902, above cited, with these words: "The United States should never consent to refer such a proposition (the delimitation of the Alasko-Canadian boundary) to arbitration." Mr. Balch is not acquainted with certain mistakes made by high officials of our government in 1892, and again in 1897, over this subject. If he was, he would not have made use of the words quoted; he would have understood their futility and have left them unsaid.

What have our high officials done in the premises?

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<sup>6</sup>*The Star*, Washington, D. C., March 26, 1902.

For the information of Mr. Balch, and the officials and legislators in especial who are getting his book, and the public generally, note the following facts:

On the 26th of August, 1892, the then Secretary of State John W. Foster, and the British minister, Sir Julian Pauncefote, entered into a "convention between the United States of America and the united kingdom of Great Britain and Ireland for the delimitation of the boundary line between the United States and the Dominion of Canada, dividing Alaska from British Columbia."

The terms of this convention created a joint commission to do that work—one commissioner for us and one for Canada. They were directed to examine into and agree upon a report on or before the expiration of two years from the date of their appointment. They failed to agree and their time was extended to the last day of 1895. Then they came to an agreement in so far as the location of the 141st meridian of west longitude was concerned, but they utterly failed to agree upon the line of the "thirty-mile strip," and where only the shadowy ground for dispute has arisen or could arise.

The agreement of this commission as to the final location of the 141st meridian where it bisects our "thirty-mile strip," on the summit of Mt. St. Elias, was, for our case, a mischievous one; and when the light was turned on to it, March 12, 1897, the Senate refused to ratify the treaty confirming it, which was sent in by Richard Olney, January 30, 1897; and it is still hung up in the senate committee of foreign relations. This mischievous little boundary treaty con-

tained what was advertised at Ottawa as an "important surrender to the United States of what is here held to be indisputably Canadian territory." The moment I saw this statement in a Canadian official press dispatch, March 7, 1897, I knew instinctively that we were being plucked. I managed to get a copy of the treaty, and then exposed its aim to Senator Foraker, just in time, for it would have been ratified the next day had he not stopped it.

In the light of the foregoing outlines of a most unfortunate mistake in the State Department, whereby we admitted to Canada, August 26, 1892, that we ourselves did not know exactly where our own Alaskan border was defined, and then were willing, January 30, 1897, to shift it here or there as a joint commission might agree—is it not plain that the Canadians in this matter have secured the same advantage which they took in 1854-1871 over our claim to San Juan Island, Puget sound? Indeed, they have secured more, in the pending contention, because during the entire period of the San Juan dispute we never admitted the shadow of a doubt as to the exact line of our claim!

Let me recite a few salient points, briefly, of this San Juan difficulty, which we said, for fifteen long years, we never would submit to arbitration. Yet, nevertheless, on May 8, 1871, we entered into a convention here, at Washington, which submitted the controversy to the result of arbitration. Curiously enough, this San Juan dispute was strangely similar in claim of indefinite treaty terms of boundary limitation to the pending Alaskan boundary question.

The terms of the treaty of Washington, June 15, 1846, were indefinite with especial regard to the line of demarcation between Vancouver Island and Washington territory for the extension of the 49th parallel from Point Roberts. They were made in the following vague words: From Point Roberts the boundary went "to the middle of the channel which separates Vancouver Island from the continent, and thence southerly through the middle of said channel and of Inca straits to the Pacific ocean."

The first clash over this did not spring up until 1854. Then some sheep were taken across from Victoria to San Juan Island by the H. B. Co.'s people. The United States collector of customs of Washington territory levied a duty upon them. The Canadians objected, and put up an armed resistance; British and American troops were called out by both parties to the contest; the British established an armed camp on the north end of the island; hoisted their colors, beat their drums, and we did likewise on the south end of the same island—the two camps were not more than five miles apart, and in plain sight of each other. An indiscreet officer at any time between 1854-1871 could have plunged both nations into war! I saw these camps in 1865-67, and I can testify to the intense, bitter feeling that ran high among our own people, and among theirs; it was far more intense than the feeling at Skagway is at this hour.

The British insisted that the "channel" referred to in the treaty of 1846 was "Rosario straits;" the Americans insisted that this "channel" was the "Canal de Hors." After fifteen years of heated argument

and reiterated declaration on both sides that it would never be submitted to arbitration—that they would and we would fight first—we sent the question to a court of arbitration, with the German emperor as the arbitrator, as above stated. He decided, October 8, 1872, in our favor, and the “fighting” troops of Canada evacuated the island November 22, following.

Sooner or later this Alaskan boundary question must be settled; no titles to undeveloped land or mining claims over which there is a shadow of doubt can command capital for their exploration and working; and since we have by mistaken steps of our own official agents in 1892 and 1897 admitted the Canadian contention of doubt as to the fixed line of our possessions and we are today resting on a *modus vivendi* over the line on the pass above Skagway, how are we going to undo what we have inherited from 1892?

The conclusion in any judicial mind is that we will follow the course and precedent of the San Juan dispute; we have a much better case than we had then; the record of Russian ownership of the “thirty-mile strip” is cemented by the British record of leasing it, for a limited period (in 1839–1856), as Russian territory; and this act of leasing was approved by a select committee of the British parliament, during 1857, after examining into its terms, and by the Russian government in 1854–’56.

We can win our Alaskan claim easily before any tribunal of our peers if we put it into the hands of intelligent and capable agents.

· HENRY W. ELLIOTT.

THE ALASKO-CANADIAN FRONTIER.<sup>7</sup>

The *Ledger* is in receipt of a monograph on "The Alasko-Canadian Frontier," by Thomas Willing Balch, Esq., of this city, in which the claim of the United States, that it is entitled to a strip of territory on the Alaskan mainland, "from the Portland Canal, in the south, up to Mount Saint Elias, in the north, so as to cut off absolutely the British possessions from access to the sea above the point of fifty-four degrees forty minutes," is presented, we think, with conclusive force. The paper was read originally at the annual meeting of the Franklin Institute, January 15, 1902. It buttresses the American contention with an array of proofs which it is confidently believed would sway the judgment of any impartial judicial tribunal. Mr. Balch finds the American case to be so unassailable that Canada has no ground for the demand that the boundary question shall be submitted to arbitration.

"Whether the frontier shall pass over a certain mountain top or through a given gorge is a proper subject for settlement by a mutual survey. But by no possibility has Canada any right to territory touching tidewater above fifty-four degrees forty minutes. The United States should never consent to refer such a proposition to arbitration."

Mr. Balch notes that for more than fifty years the British Empire did not challenge the interpretation placed upon the Anglo-Russian treaty of 1825 by Russia, and later by the United States, that Russia, and, after the cession of Alaska in 1867, the United

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<sup>7</sup> Editorial from the *Public Ledger*, Philadelphia, April 4, 1902.

States, became entitled to a strip of mainland, following the indentations or sinuosities of the coast, from the Portland channel northward to Mount Saint Elias, "so as to cut off absolutely the British possessions from access to the sea above the point of fifty-four degrees forty minutes."

This was the *status* until August, 1898, when England claimed, at the Quebec Conference, that the Anglo-Russian treaty of 1825 gave to Canada the upper portion of nearly all the estuaries between Portland Canal and Mount Saint Elias. The British claim made in 1898 was that the Alaskan boundary from the top of Portland Canal should run directly to the coast, "and then along the mountains on the mainland nearest the shore and across all sinuosities of the sea that advance into the continent up to Mount Saint Elias."

Mr. Balch traces the important negotiations leading up to the signing of the Anglo-Russian treaty of 1825. He shows that England wished to obtain from Russia a disclaimer of the ukase of 1821, that Bering Sea and certain portions of the Pacific were to be held as Russian waters exclusively. Russia would not yield until the boundary line was so fixed as to give Russia the unbroken strip along the coast from Portland Canal to Mount Saint Elias, "and on this last point England, after a long and stubborn resistance, finally yielded."

With respect to the eastern boundary of this strip Mr. Balch recalls that England insisted that, should the mountain summits prove to be at any point more than ten marine leagues from the shore, "the line of demarcation should be drawn parallel to the sinuosities of the shore at a distance of ten marine

leagues. This ten league limit to the eastward was inserted \* \* \* to guard England against a possibility of having her territory pushed back to the eastward a hundred miles or more from the sea in case the crest of the mountains was found in reality to lie far back from the coast instead of close to it, as was then supposed."

The American contention, Mr. Balch says, is supported by the maps of "the best cartographers in the world, including those of England and Canada." *Fac similes* of many of these rare maps are presented in the volume to illustrate the text. He shows, furthermore, that the Canadian and English Governments by certain acts have recognized the title of the United States to the strip heretofore described, shutting off Canada from the sinuosities of the coast. In 1876 the Canadian authorities liberated a prisoner convicted in the Canadian courts for an offence committed at a place within the Alaskan strip claimed by the United States. The prisoner was released on the ground that the Canadian courts had no jurisdiction over this place.

Mr. Balch deserves great credit for his painstaking and successful effort to clarify a subject of very great international importance. His monograph contains a wealth of material for the proper understanding of the British-American boundary dispute. It is, in fact, an exhaustive brief of the American case. The reported recent removal by a Canadian official of one or more of the boundary monuments placed by Russia to mark the line of Alaska has suddenly revived interest in the dispute so thoroughly illuminated by Mr. Balch.



NEW YORK, April 4th, 1902.

*Thomas Willing Balch, Esq., Philadelphia, Pa.*

MY DEAR SIR:—With reference to the map to which you refer, I am free to say that I know nothing of it but I was informed that the Canadian Government sent to Paris a map in 1878, for which they received a gold medal, as being the most accurate and beautiful specimen of governmental scientific map making on exhibition. The original of this map was in the library at Ottawa for some years and I have seen it myself. I am told that immediately after the discovery of gold in the Klondike it disappeared but I have also been informed that Mr. —— has a copy in his library.

I asked Mr. Joseph Chamberlain about this map in England a year ago and he didn't deny its existence nor did he minimize its importance. In fact it would seem to be almost conclusive against the Canadian case.

At the same time, I am bound to say that my information came entirely through second hands and had better not be used in any public argument without careful verification; but, of course, I would rather not be quoted in the matter.

If I can be of service to you in any way I shall be delighted, for it seems to me that in the interest of good relations between Great Britain and the United States, no false hopes should be encouraged in the direction of arbitration on this question.

I am, Sir, with great respect,

Very faithfully yours,

FREDERICK W. HOLLS.

AFRAID TO ARBITRATE.<sup>8</sup>

Thomas Willing Balch, a Philadelphia lawyer, has published a treatise on "The Alasko-Canadian Frontier," calculated to show by means of maps, charts, quotations from treaties, and incidents gathered from history and tradition, that Canada's claims are unsound, cannot be established, and that therefore arbitration should not be consented to by the United States.

The Cleveland *Plain-Dealer* is so impressed by the arguments and pictures in Mr. Balch's pamphlet, that it sees no necessity for arbitration.

If the evidence on this question is entirely against Canada, why should the United States hesitate to see the whole matter referred to an unbiased tribunal? If their case is so strong, the Canadian contention can be swept aside and disposed of forever. While Philadelphia lawyers are writing pamphlets on one side of this question, Canadian lawyers can write very convincingly to Canadian readers on the other side of it.

In regard to arbitration, the position taken by Uncle Sam is characteristically unfair. If his title to the disputed territory is superior to ours, he can prove it. But he will not. He will arbitrate in a case where he has something to gain, but where he may lose he will not arbitrate. "There is nothing to

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<sup>8</sup> Editorial from *The Star*, Toronto, Canada, April 10th, 1902.

In a vigorous editorial entitled "The Alaskan Boundary Dispute," in *The World*, of Toronto, Canada, on April 8, 1902, reference was made to *The Alasko-Canadian Frontier*.

arbitrate," he says, where there is nothing for him to gain. He believes in courts of justice to which he can go as plaintiff, but he repudiates them when he is called on to appear as defendant.

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### THE GAME OF GRAB.<sup>9</sup>

The Alasko-Canadian frontier dispute is not a particularly inviting subject to the people generally because there is more or less obscurity about it. To the average man it possesses only a remote interest for the simple reason that he does not understand the points involved. He knows that there is a strip of land about thirty miles wide and five hundred miles long, containing some fifteen hundred square miles of territory, which England has recently claimed as a part of Canada. He knows that Secretary Hay has "provisionally" agreed to the British boundary line, pending a settlement of the dispute. The facts of the case, however, have never been clearly presented to him; yet they are interesting enough to awaken his concern and plain enough to enlist his attention. The *Commercial Appeal* has consistently contended during the last two or three years that territory which had been in our undisputed possession for thirty-one years and that had previously thereto been in the possession of Russia, from whom we bought Alaska, for a period of forty-two years, was hardly a subject for controversy; and that in surrendering this strip of land to the claimant, Mr. Hay was guilty of an inexcusable surrender of American

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<sup>9</sup> Editorial from *The Commercial Appeal*, Memphis, Tennessee, April 13, 1902, by the editor, Walker Kennedy, Esq.

territory. Never before in the history of land disputes, so far as we know, has the possessor of a piece of land surrendered that land to a claimant pending an adjustment. But Mr. Hay has broached this novelty in diplomacy, and has been praised in some quarters for having averted a serious difficulty. Mr. Hay's diplomatic success in this instance is very much like that of the well-armed man who gives up his purse to the footpad and thus evades a personal encounter.

We have recently received a monograph on "The Alasko-Canadian Frontier" by Thomas Willing Balch of the Philadelphia bar, which so thoroughly exposes the unparalleled impudence of the English claim, that we make use of the facts marshalled therein, in order that the reader may get a clear idea of this controversy. Mr. Balch more than confirms our impressions on this subject and he demonstrates conclusively that the American title is perfect, and that the English contention is a mere gauzy exhibition of falsehood and nerve. The little volume before us contains a number of maps prepared by Russian, French and English cartographers, all showing conclusively that from 1825 to 1898 the strip of land now claimed by England was considered a part of the country known now as Alaska. We are indebted to Mr. Balch's volume for the facts which enable us to construct this interesting story.

In the southeastern part of Alaska there is a long strip of coast land which shuts Canada out from access to the sea. To the west of this strip there are a number of islands which are admittedly a part of Alaska, but England now claims that the boundary

line instead of running parallel with the coast at a distance of thirty miles therefrom, runs virtually up against the coast and makes a bee line over numerous bays and inlets. If the English claim is correct, England has a number of seaports on the Alaskan coast, but she is also entitled to the strip of land which had been the undisputed possession of Russia and the United States for seventy-three years. We propose to show that there is not a shadow of justice or right in this claim.

In the year 1825 a treaty was signed between England and Russia fixing the boundary line between Alaska and Canada. In the preliminary negotiations Sir Charles Bagot made three attempts to get a boundary line something like the one now claimed, which would admit England to the sea. None of these attempts was successful. Russia maintained that the very strip of land now in dispute belonged to her, and she would not yield an inch. As the Russian agent, Count Nesselrode, expressed it, "Thus we wish to retain, and the English companies wish to acquire." Russia, however, would not yield, and in the treaty of 1825 between England and Russia the English claim was abandoned. This treaty fixes the boundary line so plainly that a misinterpretation of it is inexcusable. There is no controversy about the boundary line until it reaches the north end of the Portland channel. The English contention is that from that point it goes east virtually to the coast line, and follows the main coast line, jumping over, however, the fiords and inlets instead of winding with them. The American contention is that the boundary line follows the

summit of the mountains, running parallel to the coast, except where those mountains are more than thirty miles from the coast, in which event the line shall run at a uniform distance of thirty miles, parallel with the windings of the coast.

In article III. of the treaty of 1825, it is provided that "the line of demarkation shall follow the summit of the mountains situated parallel to the coast." In article IV. it is provided "That, wherever the summit of the mountains which extend in a direction parallel to the coast, shall prove to be at the distance of more than ten marine leagues (thirty miles) from the ocean, the limit between the British possessions, and the line of coast which is to belong to Russia shall be formed by a line parallel with the windings of the coast, and which shall never exceed the distance of ten marine leagues therefrom."

The American claim is identical with the treaty of 1825, in which England recognized Russia's right to the very strip of territory which she now claims. England then was fighting for access to the sea, Russia was determined to cut off entirely the British possessions from access to the sea. The United States bought all the Russian territory in America from Russia in 1867, and, of course, this strip of land on the coast was a part of it.

There are six maps in Mr. Balch's book which include this strip of land in the Alaskan territory. One is a Russian map published in 1827. Another is a Russian map of 1829. A third is a Canadian map by Joseph Bouchette, Jr., deputy surveyor-general of the province of Lower Canada; and there are three

English maps. The most conclusive is the British Admiralty Chart, published in 1877 and corrected to April, 1898, in which the British admiralty establishes conclusively the contention of the United States.

Another proof of the correctness of the American contention is the fact that the Hudson Bay Company rented "the strip" from the Russian-American Company in 1839. The fact that this strip was not British territory has been recognized time and again by both the English and the Canadian governments. In 1876, some Canadian constables were conducting a prisoner named Peter Martin through the strip. There he tried to escape and made an attack on one of the officers. He was subsequently tried in British territory and convicted of attempted escape and assault. Hamilton Fish, secretary of state, protested vigorously against this infringement of the territorial sovereignty of the United States, and the Dominion government after an investigation, set Martin at liberty at once. This incident occurred in the very territory now claimed by England. We could multiply instances of British recognition of our right to the strip of coast land now claimed by Great Britain, but the treaty of 1825 is conclusive.

The significant part of the boundary line incident lies in the fact that England never laid claim to this territory until 1898. She had conceded Russia's right to it in 1825, and had never disputed the right of Russia or the United States to it for seventy-three years. In 1898 she set up her brazen claim. The discovery of gold in the Klondike was the exciting cause, of course. Unfortunately for us, there was

at that time no vigorous American in the office of secretary of state. If there had been, he would not have tolerated the British claims for ten minutes. There is absolutely nothing to arbitrate in this question. All that is necessary is to follow the summit of the mountains, and run a line thirty miles from the coast, parallel with the sinuosities of the shore. This is purely a problem in surveying.

We have heard a great deal from the Republican party about the crime of pulling down the flag. Here is fifteen hundred square miles of American territory which has been in our possession, undisputed, from 1867 to 1898, and an American secretary of state has been guilty of pulling down the flag there, and surrendering it to a blushless claimant who has no more title to it than the Negus of Abyssinia. We have now a "strenuous" person in the presidential chair. What does he propose to do about it? Is he going to allow Secretary Hay to give away a strip of American territory that is said to be teeming with gold? Certainly it is time that the government of the republic was asserting its rights and conserving its own.

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#### NOTHING TO ARBITRATE.<sup>10</sup>

Since the discovery of gold in Alaska, the British government has endeavored to establish a claim to certain territory along the strip of land which follows the sinuosities of the coast from fifty-four degrees forty minutes, up to Mount Saint Elias.

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<sup>10</sup> Editorial from the *Press-Knickerbocker and Albany Morning Express*, April 16, 1902, by the Managing Editor, Albert F. Demers, Esq.



During the Polk administration (1845-49), the United States and Great Britain advanced conflicting claims to the territory lying between the Rocky mountains and the Pacific ocean. The supporters of Polk took up the cry of "Fifty-four forty or fight," meaning that the British empire must be shut out of territory which would forever allow the United States to control a coast line along the Pacific ocean, from the Mexican border north to the Bering sea. At the time of this dispute, Russia asserted exclusive jurisdiction over and the exclusive right of the navigation on the Bering sea; and later on, when the Czar's government offered to sell the Alaskan possessions to the United States, the proposition was made that the purchaser maintain the claim to the territory west of the Rockies up to fifty-four degrees forty minutes, the most southern point of Russian America, thereby closing the Pacific coast entirely against the British. But the influence of the slave power appears to have compelled our government to yield all the vast country west of the Rockies and above the forty-ninth degree of north latitude thus permitting the British empire an outlet to the Pacific. By making this concession, the United States paved the way for further imperial aggressions along a coast which should now be all red, white and blue on the map of North America.

In 1867, Russia sold Alaska to the United States. Great Britain acknowledged all our rights in the purchase, and was apparently satisfied with her control of a coast line from fifty-four degrees forty minutes down to the lower part of Vancouver Island. But greed for further territorial acquisition eventually

caused her to cast covetous glances toward American territory, and to seek to establish claims, which, in view of the well-established rights of our government, are entirely baseless.

The contempt in which Canadian officials hold our claims of sovereignty over that strip of territory running from fifty-four degrees forty minutes north to Mount St. Elias was first manifested to the entire country, when certain Canadian constables took a prisoner named Peter Martin, who was convicted in the Cassiar district of British Columbia for some offence, from the place where he was convicted to and across United States territory lying along the Stickine river, a stream which flows into the estuaries south-east of Sitka. While on American soil, Martin assaulted one of the constables, and then made an unsuccessful attempt to escape. At that time, Hon. Hamilton Fish was Secretary of State. Mr. Fish protested vigorously against an infringement of territorial sovereignty of the United States in the territory of Alaska, and the Dominion government recognized the justness of his complaint by setting the prisoner free.

The above comments have been suggested by Mr. Thomas Willing Balch's monograph, "The Alasko-Canadian Frontier," which has just been issued by the press of Allen, Lane and Scott, of Philadelphia. Mr. Balch, who is a prominent member of the Philadelphia bar, and a gentleman of scholarly attainments, read this monograph at the annual meeting of the Franklin Institute, January 15th, 1902; and it is now reprinted in beautiful form from the *Journal* of that Institute for March, 1902.

Although Mr. Balch's monograph is brief, it shows great research, as well as a careful review of a question which has caused fears to be expressed that the imperial government might eventually secure territory which came to us through our purchase from Russia.

Mr. Balch refers to the agreement between the United States and Great Britain, at the end of May, 1898, whereby an Anglo-American Joint High Commission was to be appointed, for the purpose of considering and arranging upon a basis more favorable to both sides, "such problems as the regulations of the North Atlantic fisheries, commercial reciprocity, and the Bering Sea fishery question." Soon after the British government coolly announced that "a difference of views" existed respecting the provisions of a treaty made between Great Britain and Russia in 1825. These "difference of views" concerned the meaning of the Alaskan frontier. On August 23, 1898, the British government blandly claimed that the eastern boundary of Alaska should run from the extremity of Prince of Wales Island at fifty-four degrees forty minutes, "along the estuary marked on recent maps as Pearse Canal, up to the top of Portland Canal, and from there straight to the coast, and then along the mountains on the mainland nearest to the shore and across all the sinuosities of the sea that advance into the continent up to Mount Saint Elias."

The meaning of the "difference of views" is plain. By pushing the Alasko-Canadian frontier, which has stood undisturbed for many years, toward the coast, the British government would gain access to the ocean

through the estuaries which do not extend inland farther than American soil.

Mr. Balch's purpose is to show that this recent contention of the imperial government is contrary to the provisions of the treaty of 1825, as well as to the conduct of the claimants for more than three-quarters of a century. The treaty of 1825 specified the line of demarcation between British soil and the Alaskan possessions, possessions which are now claimed by the United States.

Although every word in the treaty is plain, there appears to have been some misunderstanding on the part of the British authorities for some years after the signatory powers had come to an agreement.

Count Nesselrode, who in behalf of Russia had assisted in the negotiations with Great Britain during the years 1822, 1823, 1824, and 1825, aptly contrasted the efforts of Russia and Great Britain when the two countries were endeavoring to agree upon a frontier between their American possessions. He said: "Thus we wish to retain, and the English Companies wish to acquire."

Mr. George Canning, the English foreign secretary at the time of the negotiations in which Count Nesselrode was concerned, put forth no serious claim to any part of the Alaskan coast. Russia's assertion that she had exclusive jurisdiction over and the exclusive right of navigation on Bering Sea is what the British authorities wished to combat.

Mr. Balch's monograph is illustrated with eight specimens of the cartographers' work, illustrations which show that this latest claim of the British government

is simply preposterous. One of the maps included in the monograph was drawn by order of the Czar of Russia in 1827, and the work was performed by a celebrated Russian navigator, Admiral Krusenstern. The other chart was first published by the British admiralty on June 21st, 1877. It has been corrected to April 1898. Both of these maps show that the British authorities do not possess the shadow of a claim against the territory which the United States now holds.

Mr. Balch says that our government should never consent to refer the present dispute to arbitration, simply because we have nothing to arbitrate. Everybody who has had the good fortune to read Mr. Balch's luminous treatise, will wonder at the presumptuous conduct of the British authorities over the frontier question.

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#### THE ALASKAN BOUNDARY.<sup>11</sup>

Stories have drifted down to us from time to time of late alleging the destruction by Canadian officials of the monuments set up to mark the boundary between Canadian territory and what was Russian territory and is now territory of the United States.

It is hard to believe that anybody with brains enough to fill any office would be foolish enough to do anything of this kind, to say nothing of the moral turpitude involved.

If anybody has been thus stupid it can have no effect on the final decision of the dispute. It is a

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<sup>11</sup> Editorial from *The Chronicle*, Chicago, Illinois, April 21, 1902.

simple and undeniable proposition that we now own what Russia once owned in that region. Just that and no more nor less. What Russia owned is to be determined from the Anglo-Russian treaty of 1825.

T. W. Balch, than whom there is no better advised authority, published not long ago an examination of the whole question with the title, "The Alasko-Canadian Frontier," thoroughly dispassionate and based on that treaty and the discussions between Russia and Great Britain that grew out of it. It is made clear that Russia claimed and the treaty established ownership and control of all navigable waters of all the islands and of a strip of the mainland reaching inland not less than thirty miles from the shore line and following—or paralleling—its sinuosities. That strip reached southward to a point not in dispute.

It is not to be forgotten that when that treaty was made the United States claimed the territory northward to that point as was indicated in the old democratic partisan cry in the "40's of 'Fifty-four forty or fight!'"

We did not stand up for our claim, but for all that it is just as certain as that the treaty was made that Russia believed we would stand up to it and that one of her leading intentions in making the treaty just what it is was to shut off Great Britain entirely from having any Pacific port on the west coast of America.

Since the gold discoveries in Alaska Canada has set up a claim to a port within the territory from which the treaty was made expressly to exclude British ownership and control. Mr. Balch's statement, argu-

ment and proof from documentary sources seem to put the whole matter beyond dispute. He maintains that there is no foundation whatsoever for the Canadian claim and that it should not be conceded in any circumstances.

His monograph is commended to Mr. Hay's most careful and conscientious study, with entire confidence that the American people will study it and stand by it whether he wishes or not.

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#### WHERE THE BOUNDARY LIES.<sup>12</sup>

In a little monograph, recently issued from the press of Allen, Lane and Scott, of Philadelphia, Thomas Willing Balch, of the Philadelphia bar, completely riddles the Canadian contention for a different construction of the Alaska boundary treaty than that which went unchallenged and unquestioned for nearly three-quarters of a century. The monograph in question was originally read before the Franklin Institute on January 15 last, and is by all odds the most important contribution yet made to the controversy.

Mr. Balch, from first authorities, covers the entire course of the negotiations between Great Britain and Russia, prior to the settlement of the boundary between the Russian and British possessions on this continent by the treaty of 1825. He shows how, from first to last, notwithstanding the utmost diplomatic efforts of the British representatives, Russia stead-

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<sup>12</sup> Editorial from *The Post-Intelligencer*, Seattle, Washington, April 22, 1902.

fastly refused to recede from the position which she took at the start; that she should retain entire control of every inch of the coast line, including all bays, inlets and the mouths of all rivers, north of 54:40.

The declared idea of Russia was to shut Great Britain from access to the sea at all points north of the Portland canal. On the other hand, the representatives of Great Britain strenuously urged for some concession which would give the interior posts of the Hudson Bay Company access to the sea. Russia insisted on a line following the summit of the mountain ranges parallel to the coast, and Great Britain finally conceded the claim, after many months of negotiation, during which Russia never receded from the position that she must retain possession of a *lisière*, or strip of the coast, in order to prevent the Hudson Bay Company from having access to the sea and forming posts upon the mainland opposite to the Russian islands.

Mr. Balch goes over these negotiations in detail, with quotations from the various notes which passed on the subject. As a final conclusion, Russia did agree to this modification of the original demands—that in cases where the mountain range should prove to be more than ten marine leagues from the sea, the line of demarcation should be drawn parallel to the sinuosities of the coast. In the instructions to Stratford Canning, who conducted the final negotiations on behalf of Great Britain, he was told to make this demand, to guard England from having her territory pushed back to the eastward a hundred miles or more from the sea in case the crest of the mountains was



found in reality to lie far back from the coast instead of close to it, as was then supposed.

There never was, for the next fifty years and more, any question that Great Britain, by this treaty with Russia, definitely and finally abandoned all pretense to sovereignty over any inlet, bay or arm of the sea, north of the mouth of Portland canal.

Facsimiles of maps are introduced by Mr. Balch, showing the line where the United States claims that it exists, dating from 1827 down to the present time. The first is an imperial Russian map of 1827. This is followed by a military map, printed in St. Petersburg in 1829. A Canadian map of 1831, prepared by Joseph Bouchette, deputy surveyor general of the province of Lower Canada, shows identically the same line. In his "Narrative of a Journey Around the World," Sir George Simpson, governor in chief of the Hudson Bay Company's territories in North America, published in 1847, a map is given, showing the same boundary line as is at present claimed by the United States.

Finally, in the testimony of Sir George Simpson, before a parliamentary committee, in 1857, he introduced a map, showing the boundaries of the Russian possessions in North America precisely as they are claimed by us to-day. In the same testimony, Governor Simpson described how, in order to secure access to the sea, his company had rented this strip of coastline from Russia, for a term of years, at an annual rental of £1,500; and as Russia and Great Britain were at war at the time he had secured the consent of the British Government to the lease and also to

an agreement to keep the peace on this continent, entered into at the same time.

Many other maps are introduced into the monograph, including one prepared under the direction of the British admiralty, corrected up to April, 1898. This admiralty chart, issued by the British government itself, shows the boundary line passing around the sinuosities of the coast, so as to give the United States a continuous strip of territory, cutting off the Dominion of Canada from any contact with the coast line north of 54:40.

Against all of this array of evidence, and the unbroken acceptance of the American interpretation of the boundary treaty for more than half a century, Canada has nothing to urge save the possibility of the language of the treaty being given a different interpretation than that which has always been accepted by Russia, by Great Britain and by all geographers in the past, and on the strength of which rights of enormous value have been acquired by American citizens in the strip along the Alaskan coast.

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“THE ALASKO-CANADIAN FRONTIER.”<sup>13</sup>

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THOMAS WILLING BALCH.

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Here is a book that Secretary of State Hay should read with prayerful consideration. It isn't a large book; only a monograph of forty-five pages, with some maps.

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<sup>13</sup>Editorial from *The Helena Independent*, Montana, April 27, 1902.

Mr. Hay could read it before breakfast; and having done this it would be well for him to read it three times a day for a month. The little book might be called "A Brief in the Case of the Attempted Steal of a Portion of Alaskan Territory by the British Government." It is a forceful, and we think conclusive, presentation of the contention of the United States that this country is entitled to a strip of territory on the Alaskan mainland "from the Portland Canal, in the south, up to Mount Saint Elias, in the north, so as to cut off absolutely the British possessions from access to the sea above the point of 54 degrees 40 minutes."

Mr. Balch's presentation of the case was read originally at the annual meeting of the Franklin Institute, January 15, 1902. Not only with facts but with maps does the author sustain the American contention with an array of proofs that clearly put the British claims out of court. He shows that Canada has no solid ground for its demand that the boundary question should be submitted to arbitration.

"Whether the frontier shall pass over a certain mountain top or through a given gorge is a proper subject for settlement by a mutual survey. But by no possibility has Canada any right to territory touching tidewater above fifty-four degrees forty minutes. The United States should never consent to refer such a proposition to arbitration."

Since the discovery of gold in the Klondike the British empire now lays claim to a large and very important part of our Alaskan territory. More than seventy-five years ago Count Nesselrode expressed the American and British contentions of to-day when he

said of the efforts of Russia and Britain to agree on a frontier between their American possessions:

“Thus we wish to retain and the British companies wish to acquire.”

Mr. Balch gives proof that for more than fifty years Great Britain did not challenge the interpretation placed upon the Anglo-Russian treaty of 1825 by Russia, and later by the United States, that Russia, and the United States, after the cession of Alaska in 1867, became entitled to a strip of mainland, following the indentations or sinuosities of the coast, from the Portland channel northward to Mount Saint Elias, “so as to cut off absolutely the British possessions from access to the sea above the point of fifty-four degrees forty minutes.”

Such was the status until August, 1898, when England claimed, at the Quebec Conference, that the Anglo-Russian treaty of 1825 gave to Canada the upper portion of nearly all the estuaries between Portland canal and Mount Saint Elias. The British claim made in 1898 was that the Alaskan boundary from the top of Portland canal should run directly to the coast, “and then along the mountains on the mainland nearest the shore and across all sinuosities of the sea that advance into the continent up to Mount Saint Elias.”

Mr. Balch traces with great care and precision the important negotiations leading up to the signing of the Anglo-Russian treaty of 1825. England, as he shows, wished to get from Russia a disclaimer of the ukase of 1821 that Bering sea and certain portions of the Pacific were to be held as Russian waters exclusively. Russia would not yield until the boundary line was so fixed as to give Russia the unbroken

strip along the coast from Portland canal to Mount Saint Elias, "and on this last point England, after a long and stubborn resistance, finally yielded."

With regard to the eastern boundary of this strip, England, as Mr. Balch shows, insisted that should the mountain summits prove to be more than ten marine leagues from the shore at any point "the line of demarcation should be drawn parallel to the sinuosities of the shore at a distance of ten marine leagues. This ten league limit to the eastward \* \* \* to guard England against a possibility of having her territory pushed back to the eastward a hundred miles or more from the sea in case the crest of the mountains was found in reality to lie far back from the coast instead of close to it, as was then supposed."

Mr. Balch says, and shows by map reproductions, that the American contention is supported by the maps of the best cartographers of the world, "including those of England and Canada." The fac similes of these maps are certainly as convincing as anything in the text. One of these shows a British admiralty chart, published June 1, 1877, and corrected to April, 1898; showing that up to that date the British admiralty itself upheld the territorial claims held and maintained by both the Russian and the United States governments!

The author shows also that the Canadian and British governments have recognized by certain acts the title of the United States to the strip under contention, shutting Canada off from the sinuosities of the coast. In 1876 the Canadian authorities liberated a prisoner convicted in the Canadian courts for an of-

fense committed at a place within the Alaska strip claimed by the United States. The release was made on the ground that the Canadian courts had no jurisdiction over the place where the offense was committed.

For his painstaking and successful effort to clear up this subject, which is of international importance, and of very great importance to the United States, Mr. Balch deserves great credit. He has cleared up the subject in the small compass of forty-five pages. It is hoped that he has sent a copy to the Department of State at Washington.

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[*The Alasko-Canadian Frontier* was referred to with approval either in editorials or reviews in 1902 in *The Evening Bulletin*, Philadelphia, March 15; the *Army and Navy Journal*, New York, March 29; *The Register*, New Haven, Connecticut, April 3; *The Times*, Philadelphia, April 6; *The Plain Dealer*, Cleveland, Ohio, April 8; *The Record*, Philadelphia, April 11; *The Times*, Pittsburg, Pa., April 12; *The Times*, Minneapolis, Minnesota, April 14; *Freeman's Journal*, New York, April 19; *The Herald-Transcript*, Peoria, Illinois, April 23; *The Conservative*, Nebraska City, Nebraska, April 24; *The News-Tribune*, Detroit, Michigan, May 4; *The Chronicle*, Chicago, Illinois, May 11; *The Light*, San Antonio, Texas, May 19; *The Legal Intelligencer*, Philadelphia, June 13; *Our Times*, August 15; and the whole article was reprinted by the *Post-Intelligencer* of Seattle, Sunday, May 25. In an editorial in *The Evening Sun*, New York, March 6, 1903, attention was called to the pamphlet.—EDITOR.]

RUSSIAN IMPERIAL EMBASSY,  
WASHINGTON.

[Received March 1, 1901.]

*Thomas Willing Balch, Esq., Philadelphia, Pa.*

SIR:—I have been informed that you had in preparation a book entitled, "Boundaries of Alaska." I would like to have two copies of this book as soon as it will be published and would be very much obliged to you if you would kindly let me know when it will be published.

Very truly yours,

P. ROGESTVENSKY,  
*Secretary, Russian Embassy.*

## RUSSIAN IMPERIAL EMBASSY.

No. 82.

11/24, March 1902.

*Thomas Willing Balch, Esq., Philadelphia, Pa.*

SIR:—I beg to acknowledge the receipt of two copies of your preliminary paper on the Alaskan Boundary question, which I did not fail to forward to the Imperial Foreign Office with the request to present it to His Imperial Majesty the Emperor of Russia.

Thanking you for your courteous remembrance of my request, I am, Sir,

Very truly yours,

COUNT CASSINI,  
*Ambassador of Russia.*

## RUSSIAN IMPERIAL EMBASSY.

No. 162.

WASHINGTON, 1/14, May 1902.

*Thomas Willing Balch, Esq., Philadelphia, Pa.*

SIR:—Your preliminary paper upon the Alaskan Boundary question was duly forwarded to the Imperial Russian Foreign Office and was presented by His Excellency Count Lamsdorff to His Imperial Majesty the Emperor of Russia. His Majesty was most graciously pleased to order me to convey to you His gratification in receiving this interesting document.

Taking great pleasure in informing you about this decision of my August Sovereign, I am, Sir,

Very truly yours,

COUNT CASSINI,  
Ambassador of Russia.

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MISSION OF THE BALCHES.<sup>14</sup>

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PHILADELPHIA SOCIETY MEN IN ST. PETERSBURG GETTING INFORMATION ABOUT ALASKAN BOUNDARIES.

Information from St. Petersburg, Russia, announces the arrival of Edwin Swift Balch and his brother, Thomas Willing Balch, of this city, who have been travelling in Europe, and gives as the purpose of their visit the collection of information and material regarding the boundaries of Alaska.

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<sup>14</sup> *The Times*, Philadelphia, June 30, 1902.



BLUFF AND BLUSTER.<sup>15</sup>

A St. Petersburg dispatch recently announced that Edwin and Thomas Balch, of Philadelphia, were in the capital of the Russian empire for the purpose of collecting information and material with regard to the boundaries of Alaska.

Thomas Willing Balch is an authority on the question of the Alaskan boundaries. At the annual meeting of the Franklin Institute of Philadelphia, on January 15, 1902, he read a highly instructive and valuable paper on "The Alasko-Canadian Frontier." This paper, which was subsequently published in book form proved conclusively that "There is no more reason for the United States to allow their right to the possession of this unbroken Alaskan lisière (strip of territory) to be referred to the decision of foreign judges, than would be the case if the British Empire advocated a claim of sovereignty over the coast of Georgia or the port of Baltimore and proposed that this demand should be referred to the judgment of subjects of third powers."

The fact that Mr. Thomas Balch is collecting further material for the purpose of proving the absurdity of Great Britain's claims regarding the Alaskan frontier will be hailed with satisfaction by the numerous Americans who have long admired the patriotic Philadelphian's intelligent opposition to the absurd pretensions set forth by a government which hopes to extend its Pacific seaboard in North America through bluff and bluster.

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<sup>15</sup> Editorial from the *Press-Knickerbocker and Albany Morning Express*, July 5, 1902.

ALASKA BOUNDARY.<sup>16</sup>

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TWO PHILADELPHIANS SEARCHING FOR ORIGINAL  
RECORDS.

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AN INQUIRY AT ST. PETERSBURG WHICH MAY CONTRIBUTE TO THE  
SETTLEMENT OF THE DISPUTE WITH GREAT BRITAIN.

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[Special to the *Public Ledger*.]

WASHINGTON, July 11 [1902].

Two young men from Philadelphia, Pa., Thomas and Edwin Balch, are now in St. Petersburg engaged in a search which, if successful, will end the dispute between this country and Great Britain over the Alaskan boundary and dispense with the *modus vivendi* of October 20, 1899, signed by Sec. of State John Hay and Reginald Tower.

Officials of the State Department, Washington, although asserting that the Balch brothers have no recognized *status* with the government, admit that they are and have been from the first fully aware of their mission and hope they will succeed. One official said:

“The Balch brothers are simply investigating the matter as one would investigate any scientific subject, to gain more knowledge. One is a geographer and the other a student of International Law, but both have entered upon this labor *con amore*. We wish them every success and, of course, should they make any

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<sup>16</sup> *Public Ledger*, Philadelphia, July 12, 1902.

valuable discovery, the United States would probably profit by it, but they really have no official *status*."

It is admitted that the Balchs visited the State department before starting on their mission and had a consultation with the officials.

Since Vitus Behring, a Dane, naturalized in Russia, sailed through the strait to which he gave his name, in 1740, several surveys of the peninsula have been made. Naval Captains Krenitzen and Levascheff surveyed the peninsula and charted its coast in 1768, but the extent of their work is not now known, unless their reports are still on file at the Russian capital, as the Balchs hope. Further efforts in this line were made by Juan Perez in 1774 and two years later James Cook visited Alaska.

George Vancouver was sent to Alaska by Great Britain in 1792 to resurvey the coast and determine the liability of Spain for the seizure of three small British vessels the previous year, and it is probable that the geographers will investigate the report of his findings before concluding their researches.

The first differences as to the exact land boundaries between Alaska and the United States were settled by a convention signed in St. Petersburg in 1824. This was followed the next year by a convention between Russia and Great Britain, under which the Hudson Bay company was excluded from the seacoast north of latitude 54 degrees, 40 minutes, and from the then unknown territory north of the St. Elias Alps, divided by the 141st meridian west of Greenwich.

Another survey was made which lasted for six

years, from 1826 to 1832, and in 1835 Russia established an admirable meteorological and magnetic observatory in Sitka.

[Similar articles appeared in 1902 in *The Press*, Philadelphia, July 3; *The Sun*, Baltimore, July 12; *The Herald*, New York, July 13; *The Record-Herald*, Chicago, July 13; *The Patriot*, Jackson, Michigan, July 24; *The North American*, Philadelphia, August 3; and in other papers.—EDITOR.]

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SPEECH OF THE HON. CHARLES F. COCHRAN,  
MEMBER OF CONGRESS FROM MISSOURI, IN  
THE HOUSE OF REPRESENTATIVES, ON THE  
ALASKA BOUNDARY, JANUARY 20, 1903.<sup>17</sup>

Mr. Cochran said:—

MR. CHAIRMAN:—At the last session of Congress I introduced a resolution calling on the Secretary of State for certain information concerning the removal of ancient monuments marking the true boundary of the American territory in Alaska which has been occupied and governed for more than five years by British military and civil officers. At that time the chairman of the Foreign Relations Committee gave us to understand that negotiations were in progress look-

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<sup>17</sup> District of Columbia Appropriation Bill.

Speech of Hon. Charles F. Cochran, of Missouri, in the House of Representatives, Tuesday, January 20, 1903.

The House being in Committee of the Whole on the state of the Union, and having under consideration the Bill (H. R. 16842) making appropriations to provide for the expense of the Government of the District of Columbia for the fiscal year ending June 30, 1904, and for other purposes. *The Congressional Record*, March 2, 1903, page 3117.

ing to the settlement of what he misnamed the controversy concerning that boundary line.

In my judgment the controversy is over the forcible occupation of territory to which the British have no shadow of a claim and over which our sovereignty is as just and incontestable as it is over the Indian Territory or Oklahoma.

Like Venezuela, The Transvaal, and the Orange Free State, the United States has witnessed British occupation of a rich mining region, followed by a chain of title; but unlike those weak and defenseless countries, we have evinced no resentment of the outrage. It is in line with the traditional policy and conduct of the British Government, excepting only the fact that in general its depredations have been committed against countries too weak to defend themselves.

The discovery of the diamond mines in the Orange Free State, followed by the development of the Transvaal gold mines, sealed the doom of the South African Republics.

The discovery of gold mines in Venezuela would have sounded the death knell of Venezuelan independence had it not been for the intervention of the United States.

In the case of the South African diamond mines the unlawfulness of their appropriation was so flagrant that long after the commission of the crime the matter was taken up by British clergymen, and the enormity of the offense was made so manifest that a veritable storm of public indignation compelled the authorities to pay a paltry sum as pretended compensation for stolen property worth many millions.

The mournful story of the recent war in South Africa—a story replete with convincing proof that in the lexicon of this rapacious power there are no such words as honor, justice, or mercy—is found the bloody sequel. In the blackened ruins of desolated homes and the innumerable graves of the brave defenders of liberty and independence which dot the landscape from Spion Kop to Pretoria are the somber memorials of a crusade incited by cupidity and avarice, and waged with a relentlessness and ferocity seldom excelled by the savages of the jungles—a crusade entered upon with the deliberate purpose of establishing British sovereignty over the Transvaal gold mines.

The controversy over the Venezuelan gold mines is still fresh in the minds of Americans. The discovery of the mines was the signal for claim of sovereignty over a vast area to which theretofore Great Britain had made no claim. Geographers had concurred in describing this country as a part of Venezuela. The map makers, without exception, had included it within the boundaries of the republic. But when gold was discovered the British claim of ownership was brazenly asserted, and the little Republic was told that without parley or discussion this claim must be allowed. It was idle for Venezuela, in her weakness, to challenge the attention of Great Britain to the fact that for centuries the map makers had placed these lands within her borders. The freebooter nation was making ready to take the booty by force, and undoubtedly would have done so had not the United States intervened and compelled the arbitration of the controversy.

Mr. Chairman, who would have believed that this great Republic would ever tamely submit to a similar outrage? And yet I affirm that that is precisely what we have done. It had been said, and truthfully, that the victims of these numerous aggressions were too weak to defend their rights, and it had been believed that had they been capable of self-defense no effort would have been made to despoil them.

But Americans have lived to see Great Britain take possession of American gold fields and establish on American soil a British settlement. They have seen American prospectors and miners expelled from American soil by the aggression of British constabulary and have seen British speculators and promoters seize and acquire title to the richest placer gold mines in the world, and they have seen an American Secretary of State acquiesce in this palpable invasion of American territory, contenting himself with a stipulation that at some future time the two Governments will try to reach an amicable agreement in the premises. So the matter stands.

Mr. Chairman, I declare that by the arts of diplomacy—by twirling our Secretary of State about his finger as a child might a cat's tail—Lord Pauncefote has accomplished in Alaska precisely what British armies have accomplished in other parts of the world by menace and by force. He has reduced to British ownership a vast region in which are the richest gold mines in the world.

I hold in my hand a complete digest and history of the Alaskan boundary controversy, written and contributed to the Franklin Institute Journal by

Thomas Willing Balch, a distinguished, capable, and conscientious investigator, student, and writer. No man can read it without coming to the conclusion that Great Britain never at any time between the date of the negotiation of her treaty with Russia fixing the boundary between Alaska and the British possessions and 1898 set up any claim of ownership of the disputed territory; that, on the contrary, the very territory now in dispute was held by Russia down to the time of our purchase of Alaska, and that we held it down to 1898 without intimation of a claim of title by Great Britain.

Furthermore, that during Russia's occupation of it the Hudson Bay Company, an English trading company, with the consent of the British Government, and the Russian Trading Company, with the consent of the Russian Government, entered into a contract by which a portion of the territory in dispute was leased to British traders by Russian traders, that the British paid a consideration, first in furs and other commodities, and later a cash consideration of \$7,000 a year for the right of occupation of the territory to which they now claim title.

It only requires a casual investigation of public documents easily accessible to convince any investigator that there is no shadow of a foundation for the British claim to the territory she acquired by forcible invasion and holds by virtue of an agreement which is disgraceful to American diplomacy and a stigma upon national honor. Every line of the correspondence between Russia and England during the negotiation of the treaty fixing the boundary; the terms of



the treaty itself; every map known to the world during seventy-five years that elapsed before the preposterous claim was advanced; the official charts of the British Admiralty; the geographies used in all the schools in Christendom, including the schools, colleges, and universities of Great Britain from 1828 until 1898—all these written and printed testimonials, coupled with Russian occupation until 1868, followed by American occupation until 1898, are arrayed against what—the forcible occupation of the country by the Canadian mounted police, and the naked and baseless claim of British ownership!

Mr. Chairman, as a full presentation of the case, I here present as part of my remarks, the whole case, the paper I have referred to. It quotes copiously from the diplomatic correspondence, and contains a concise history of the negotiations between Russia and Great Britain which resulted in fixing the boundary so unmistakably that there is no possible ground for dispute:

[Here Mr. Cochran inserted, with the exception of the maps, the whole of "The Alasko-Canadian Frontier," as it was printed in the *Journal of the Franklin Institute* of March, 1902. Then Mr. Cochran resumed:—]

Mr. Chairman, I can add nothing to this document. It tells the whole story. It is drawn from official sources and is incontrovertible. It shows that seventy-five years ago Great Britain explicitly relinquished any pretense of ownership of the country she has deliberately invaded, and has ever since acquiesced in

the possession of it, first by Russia and later by the United States.

Concerning the great value of the gold mines situate in the region of which we have thus been despoiled, the American people are well informed, and if heretofore they have entertained a doubt of American ownership, a glance at the admitted facts here set forth will remove it.

Mr. Chairman, the origin of the preposterous and insolent claim to these gold fields is not obscure. It was trumped up by English and Canadians, speculators and adventurers, just as the claim to the African diamond mines and the conspiracy against the liberty of the Boers were invented by Cecil Rhodes and his copartners. The originators of the claim had forcibly invaded and occupied the country long before the claim of ownership was advanced. Having seized the country, they desired to reduce all that is worth anything within the boundaries to private ownership. With this in view, Lord Pauncefote, the British Minister, entered into negotiations with his very good friend, the Secretary of State. The result was a foregone conclusion.

Our State Department acquiesced in the suggestion that Great Britain should hold the conquered country pending a settlement. Sir, I use the word "conquered" advisedly. When we bought Alaska, the Russians, then in possession of this country, handed it over to us. We retained possession until 1897. Then the Canadian mounted police, an armed force, took forcible possession, expelled American prospectors and miners and American property owners from

it, and later established the civil jurisdiction of the Canadian government.

If this was not an invasion, what was it? If it was an invasion and resulted in occupation of the country, the expulsion of the sovereignty claiming it, and the establishment of the sovereignty of the invader, what was it, if not a conquest?

Were these facts known to the Secretary of State when he consented that pending negotiations, by which somewhere in the distant future, somehow, this controversy as to this boundary line should be settled, the British might retain possession? If he did not know them, such ignorance on the part of the chief Cabinet officer of the Republic is to be deplored. If he did know them, it was the most cowardly, the most contemptible, and most pusillanimous surrender of national rights ever witnessed in the history of the diplomatic negotiations of a great country.

MR. HEPBURN. Mr. Chairman, will the gentleman permit me to ask him a question?

THE CHAIRMAN. Does the gentleman yield?

MR. COCHRAN. Certainly.

MR. HEPBURN. The gentleman has characterized this conduct in very severe terms.

MR. COCHRAN. I have, sir.

MR. HEPBURN. How does he think that compares in enormity with the surrender of all of the territory between the forty-ninth parallel and 54° 40'?

MR. COCHRAN. I will answer that. The gentleman——

MR. HEPBURN. The gentleman will remember——

MR. COCHRAN. Just a moment, I want to answer

your question. I do not want the gentleman to make a speech. That controversy, like this one, was with the British Government. It occurred when our weakness as a military and financial power made our public men and the people hesitate to go to war if such a misfortune could be honorably avoided. Yet I do not believe that from the Pacific to the Atlantic there was at that time a single American citizen who was not willing to adopt as the slogan of a war that should last a decade, if necessary, "Fifty-four forty or fight."

MR. HEPBURN. Will the gentleman permit me to ask another question?

THE CHAIRMAN. Does the gentleman yield?

MR. COCHRAN. Certainly.

MR. HEPBURN. He undoubtedly recalls the fact that President Polk in his first message to Congress declared that our title to all of that territory lying up to  $54^{\circ} 40'$  was beyond dispute and that that was the Democratic contention during the whole contest of 1844.

MR. COCHRAN. I will answer that question without referring to President's messages. The boundary line of  $54^{\circ} 40'$  was reached in the course of the very negotiations which resulted in fixing the boundary line between British Columbia and Alaska. When Russia asserted her jurisdiction down to the fifty-first parallel of latitude, the pretension was controverted by both Great Britain and the United States.

Each country entered into independent negotiation with Russia for the purpose of settling that controversy. We had little difficulty in reaching a settle-

ment. Russia speedily agreed with us that as to the United States the boundary between the United States and Russian America should be  $54^{\circ} 40'$ , and that in reference to the territory below  $54^{\circ} 40'$  we could fight it out with Great Britain, and Russia would negotiate as to everything above  $54^{\circ} 40'$  and fight it out with England. Then followed the prolonged diplomatic struggle which terminated in so fixing the boundary between British Columbia and Russian America as to exclude Great Britain from a seaport on the Alaskan coast. In the teeth of this treaty, she has seized a seaport and contiguous territory in which the rich gold fields I have mentioned are situated.

Mr. Chairman, when is this controversy to be finally settled? Is there anything so intricate in it that it has been necessary to postpone a final settlement for five years, the period of British occupation?

What has led Great Britain to procrastinate and our Secretary of State to sit supinely, without even an attempt to close this controversy? It is this: There is absolutely no value in the land. It is not suitable for agricultural purposes. It is good for nothing, except mining purposes. It is said to be the richest mining field in the world, and this is probably true. During the four years of British occupation every prospect has been explored, every available mine has been developed, and British subjects, not American citizens, are the legal owners of all this property. No matter what may be the final outcome, the invader has accomplished his purpose. He has appropriated our gold mines to his own use.

The newspapers have told the story. Immediately

after the occupation of the country American miners and prospectors were driven out of it by the discrimination of the British authorities against them, and today the subjects of his Majesty King Edward own everything that is worth owning; and when we shall finally conclude the negotiations, assuming that sovereignty will be graciously restored to us, what will be the result? Why, we will thereafter be allowed to furnish the constabulary, the judiciary, etc., for a British mining camp in which American citizens have hardly a dollar's worth of interest. What sense is there in claiming this piece of territory after everything of value within its borders has been absorbed by British speculators, traders, and miners?

Mr. Chairman, I have said, and I think I have proven by irrefutable testimony, that there is not the color of justification for England's claims in the premises. Probably apologists for the conduct of the Secretary of State will say that, even conceding all this, it was not improper to agree to settle the controversy by diplomacy. Well, let us, for the sake of argument, take this view of it.

Was it anything short of pusillanimous cowardice to surrender possession? England had not hinted at such a thing as a title to this land for seventy-five years. We had held possession of it for nearly forty years. If, without attempting to supplant us, without attempting to take the country by force, without attempting to extend her boundaries and sovereignty so as to include it, England had raised the pending question, the case would present a different aspect; this would have left the country within our

jurisdiction pending a settlement. It would have enabled Americans instead of British subjects to take possession of the gold mines. This would not have enabled aliens to drive Americans out of the country. The object was larceny, and the traditional policy of the British Government was resorted to. First the country was forcibly occupied by an armed force. Then civil officials named by the Canadian Government were installed there, and the claim of ownership followed on the heels of this flagrant insult to the American Republic.

Mr. Chairman, if, on account of his abounding love of the mother country, the Secretary of State felt constrained to condone this insult and hold a parley where self-respect demanded sterner measures, at least he should have said to the British Government: "Restore the status existing prior to the discovery of the gold mines, vacate the disputed territory, withdraw your official representatives from it, and we are ready to negotiate." Why was this not done?

It behooves Republicans high in authority to be prepared to answer this question. The American people will not much longer tolerate a party responsible for a policy so cowardly and so stupid as to excite the contempt and amazement of even the partisans of the Administration.

Mr. Chairman, I have not exaggerated the facts nor too strongly portrayed the insolence of the claims of Great Britain to ownership of part of our Alaskan possessions, nor overdrawn the pitiful spectacle presented by the high dignitary, who is responsible for the foreign policy of the United States and for this

sickening surrender of the rights of American citizens, who have been driven from American gold fields by the Canadian constabulary. I repeat the criticism which brought the gentleman from Iowa to his feet, and again declare that never in the history of diplomacy has there occurred a surrender of a great nation's rights and submission to insolence and insult so pitiful, so cowardly, so contemptible, so pusillanimous. (Loud applause).

I yield back the remainder of my time.

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#### CANADA'S CLAIMS WITHOUT JUSTIFICATION.<sup>18</sup>

That the attitude of Canada in the dispute over the Alaskan boundary is utterly unjustifiable, that it is an afterthought without discoverable precedent or source in the history of the region, that it is disproved by the utterances of the greatest statesmen of both the Dominion and its mother-country, and that, finally, neither Russia nor Great Britain nor Canada ever, until within the most recent years, recognized the possibility of such a stand as that now taken by the third-named—this is the ably demonstrated thesis of Thomas Willing Balch's volume on "The Alaska Frontier."

This book, the work of a Philadelphian whose years of laborious investigation concerning the question have won him a reputation virtually international, constitutes, all things considered, the most effective, accu-

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<sup>18</sup> Review in *The Press*, Philadelphia, February 22, 1903, written by the Managing Editor, Harvey Maitland Watts, Esq.



mulative and crushing blow thus far dealt the Canadian claim. In the first place, it shows that all the Russian maps, all the British maps and—until a year or two ago, after the “claim” had been manufactured—all the Canadian maps openly supported the United States. In the second place, written before the recent commission had been appointed, it protests against our submitting so simple a case to the formality of arbitration.

And, in the third place, not only is it clearly written and logically argued, not only does it command the attention by the evident fact that it is based upon a careful, not to say profound, research of original documents both here, in England and in Russia, but it becomes, to all appearances, irrefutable because the bulk of the evidence offered against Canada is out of the mouths of eminent Canadian and Englishmen, speaking in an official capacity.

#### A PLAIN TALE OF EXPLORATION.

Mr. Balch begins his work by a plain, unvarnished narrative of the growth of the dispute.

“The advance of the United States and of England,” he says, “across the continent of North America toward the Pacific Ocean, of Spain along the Pacific coast toward the north, and of Russia across Siberia to the east, brought about in the first quarter of the nineteenth century a clashing of interest between these Powers over the ownership of the northwest coast of America and its *hinterland*.”

“The Americans, Lewis and Clark, crossed the continent and discovered the Columbia River, and thus

by right of discovery, began the claims of the United States upon the northwest coast. Whatever rights France had in the far northwest reverted to the United States by the Louisiana purchase in 1803. The claims of Spain to the territory lying to the north of California were merged by treaty in 1819 in those of the United States. The Hudson's Bay Company in the quest for furs sent its trappers and advanced its trading posts further and further west; and, as the authorized agent of the British crown, it carried the sovereignty of the English King across the continent nearer and nearer to the Pacific. Cook, Vancouver and other English seamen, too, sailed along the North American shore washed by the Pacific Ocean. The Russian Cossacks, first under an *ataman* named Yermak, gradually bore, in their search for the valuable sable skins, the sway of the 'Great White Tsar' across Siberia to the waters of the Pacific, thus proving that Bishop Berkeley was only half right when he wrote—'Westward the course of empire holds its way.'

"Then with the exploring expedition commanded by the Cossack, Deshneff, who probably sailed through Bering Strait in 1648, and with that led in 1741 by Bering, the Dane, across the Pacific to the great land, the *bolshaiä zemlia*, to the east, the Russians began to explore and then to settle on the American continent.

"The United States, England and Russia continued to affirm their sovereignty to greater and greater areas of land in the northwest part of the American continent. And Russia even went so far as to

assert her right to the absolute dominion over Bering Sea and a large extent of the northern part of the Pacific Ocean."

#### ENGLAND AND RUSSIA.

This brought England and Russia to a definite difference which was only settled after a year's arduous negotiations, when the treaty of 1825 was signed at St. Petersburg whereby the Muscovite Government withdrew its claim to sovereignty over a portion of the high seas, and a frontier was drawn from the Arctic Ocean, along the meridian of 141 degrees West longitude to Mount Saint Elias, and then was to follow the crest of the mountains running parallel to the coast, to the head of the Portland Channel, and down that sinuosity to the ocean in fifty-four degrees forty minutes north latitude. But if at any point the crest of the mountains proved to be at a greater distance than ten marine leagues from the shore, then the frontier should run parallel to the sinuosities of the coast at a distance of ten marine leagues inland, but never further than that from the shore.

#### NEVER CONTESTED RUSSIAN POSITION.

For over fifty years Mr. Balch points out England never contested the interpretation proclaimed by both Russia and America that, after the sale of Alaska, the United States owned a strip of territory from the Portland Channel to Mount St. Elias, cutting off Great Britain from access to the sea "above the point of 44 degrees, 40 minutes." It was not until 1898 that England claimed that the right interpre-

tation of the treaty gave Canada the upper portion of virtually all fiords between the canal and St. Elias.

That this interpretation never occurred to the original English negotiators Mr. Balch proves by a careful review of their utterances and attitude during the negotiations of 1822-25. "It is not," said George Canning, "on our part essentially a negotiation about limits. It is a demand of the repeal of an offensive and unjustifiable arrogation of exclusive jurisdiction over an ocean of unmeasured extent." The withdrawal of Russia's claim to Pacific dominion secured England had accomplished her purpose.

The text of the resulting treaty was "the crucial and final statement of how the line of demarcation between Alaska and the Dominion of Canada should be found." A review of the *pourparlers*, says Mr. Balch, shows that the negotiators intended to include within the Russian territory a *lisière* on the mainland from the Portland Channel up to Mount Saint Elias, and extending between those points far enough inland to exclude the English possessions absolutely from access to the coast line above fifty-four degrees forty minutes. Within recent years some Canadians have tried to read into that agreement a meaning radically different from the interpretation which all the world held.

Not only are there within the text of the treaty itself expressions and provisions that place beyond question the fact that Britain should not have an access to tide water on the northwest coast above fifty-four forty; but also the whole course of history from

1825 until a comparatively recent time shows that the authorities on the British side of the line thought so too.

And even as recently as August, 1901, the British Government set the seal of its approval upon that view of what the treaty of 1825 meant by republishing Admiralty Chart No. 787, upon which the frontier is marked from the head of the Portland Canal and then up on the Continent to Mount Saint Elias so as to include all the sinuosities in their entirety within United States territory.

#### THE RUSSIAN MAPS.

Mr. Balch then goes on to demonstrate his case by equally clear and authoritative references to official Russian maps, including that of A. J. de Krusenstern (1827), published at St. Petersburg by order of the Czar, and that of the Russian War Office issued in 1835.

Against these England never protested and in 1831 a map was prepared by Joseph Bouchette, Jr., "Deputy Surveyor General of the Province of Lower Canada," and published by James Wyld, geographer to the King, "with his Majesty's most gracious and special permission," which reaffirmed the boundary given by Krusenstern.

This was borne out by the testimony given by Sir George Simpson at the 1857 investigation of the Commons into the affairs of the Hudson's Bay Company, by numerous other English maps and by the result of the "Dryad" affair when the crew of that British brig was refused access to the Russian waters and the consequent lease of all of the *lisière* from the Hud-

son's Bay Company. "It was clearly understood," says Mr. Balch, "that Sir George Simpson and Baron Wrangell made the agreement whereby the American Company leased the lisière to the English Company, that owing to this strip of lisière, the territories of the Hudson's Bay Company were shut off from access to tidewater. This is proved absolutely by the testimony that Sir George Simpson gave himself in 1857."

Mr. Balch then sketches the circumstances of the sale of Alaska, conclusively showing that at that time there was no question such as has now arisen. Sumner himself, in indorsing Seward's policy in the Senate, said:—

"I am glad to begin with what is clear and beyond question. I refer to the boundaries fixed by the treaty. Commencing at the parallel of fifty-four degrees forty minutes north latitude, so famous in our history, the line ascends Portland Channel to the mountains, which it follows on their summits to the point of intersection with the 141st degree west longitude, which line it ascends to the Frozen Ocean, or if you please, to the North Pole. This is the eastern boundary, separating this region from the British possessions, and it is borrowed from the treaty between Russia and Great Britain in 1825 establishing the relations between these two Powers on this continent. It will be seen that this boundary is old; the rest is new."

#### RECOGNIZED OUR CLAIM.

"Besides," comments Mr. Balch, "by subsequent acts and maps, the British Government confirmed the United States Government in its belief that it had

bought from Russia, along with the rest of Alaska, a tongue of territory that, extending from Mount Saint Elias to the Portland Channel, passed around all the sinuosities of the coast and sufficiently far inland to altogether exclude Canadian territory from touching tidewater on the Pacific coast at any point above 54 degrees 40 minutes north latitude."

Nor was that all. When, in 1871, British Columbia became a part of the Dominion, Canada, by a number of acts and maps, recognized the validity of the American claims to an unbroken strip or *lisière*. The survey recommended by President Grant was not undertaken, but J. S. Dennis, Surveyor General of Canada, himself declared in 1874 that the boundary crossed the Skoot River, which does not come down to tide-water at all.

To the same end Mr. Balch then tells of Hunter's survey and of the "informal consultation" during the session of the Fisheries Conference (1887-88). "It becomes evident," he declares, "that Canadians have advanced two separate claims." The first was that the Anglo-Russian Treaty of 1825 did not refer by the phrase "Portland Channel" to the body of water thus named by Vancouver, and the second, originated in 1884, that the line shall not pass inland, but close along the coast-line and across nearly all the estuaries. These claims are riddled by direct reference to admiralty charts, the "voyage of Vancouver," Canadian maps, the fundamental principles of international law from the day of Huig van Groot and a direct appeal to Littré for the correct definition of the French words "river" and "océan."

## THE REVELATION OF THE MAP.

Turning again to Canadian maps, Mr. Balch, by those of the Canadian Church Missionary Society (1898), that exhibited by the Dominion Government in 1878 and many others, proves indeed that it is difficult to see how the Canadian Government can in any way evade the evidence furnished against it by these official maps. "But," he adds, "the British Imperial Government is even more sharply blocked from backing up the Canadian claims by its own official admissions. For upon the British 'Admiralty Chart No. 787,' giving the northwest coast of America from 'Cape Corrientes, Mexico, to Kadiak Island,' prepared in 1876 by F. J. Evans, R. N., published in 1877 and corrected up to April, 1898, the frontier of the United States is marked from the Arctic Ocean down along the one hundred and forty-first degree of longitude west from Greenwich, and then advancing on the continent but passing round the sinuosities of the coast so as to give a continuous lisière of territory cutting off the Dominion of Canada from all contact with any of the fiords or sinuosities that bulge into the continent between Mount Saint Elias and the Portland Channel, the frontier is drawn to the head of the Portland Channel at about fifty-six degrees. But not satisfied with this official confirmation of the Russian and the United States claims, which was made only five months before the Quebec Conference met, the British Admiralty actually renewed upon this same chart, corrected to August, 1901, more than two years after the conference adjourned, their sanction of the boundary claimed first by



Russia, and afterward by the United States. Thus the British Government itself has upheld both before the assembling of the Joint High Commission and also since that body adjourned the territorial claims held and maintained by both the Russian and the United States Governments, whereby Canada is not entitled to an outlet upon tidewater above fifty-four forty.

Mr. Balch then outlines the opposing claims briefly and clearly and expresses himself as to arbitration. He says: "Whether the frontier should pass over a certain mountain top or through a given gorge is a proper subject for settlement by a joint survey; and by a mutual policy of give and take in an exchange of the interlapping bits of territory, the sharp corners produced by a line run parallel to the indentations of the shore could be done away with. But by no possibility has Canada any right to territory touching tidewater above fifty-four degrees forty minutes."

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#### THE ALASKAN COMMISSION.<sup>19</sup>

The attack made upon the Commissioners appointed by the President under the Alaskan boundary treaty by the Canadian Premier, Sir Wilfrid Laurier, in the Canadian House of Commons on Friday last, was an extraordinary exhibition of tactlessness and international discourtesy. The leader of the Opposition, Mr. Borden, was, in his assault upon the Dominion Government because it had not opposed the treaty, in a different position from that occupied by the Premier,

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<sup>19</sup> Editorial from the *Public Ledger*, Philadelphia, March 16, 1903, by the editor, L. Clarke Davis, Esq.

who cast his unmannerly slurs upon the American Commission as the chief official representative of his Government. Moderation could scarcely be expected from the former, who, as the aggressive leader of his party, no doubt felt justified in gaining all possible partisan advantage over his opponent, and he appears to have gone to the extreme limit of discourtesy to the Commissioners of this country when, because of the latter's declared unworthiness, he questioned the propriety of Great Britain appointing Commissioners to meet them.

The assumption that the American Commissioners are so prejudiced and partial as to be unfit to take part in the deliberations is a violent one, considering their distinguished character. There are few men in this country of greater personal and political distinction than Messrs. Root, Lodge and Turner, and the Premier's assertion that they are not "jurists of repute" seems like a gratuitous insult to them and to President Roosevelt, who appointed them.

It is fortunate that the new Dominion Government has not the appointment of the British Commissioners, as in that case the contentious spirit shown already by it would, if carried into the convention, defeat the object of the treaty, which is that of settling amicably and definitely the Alaskan boundary line.

The Canadian claim to certain parts of Alaska was not made until the United States revealed the great natural wealth of the country. The claim is founded, as is shown by the recently published monograph of Thomas Willing Balch, of this city, on the subject, upon a report made in 1888 by the Chief of the

Canadian Geological Survey Department, Dr. George M. Dawson, whose basis of claim, as Mr. Balch shows, is a gross mistranslation of a part of the French text of the Alaskan treaty, which he caused to decree that in all places where the mountain crest was found to be more than ten marine leagues from the coast the boundary must run "parallel to the coast." This is a perversion of the language of the treaty in a most vital particular, as, if Dr. Dawson's quotation were accurate, so would be the Canadian contention, which is that the boundary line should follow the trend of the coast line ten leagues shoreward therefrom. But the quotation was wrong, inasmuch as the treaty does not declare that the line must run "parallel to the coast," but "parallel to the sinuosities of the coast."

This is a wholly different matter, and does, as the makers of the treaty no doubt intended, give the entire coast line of Alaska to the United States, to the exclusion of Canada or any other country except by and through the courtesy of this country.

That is the American contention, and it should be maintained by the "jurists of repute" that the President has chosen, and who will honorably and impartially represent this country in the convention.

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NEW YORK, March 25th, 1903.

*Thomas Willing Balch, Esq., Philadelphia, Pa.*

MY DEAR SIR:—I deeply regret missing you the other day when you again did me the honor of calling here. I would like to tell you personally how much I have

enjoyed your masterly book on the Alaska Boundary, and I wanted also to compare notes with you on what I consider the most ill-advised treaty on the subject, which has lately been ratified. It could never have been ratified without a shabby trick, which I cannot help considering *worthy* of the treaty, and I fear that it means considerable trouble for our country hereafter. At all events, however, your book will be of the greatest possible assistance in the presentation of the American case.

Will you not kindly let me know beforehand when you come to New York the next time, so that I may surely be in?

In view of the large emigration of Americans into the Northwest Territory as well as the Yukon District, I feel that there is a great duty devolving upon conservative and well informed citizens of both this country and Great Britain. Enough inflammable material is accumulating up in that region to precipitate an "outlander" question much more serious than the one at Johannesburg, upon us at any moment, and nothing in my opinion tends more to contribute to this end than the show of weakness which our Government has just made in consenting to the Alaska Treaty.

There are many features of the case in which I know you will be interested but which cannot well be put on paper.

Again hoping soon to have the pleasure of seeing you and congratulating you upon your work, I remain,

My dear sir,

Very faithfully yours,

FREDERICK W. HOLLS.

CLEARLY PRESENTED.<sup>20</sup>

About a year ago *The Evening Journal* spoke of a monograph on the Alaskan boundary question by Thomas Willing Balch, of Philadelphia, in which he clearly presented the facts on which the United States bases its claim to the territory whose possession the Canadian government has undertaken in recent years to dispute. He has now elaborated his argument and published it in book form under the title, "The Alaska Frontier."

Mr. Balch is a prominent member of the younger division of the Philadelphia bar. He has devoted much time and labor to exhaustive study of the subject which he discussed. His previous writings on the same subject attracted wide attention and evoked much favorable comment, and his latest production is sure to be read with deep interest, especially as the boundary question is just about to be taken up by the joint commission appointed under the terms of the Alaskan boundary treaty.

Mr. Balch's latest monograph is somewhat of the nature of a legal brief. It is clear, direct, concise and yet comprehensive, and amply fortified with references and maps. Its purpose is, as the author says, to state "briefly, but emphatically the title of the United States to a continuous, unbroken lisière or strip of territory on the northwest American continental shore between Mount St. Elias and fifty-four degrees forty minutes north latitude."

Mr. Balch points out again that the claim of the

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<sup>20</sup> Editorial from the *Albany Evening Journal*, William Barnes, Jr., Esq., President, March 28, 1903.

United States rests fundamentally upon the description of the boundary line in the treaty of 1825 between Russia and England. He reviews the proceedings leading up to the conclusion of that treaty and quotes it in full, showing that according to articles three and four, the boundary between what was then Russian America and British America "was drawn from the Arctic ocean, along the meridian of one hundred and forty-one degrees west longitude to Mount Saint Elias, and then was to follow the crest of the mountains running parallel to the coast, to the head of the Portland Channel, and down that sinuosity to the ocean in fifty-four degrees forty minutes north latitude. But if at any point the crest of the mountains proved to be at a greater distance than ten marine leagues from the shore, then the frontier should run parallel to the sinuosities of the coast at a distance of ten marine leagues inland, but never further than that from the shore." This boundary line cut off absolutely the British possessions from access to the sea above the point of fifty-four degrees forty minutes.

Mr. Balch goes on to show that in all the years intervening between the ratification of that treaty and the acquisition of Alaska by the United States from Russia no question was raised as to the boundary line. It was drawn as described on all maps published by both Russia and England. In his speech advocating favorable action on the agreement entered into by Secretary Seward for the purchase of Alaska, in March, 1867, Senator Sumner said:

"I am glad to begin with what is clear and beyond question. I refer to the boundaries fixed by the treaty.

Commencing at the parallel of fifty-four degrees forty minutes north latitude, so famous in our history, the line ascends Portland Channel to the mountains, which it follows on their summits to the point of intersection with the one hundred and forty-first degree west longitude, which line it ascends to the Frozen Ocean, or, if you please, to the North Pole. This is the eastern boundary, separating this region from the British possessions, and it is borrowed from the treaty between Russia and Great Britain in 1825, establishing the relations between these two powers on this continent. It will be seen that this boundary is old; the rest is new."

The purchase treaty was ratified and the United States came into possession of territory whose limits had been definitely fixed forty-two years before, and remained undisputed in the interval. As Mr. Balch says:

"In buying Alaska, the United States understood that they obtained from Russia a continuous, uninterrupted strip of land on the continent from Mount St. Elias to the Portland Canal, whereby Great Britain was shut off from access to the Pacific Ocean above fifty-four degrees forty minutes. Secretary Seward and Senator Sumner so interpreted the purchase."

And the British government made no protest either against the voiced claims or against the visual representation of the boundary line upon the map shortly thereafter published by the state department.

Thereafter, the boundary line appeared as described in the purchase treaty on numerous maps published in England, including government maps.

Not until 1898 did Canada advance its claim that the boundary line should pass across the sinuosities

of the sea, instead of following them at the prescribed distance of ten marine leagues inland. That was when the opening of gold fields had made the territory more valuable and access to the sea more desirable for Canada.

Mr. Balch then devotes considerable space to an argument tending to prove the absence of support for Canada's belated claim. He makes an excellent case for the United States. This monograph may be regarded as a summary of the representations which the United States members of the joint commission will make to their colleagues.

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DEPARTMENT OF STATE.

WASHINGTON, March 28, 1903.

*T. W. Balch, Esq., Philadelphia.*

DEAR SIR:—In your work "The Alaska Frontier" you reproduce two maps, No. 7 on page 26 and No. 8 on page 28, which you say were taken from atlases now in your possession.

I should be much gratified if you would loan me those atlases for examination in connection with the preparation of the case of the United States before the Alaskan Boundary Tribunal, which has been entrusted to me by the President.

They can be sent by express to my address, Department of State, charges to be collected here. I will see that they are carefully preserved and safely returned to you.

Very truly,

JOHN W. FOSTER,  
*Agent of the United States before the  
Alaskan Boundary Tribunal.*

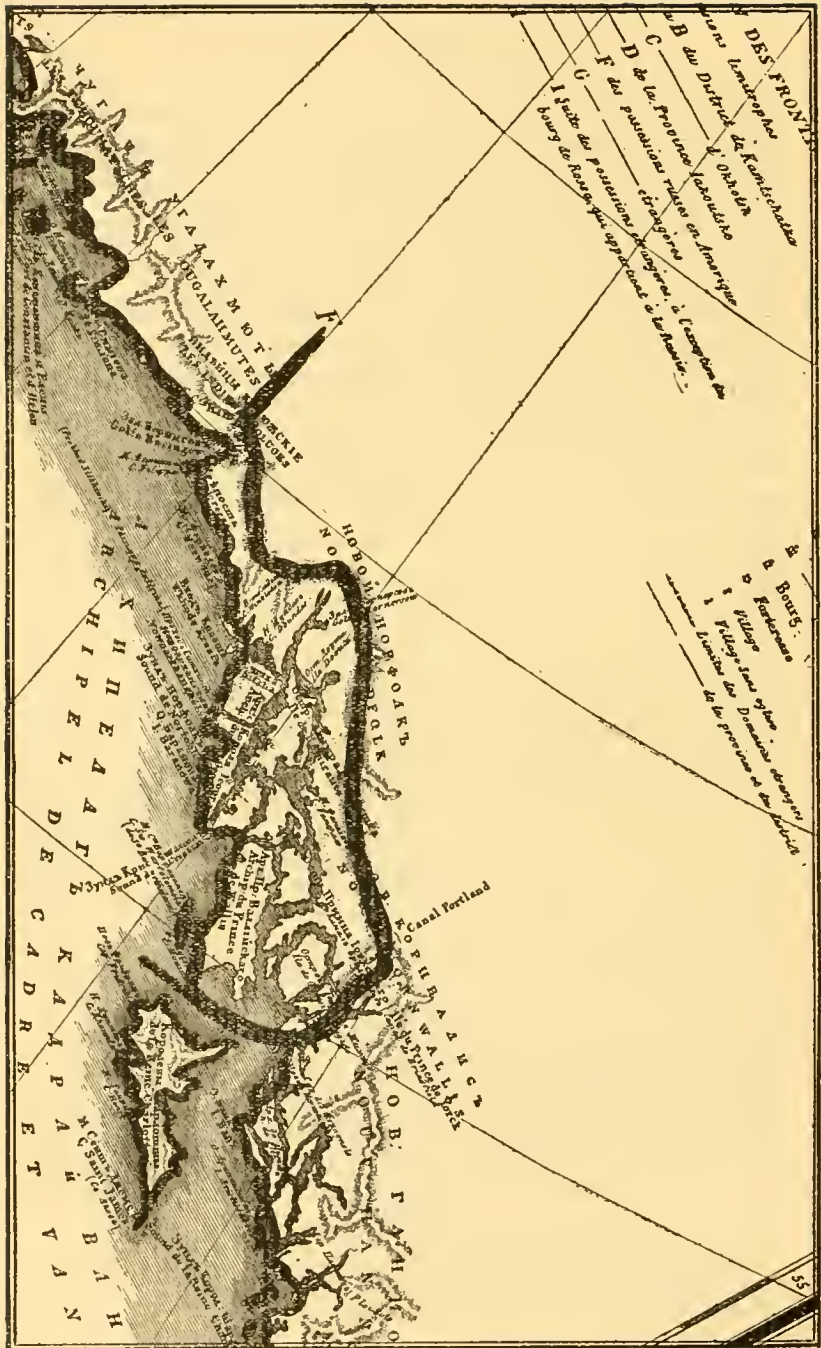


[The first of the two maps to which Mr. Foster refers in the above letter is a map in a copy of Piadischeff's *Geographic Atlas of the Russian Empire* (printed both in Russian and French) now in the possession of my brother that belonged to Prince Alexander of Hesse, the brother of the Empress Alexander the Second of Russia. The titles and nomenclature of the Atlas are given both in Russian and French. The French title is: *Atlas Géographique de l'Empire de Russie, du Royaume de Pologne et du Grand Duché de Finlande \* \* \** par le Fonctionnaire de la 6<sup>e</sup> Classe Piadischeff, employé au Dépôt Topographique militaire dans l'Etat-Major de Sa Majesté Impériale: Commencé en 1820 et terminé en 1827, revu et corrigé en 1834.

Map "No. 60" (a)" of this atlas is entitled, "Carte Générale de l'Empire de Russie," etc. This is a map of the whole Russian Empire in 1829, and in the left hand lower corner the boundary of the Russian American lisière is given as on map "No. 58." Charles Sumner used a copy of this general map of the Empire, "No. 60," in preparing his speech in support of the purchase of Alaska in 1867.

The second map to which Mr. Foster refers in the above letter is "Map No. 63" in a copy of the *Atlas of the Russian Empire* (printed in Russian) published by the Russian War Office in the years 1830 to 1835, now in the possession of my brother, which belonged originally to Count Dimitry Petrowitsch Severin, at one time Minister Plenipotentiary of the Emperor of Russia to the King of Bavaria.

Reproductions of the two maps just referred to are given here.—EDITOR.]



"CARTE GÉNÉRALE \* \* \* DE LA CÔTE N. W. (sic) DE L'AMÉRIQUE," PREPARED AT SAINT PETERSBURG IN 1829, BY FUNCTIONARY PIADISCHEFF "AU DÉPÔT TOPOGRAPHIQUE MILITAIRE."



MAP OF RUSSIAN AMERICA PUBLISHED IN THE YEARS 1830-1835 BY THE RUSSIAN WAR OFFICE.

PHILADELPHIA, April 1, 1903.

DEAR SIR:—The two Atlases to which you refer in your letter of the 28th of March cost me much expense and trouble; and I do not care to let them go out of my possession. The two maps, however, to which you refer, are reproduced correctly in my book, *The Alaska Frontier*, copies of which I sent to all the United States Senators, and to ex-Senator Turner.

It is my intention when the Alaska frontier question is passed upon by the Joint Commission, to review the whole case. Believe me,

Yours very truly,

THOMAS WILLING BALCH.

To the HON. JOHN W. FOSTER,

*Agent of the United States before the  
Alaska Boundary Commission.*

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DEPARTMENT OF STATE.

WASHINGTON, April 2, 1903.

*Thomas Willing Balch, Esquire,*

*Philadelphia, Pennsylvania.*

SIR:—Your letter of the 1st instant to Mr Foster, the Agent of the United States before the Alaskan Boundary Tribunal, has been referred to me.

I have to state in reply that the Department will be pleased to compensate you for any reasonable expenses incurred in securing the maps, and should they be sent they will be carefully preserved and returned to you.

I am, Sir, your obedient servant,

JOHN HAY.

PHILADELPHIA, April 8, 1903.

*The Hon. John Hay, Secretary of State, Washington, D. C.*

SIR:—I have the honor to acknowledge your note of April 3rd, in which you request me to send to Washington the Russian atlases in my possession.

Last year I sent reprints of *The Alasko-Canadian Frontier* to all the members of the Fifty-seventh Congress, and this year I sent copies of *The Alaska Frontier* to all the United States Senators. I mention this to show you that my work on this subject was not done for the sake of pecuniary profit. I did this work, involving an expense of several thousand dollars and much traveling—all the way to Alaska and Saint Petersburg—because I realized that the Canadian claims were absurd, and that our retention of an unbroken lisière was of much future importance. And with no other personal interest in Alaska than that of being a good American, I decided to make it clear to any one who wished to know, how overwhelming are our rights to an unbroken lisière above fifty-four forty.

Last November, I went to Washington for the purpose of collecting a few more facts on the subject, and tried to see you personally, but was unsuccessful. I did see Mr. Foster, but he was unable or unwilling to communicate any information in answer to the questions which I submitted to him, and later when I wrote asking about a map of which he had spoken, he sent me back my own note, with a brief statement written across its face to the effect that he had made a mistake. I do not feel called upon, therefore, to put into his hands the evidence which I have

collected, to be used by him without acknowledgment, as if obtained by himself.

I have the honor, Sir, to remain, with great respect,

Yours very truly,

THOMAS WILLING BALCH.

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PRINCETON, April 18, 1903.

*Thomas Willing Balch, Esq.*

MY DEAR SIR:—I have lately received a book entitled "The Alaska Frontier" for which I am indebted to you, as I suppose.

Please accept my sincere thanks for writing the book and for putting it within my reach. It is certainly a very valuable contribution to the facts pertaining to a very interesting and important, and *very much neglected* subject.

It was perfectly plain in Dec. 1885, when my first annual message went to Congress, that the Alaskan frontier could be easily settled then—and ought to be, on the principle that a "stitch in time saves nine."

Yours very truly,

GROVER CLEVELAND.

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Telegram: Received at Main Office, 1326 Chestnut Street, Philadelphia.

WASHINGTON, D. C. Apl. 6—03.

*Thomas Willing Balch, Philadelphia, Pa.*

Please send me by express for immediate official use three copies the Alaska Frontier 1903.

ANDREW H. ALLEN,  
Chief Rolls and Library.

THE ALASKAN BOUNDARY.<sup>21</sup>

One of the most forcible, best presented and most abundantly supported presentations of the American side of the Alaska boundary question was in a monograph prepared by Thomas Willing Balch of the Philadelphia bar, and published in 1902 under the title: "The Alasko-Canadian Frontier." The educational value of the little work cannot be overestimated. The data which Mr. Balch collated were conclusive to all unprejudiced minds; his work was widely circulated, and from the time of its circulation there was a distinct change of tone in the newspapers of the East upon the question. For the first time they appreciated its importance; and for the first time they received a full idea of the flimsy ground upon which the Canadian contention rested, and of the absolute soundness of the American contention.

Under the title, the "Alaska Frontier," Mr. Balch has recently published an enlargement of the original monograph, with a number of additional maps, and with further details of the original negotiations, preceding the treaty of 1825, by which the boundary line between the Russian possessions and those of Great Britain was definitely determined. If there were a lingering doubt of the absolute soundness of the American contention, this second monograph should certainly dispel it.

Among the maps showing the boundary line where this country claims that it is are the following, all reprinted in Mr. Balch's book: British admiralty

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<sup>21</sup> Editorial from *The Post-Intelligencer*, Seattle, April 2, 1903.

chart, published June 1, 1877, under the superintendence of Capt. F. J. Evans, hydrographer, and corrected to August 1, 1901; a map published in 1802 by the Russian government, showing the boundary line substantially according to the American contention, valuable as showing the line for which Russia contended in the treaty of 1825; the imperial Russian map, published in 1827, after the boundary treaty had been negotiated, showing the boundary exactly as it is now; another military map, published in 1829, under direction of the military topographical department of the Russian army, with the same lines; a map of Russian America, published in 1830 by the Russian war office; a Canadian map of 1831, compiled by Joseph Bouchette, Jr., deputy surveyor general of the province of Lower Canada; a map, published in France in 1844, by order of the king and under the auspices of the president of the council of ministers and of the minister of foreign affairs; a map in the "Narration of a Journey Around the World," by Sir George Simpson, chairman of the Hudson Bay Company, published in London in 1847; a map prepared by Capt. Tebenkoff, of the Imperial Russian navy, 1849; map of the Hudson Bay Company, presented by Sir George Simpson to the committee of the house of commons, investigating the affairs of the company, and ordered printed by the house of commons on August 11, 1857; John Arrowsmith's map of the provinces of British Columbia and Vancouver island, published in London in 1864; map published by the state department of the United States in 1867; the official Canadian map of British Columbia, pub-



lished in 1884; a map published by the Canadian Pacific railway to accompany its annual report in 1884.

But these maps constitute but a small portion of the American case. From original documents, Mr. Balch has compiled the history of the negotiations preceding the settlement of the boundary by the treaty of 1825. These negotiations show three separate attempts made by the British negotiators to secure the consent of Russia to such a treaty as would give the British access to tide water through the strip along the coast north of 54 degrees 40 minutes, and the flat refusal of the Russian negotiators to make any such concessions. They first proposed a line up the middle of Chatham's straits and Lynn canal to its head; thence into the interior thirty miles; the second line proposed was through the canal which separates Prince of Wales island and Duke of York island from all of the islands situated to the northward until the line touched the mainland; then advancing in the same direction to the east for ten marine leagues; thence the line should ascend toward the north and northwest, at a distance of ten marine leagues from the shore, following the sinuosities of the coast up to the 140th degree of longitude. The third proposed line was one passing up Duke of Clarence sound; then running from west to east along the strait separating Prince of Wales island and Duke of York island to the north; thence to the north and northwest in the way already proposed.

Any one of these three propositions, advanced by Great Britain and all successively rejected, would still

have left to Russia some of the territory which the Canadians now pretend to claim; but the Russians stood firmly by their proposition to have the boundary line follow Portland channel; and thence along the summit of the mountains parallel to the coast, absolutely excluding Great Britain from tide water north of 54 degrees 40 minutes; and the Russian contention was finally accepted.

The work of Mr. Balch, which contains a very large amount of other data, of but little less importance than these cited and all equally strong in support of the American contention, is by far the fullest and best presentation of the American case which has ever been made, and will be of great value to the counsel who will appear for the United States before the boundary commission.

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#### THE ALASKA FRONTIER.<sup>22</sup>

Mr. Thomas Willing Balch, whose contributions to the literature of the Alaskan boundary question our readers will remember, has published, through Allen, Lane & Scott, Philadelphia, a thin but handsome volume entitled "The Alaska Frontier." The object of this monograph is to state clearly and briefly the facts which entitle the United States to their unbroken strip of coast line between Mt. St. Elias and Portland Canal in southeastern Alaska. The fluctuating and nebulous claims which Canada has made from time to time have never been supported by any

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<sup>22</sup> Review from *The Nation*, April 2, and *The Evening Post*, April 15, 1903.

serious or tangible proof, and, perhaps for this very reason, have cultivated a Canadian public opinion which is not the less to be reckoned with because it has no sound foundation. It is on all accounts most desirable that a clear statement, divested of technicality, should be available for those interested in the controversy and who have been led into a state of uncertainty by Canadian quibblers. Except for her desire to reach tidewater on her own territory, it is doubtful whether Canada would ever have taken up the speculative theories raised by private essayists. It should be understood that there are two questions involved in the dispute. The first is, whether the lisière to which the United States is entitled by the treaty of 1825 is an unbroken strip, including all the marine coast line, or not. The second is as to the manner in which the boundary shall run if our rights to an unbroken lisière are acknowledged. The first is the essential point; the second, relatively unimportant. It is important that the agents of the United States, in representing our case before the Commission, should avoid confusing them. The obvious Canadian policy is to mix them together, and to reckon on the main point being lost sight of in the mass of verbiage which may be brought to bear on the secondary question.

Mr. Balch gives a clear and sufficient account of the negotiations leading to the treaty, an official copy in French and English of the instrument itself, and a convincing argument from its provisions as to the continuity of the lisière. To this is added a wealth of illustration by photographic reproduction of twenty-

eight important maps, from the earliest times to 1901, showing the uniform view taken on this point by officials and geographers of Russia, Great Britain, and Canada; thus establishing by prescription the rights near the southern boundary which have been called in question by critics, through some vagueness in the definition by the treaty of the line near Dixon Entrance. It is understood that an enormous mass of testimony has been gathered by the State Department bearing on the question of occupation and jurisdiction. This is precisely the sort of thing which leads to unending and inconclusive argument. If the main question is correctly decided, the rest follows in its train, for the most part without argument. In Mr. Balch's book, the main threads of evidence are woven into a conclusive whole, which should be in the hands of all interested, and the publication of which is of general importance at the present time.

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#### THE FACTS IN THE ALASKA FRONTIER CASE.<sup>23</sup>

Early last year Mr. Thomas Willing Balch, an eminent member of the Philadelphia bar and of several historical and learned societies, read a paper on "The Alasko-Canadian Frontier" before the Franklin Institute at Philadelphia which was afterwards printed in the *Journal* of the Institute and reproduced in a volume with reproductions of eight maps. Mr. Balch showed conclusively that the frontier claimed and held by the United States is that defined by the

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<sup>23</sup> Article in *The Plain Dealer*, Cleveland, Ohio, April 5, 1903.

treaty between Russia and Great Britain in 1825 and which was confirmed by the treaty between the United States and Russia in 1867, by which this government acquired all the territorial rights of Russia in North America. Since the publication of that treatise Mr. Balch has pursued his investigations by the collection of material in all parts of the world having relation to the subject, including a number of maps, Canadian, British, French and Russian. The result is another volume, containing more than four times the matter of that of last year and with the eight maps of the earlier volume increased to twenty-eight. It is the case for the United States government presented with a clearness, fullness and logical argument that cannot fail to convince any unprejudiced mind. Every position taken is supported with citations from authentic documents and the sequence of maps, most of them officially recognized by the Canadian, British or Russian governments where not expressly made by the order of one or other of those governments, makes the American position impregnable. On the title page of the new volume on "The Alaska Frontier" Mr. Balch prints the statement of the Russian negotiator of the treaty of 1825, Count Nesselrode, of the exact status of the two governments towards the question during the negotiations: "Thus we wish to retain, and the English companies wish to acquire." That is the precise status of the United States and Canada at the present time. In a postscript to the volume, commenting on the agreement to leave the decision to a joint commission of six, Mr. Balch says: "The American commissioners, in making up their

opinion must consider the acts of Canada and of England, the official Canadian government maps and the British admiralty charts. Moreover, the new treaty provides that the French or official version of articles III., IV. and V. of the Anglo-Russian treaty of Feb. 16-28, 1825, shall be used in deciding what arrangement the Muscovite and the British empires agreed upon in that instrument; and, in the last part of article IV., the phrase 'parallèle aux sinuosités de la côte' is republished correctly. This phrase, especially, makes it incumbent upon the three commissioners not to yield to Canada an outlet to salt water anywhere above the Portland channel."

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BRITISH CLAIM PROVEN BY OLD ALASKAN DOCUMENTS ENTIRELY GROUNDLESS.<sup>24</sup>

Thomas Willing Balch of Philadelphia, an eminent authority on international law, who published in 1902 a paper on the Alaskan boundary question, entitled "La Frontière Alasko-Canadienne," in the *Revue de Droit-International* of Brussels, which attracted much attention in Europe at the time, and later published the same in English in the *Journal of the Franklin Institute*, has lately brought out (in January) a much larger monograph on the same momentous question, entitled "The Alaska Frontier."

Balch is one of the best, if not the best, qualified men in the country to gather, arrange and present the historical evidence and physical facts pertinent to

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<sup>24</sup> Article from *The Call*, San Francisco, April 26, 1903, by A. L. McDonald, Esq.

the question at issue. His work shows great erudition, patient and exhaustive research and sharp refinement of logical reasoning, wherewithal he utterly demolishes any pretense of claim on the part of Great Britain to a single foot of territory beyond the boundary that has been recognized by her for over seventy-five years.

The final and right settlement and demarcation of the Alasko-Canadian boundary question is a matter which should concern every good citizen of the United States, and Mr. Balch presents the matter in such a way that there need be no longer any lack of knowledge of the merits of the question and of our rights in the premises.

To the people of the Pacific States especially, by reason of their closer and more direct relations, commercial and otherwise, with the region in question, the proper and prompt adjustment of this matter is one of large concern.

Balch shows that it is only within the last few years that any "question" has ever been raised. Before, every one, the British and American Governments, official as well as private mapmakers, travelers to and residents of the country, school children and all, were used to consider the boundary laid down on the maps, according to the only reasonable and common-sense interpretation of the Anglo-Russian treaty of 1825, as the correct one.

Lately, however, Great Britain, at the behest of Canada, has made claims that raise an issue of more importance than any with which we have had to deal since the Webster-Ashburton treaty of 1842 fixed the

forty-ninth parallel of latitude as our northern boundary from the Lake of the Woods to the Straits of San Juan de Fuca—one that commands the most wary attention and careful offices of our Government.

It was only in 1898, the year of the great rush to the Klondike, following the rich gold discoveries in that quarter in 1897, that any formal claim was made by the British Government that the boundary line as laid down by the Anglo-Russian treaty of 1825, and universally accepted and recognized ever since by the world and its own officials as well, was not the correct one.

It was at the Quebec conference in 1898 that her commissioners made the formal claim that the proper reading of the Anglo-Russian treaty of 1825 made great changes in the position of the boundary line and entitled Canada to the upper part of most if not all of the fiords or inlets of Southeastern Alaska, then as now claimed and occupied by the United States under treaty of purchase from Russia.

Intimations had already been given that some such claim would be made at an informal conference between Professor W. H. Dall of the United States Geological Survey and Dr. George M. Dawson of the Dominion Geological Survey in 1888, during the session of the fisheries conference at Washington, and by General Cameron of Canada in 1884. Later the claim was advanced that the part of the third article of the treaty of 1825 which reads, "The said line shall ascend to the north along the channel called Portland Channel as far as the point of the continent where it strikes the 56th degree of north latitude," did not



mean that body of water which Vancouver had named Portland Channel, or canal, but several other stretches of water a long distance away known severally as Duke of Clarence Straits and Behms Channel, or canal, and Burroughs Bay; and that consequently the line should not be drawn eastward through Dixon entrance to the mouth of Portland canal and up that estuary, but should run north through Duke of Clarence Straits to Burroughs Bay, and thence across the mainland to intersect the 56th parallel of latitude, thus giving to Canada a large and valuable territory unquestionably belonging to the United States.

In his latest work, "The Alaska Frontier," Balch deals with the whole question "*ab initio ad finem.*" The archives of the courts of London and St. Petersburg, the great public as well as many private libraries of Europe, records of the Canadian Government as well as those of Washington and the far off posts of Alaska itself have all been called upon for testimony, and all pertinent recorded evidence as well as the substantial physical facts bearing thereon, as shown by map and picture, have been marshaled by him in such masterful fashion and such plain and logical deductions made therefrom as fully justify Mr. Balch in his conclusion that "by no possibility has Canada any right to territory touching tidewater above fifty-four degrees forty minutes."

In the summer of 1900 Balch, who is an expert and enthusiastic mountain climber, spent some time in Southeastern Alaska to make a personal inspection and exploration of a good part of the physical features of the "lisière" involved in Canada's claim. The

summer of 1902 he spent in Europe gathering facts and evidence from the state records of St. Petersburg and London.

Balch begins by showing the rights and claims of Russia and Great Britain in Northwest America prior to the ukase issued by the Czar in 1821 claiming sovereignty over Bering Sea, and a large part of the North Pacific and also extending his territorial claims down to the fifty-first degree of latitude as claimed by the ukase of Emperor Paul in 1799. Then the history of the negotiations which followed between Great Britain and Russia and the treaty between those two powers of February 16-28, 1825, by which rights of navigation on the ocean were settled and the boundary between their respective territories was fixed.

It is in the interpretation of this treaty that Canada finds the ground for her late-day claims.

The United States in 1867 bought from Russia all her territory on this side of the Pacific, according to the limits set forth in that treaty of 1825, which was quoted "*literatim et verbatim*" in the treaty of cession. Balch shows by numerous citations that neither from 1825 down to our purchase of the country in 1867, nor till over twenty years after, did Canada or the British Government give any intimation of differing with us in the universally accepted construction of that treaty—that on the contrary they officially confirmed it on many occasions.

He shows by quotations from the letters of instructions given by George Canning, then Minister [of Foreign Affairs], to the British representative at St. Petersburg (1823-25), and from the Russian archives, what were

the aims of the two powers and to what extent these were realized in the treaty achieved after over two years of negotiation.

He gives the official treaty, which was in French, in full (with translation in parallel columns), and shows by liberal citations from contemporary authorities and dictionaries that the then accepted meaning of certain words and passages on which Canada relies for support of her claim gives her no ground whatever to stand on in her present contention.

He gives copies of a long list of maps, official and private, from Russian, British and French sources, including a British Admiralty chart published in 1877 and corrected to 1898, and Canadian Government maps of 1884; which all show the boundary line as is now claimed by the United States. Not one authority gives the line as lately claimed by Canada.

With all these maps and citations from the instructions to, and proceedings of the British and Russian negotiators of the treaty of 1825, the author makes it perfectly clear and conclusive that the treaty was intended to and actually did cut the British off from tidewater above fifty-four-forty; that they so understood and accepted it officially and otherwise for the seventy odd years since, and are only now seeking to "arbitrate" the question in the hope that they will be awarded something. \_\_\_\_\_

HORNTON LODGE, PITT STREET,

KENSINGTON, LONDON, 23 April, 1903.

The Lord Chief Justice [Lord Alverstone] presents his compliments to Messrs. Allen, Lane & Scott and will

be glad if they will kindly send him a copy of Mr. Balch's book on the Alaska Frontier, for which he encloses Money Order for eight shillings and six pence. Kindly send it addressed to him at the above address.

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IMPERIAL EMBASSY OF RUSSIA,

WASHINGTON, D. C., May 28, 1903.

*Thomas Willing Balch, Esq.*

SIR:—His Majesty the Emperor directs me to convey to you His thanks for the copy of your book "the boundaries of Alaska" which has been presented to Him by Count Lamsdorff, Minister of Foreign Affairs of Russia.

Acquitting myself with great pleasure of this agreeable duty, I remain,

Sincerely yours,

COUNT CASSINI,

*Ambassador of Russia.*

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#### THE ALASKAN FRONTIER.<sup>25</sup>

In view of the prospective consideration of the Alaskan frontier dispute by commissions appointed by England and the United States, Mr. Thomas Willing Balch's monograph on the mooted question should prove extremely valuable to the American commissioners during their efforts to demonstrate the absurdity of England's claim.

Mr. Balch, who is an honored member of the Philadelphia bar, prepared his monograph "with the ob-

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<sup>25</sup> Editorial from the *Press-Knickerbocker and Albany Express*, July 15th, 1903.

ject of stating briefly but emphatically the title of the United States to a continuous, unbroken lisière or strip of territory on the northwest American continental shore between Mount St. Elias and fifty-four degrees forty minutes north latitude."

In collecting the facts and evidence for his work Mr. Balch made journeys to Alaska, London, Edinburgh, Berlin, St. Petersburg and other places. The author's researches have led him to conclude that the English side of the contention is as weak as it is baseless. Mr. Balch declares that the Canadians evidently hope that if they claim only enough and then can have their contentions passed upon by an International Court, they will succeed in securing a port along the Lynn Canal. "If Canada obtains a deep water harbor there as she desires," concludes the author, "she can build and fortify a great naval arsenal, from which she would menace American commerce with Alaska, Siberia and Japan as it steams to and fro across the Northern Pacific."

Mr. Balch clearly shows that the disputed boundary was established years ago by treaties in which both nations took part, and his readers will understand the importance of fighting Canada's preposterous claim when they learn that the idea of our neighbors across the border is to find an outlet to tidewater by means of a harbor on the Lynn Canal—an estuary which traverses Southern Alaska and which according to Mr. Frederick W. Seward, is "the thoroughfare by which all traders, miners and travelers reach the valley of the Yukon, unless they make a two thousand mile voyage around by the ocean."

If England is honest in her protestations of friendship toward the United States, she will eventually cease championing the claims of the Canadians, claims which are made in the hope that the United States will offer something in order to escape a vexed question. Mr. Balch's patriotism, as manifested in his disinterested and painstaking refutation of the claims of persons who hope to trespass on American territory, should receive the hearty commendation of his countrymen.

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ALASKAN BOUNDARY DISPUTE.<sup>26</sup>

Secretary Root will leave for London Aug. 22 to serve as a member of the Alaskan boundary commission, and as the time for the meeting of that body approaches a renewed interest will be felt in the question which it is to discuss.

We say discuss rather than adjudicate because the commission is evenly divided, with three members representing the United States and three representing Great Britain and Canada, and both parties are very tenacious of their claims. The reluctance of either to yield was manifest at the Quebec conference of 1898, which ended in a disagreement, and the same disposition has been shown since by officials who have been connected with the controversy, while the unofficial advocates of the powers have been addressing strong appeals to their countrymen against concessions.

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<sup>26</sup> Editorial from *The Record-Herald*, Chicago, Illinois, August 13, 1903.

One of the most elaborate of these appeals is the monograph on "The Alaska Frontier" by Thomas Willing Balch, a Philadelphia lawyer, who maintains that the American claims is so sound that "the pretense that the question of right should be submitted to an international joint commission or to international arbitration is as unreasonable as would be such a demand for the settlement of the question of the ownership of one of the original thirteen states." Mr. Balch declares that there is only one question about which there can be an honest difference of opinion, and that is "whether at certain points there is a natural water-shed formed by mountains passing inland round the sinuosities" of the coast.

The monograph has been prepared after long and painstaking study and it brings out the various matters in contention very clearly. There is first the question of the wording of the Anglo-Russian treaty of 1825. Mr. Balch can find but one rational interpretation for the provision that "the line of coast which is to belong to Russia shall be formed by a line parallel to the windings (sinuosities) of the coast, and which shall never exceed the distance of ten marine leagues therefrom." He holds that the "windings" or the "sinuosities" of the trench include all such inlets of the sea as the Lynn Canal and other fiords above 54:40 north latitude, and backs his opinion with an etymological discussion of considerable length. The Canadian claim, to the contrary, rests upon certain interpretations of the French words "mer" and "ocean," and makes much of the question of

sovereignty over territorial waters. The point will be understood from a quotation from Thomas Hodgins, a Canadian champion, who says: "Were the ten marine leagues to be measured seaward from the coast they would be measured from the sea mouths and not from the upper shores of inlets or other territorial waters." Mr. Hodgins would have all inlets treated exactly like rivers.

A second cause of altercation growing out of the wording of the treaty is that relating to the Portland Channel. The treaty says that the line shall run from the southernmost point of Prince Edward's Island northward along the channel called Portland Channel to the fifty-sixth degree of north latitude, that it shall then follow the summits of the mountains parallel to the coast to the 141st degree of west longitude, and that it shall continue north on this meridian line. Portland Channel is east of the south end of the island, and some of the Canadian extremists insist that the start should be made northward up the Duke of Clarence Strait, while Sir Wilfrid Laurier declared in the Dominion parliament that though this was very hard to maintain the line should run west instead of east of Pearse Island. Mr. Balch holds that the name Portland Channel or canal is perfectly explicit and thoroughly established by geographical usage.

A third argument which he puts forth is based upon the rights of occupancy and prescription. And to this the Canadians would probably oppose their plea that ever since the admission of British Columbia into the Dominion in 1871 they have been pro-



testing against American pretensions and seeking a settlement. Unquestionably, however, the fine series of maps which Mr. Balch publishes in his book tells heavily against them on all accounts. These maps would indicate that the map makers of many nations, including those of Great Britain and Canada, were committed to the American line. A Canadian map on exhibition at the Paris exposition is among the number, and so is a British admiralty map corrected to Aug. 1, 1901.

But whatever the evidence may be the Canadians have adopted a style of comment that is just as positive as that assumed by Mr. Balch. The negotiations will have to be conducted with great tact to prevent another disagreement of a serious nature.

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#### THE ALASKAN BOUNDARY.<sup>27</sup>

The assembling of the Alaskan Boundary Commission in London on September 3 will revive interest in a controversy which has been slumbering since the *modus vivendi* was agreed upon by Secretary Hay and Lord Pauncefote in 1900. The Commission is so constituted that it is highly improbable that it will settle the question. The United States is represented by three Commissioners, Canada by two and England by one. The Canadian and British Commissioners will probably support the Canadian claim throughout, and it is not believed that the Federal Commissioners will yield. The Commission is not an arbitration tribunal.

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<sup>27</sup> Editorial from the *Public Ledger*, August 25, 1903.

It is likely that nothing will be accomplished by it beyond a clear definition of the American and Canadian cases.

Canada acquiesced for many years in the delimitation of the boundary set forth in the treaty of 1825 between Russia and Great Britain, as interpreted by Russia, and later by the United States, which succeeded to the Russian title to Alaska. While this tacit recognition of the American title may not be conclusive in international law against Canadian pretensions, to the lay mind it is persuasive evidence that the Canadian position is untenable. But the case of the United States rests upon firmer foundation than this. It rests securely upon the terms of the treaty of 1825, and upon the direct recognition by Canada of the right of the United States to exclude Canada from the shore to which she now claims access.

By the treaty of 1825 Russia and Great Britain agreed that the boundary line between the possessions of the two countries upon the coast of the American Continent and the islands of America to the northwest should commence from the southernmost point of Prince of Wales Island and ascend to the north along Portland Channel as far as the point of the continent where it strikes the fifty-sixth degree of north latitude, and from this point the line should follow the summit of the mountains parallel to the coast. In Article IV of the treaty it is provided that wherever the summit of the mountains which extend parallel to the coast from the fifty-sixth degree of north latitude to the point of intersection of the

141st degree of west longitude shall prove to be at the distance of more than ten marine leagues from the ocean, the limit between the British possessions and the line of coast which is to belong to Russia, as above mentioned, shall be "formed by a line parallel to the windings (sinuosities) of the coast, and which shall never exceed the distance of ten marine leagues therefrom."

Thomas Willing Balch, Esq., of Philadelphia, who has given careful and intelligent consideration to the Alaskan boundary question in his volume "The Alaska Frontier," holds that for more than fifty years Great Britain did not contest the interpretation, openly proclaimed by Russia and the United States, that they were entitled to a strip of territory on the mainland from Portland Channel to Mt. Saint Elias, so as to cut off Canada from access to the sea above 54 degrees and 40 minutes. In August, 1898, seventy-three years after the treaty of 1825 was signed, "for the first time the British Empire proclaimed at the Quebec Conference that the proper reading of the treaty entitled Canada to the upper part of most or all of the fiords between the Portland Channel and Mt. Saint Elias."

It is not necessary to consult the maps to make clear the contention of the United States. The author just quoted covers the case in the statement that a review of the negotiations culminating in the treaty of 1825 shows plainly that its negotiators intended to save for Russia a strip on the mainland from Portland Channel northward to Mt. Saint Elias, and extending between these points far enough inland

to exclude Canada "absolutely from access to the coast line above 54 degrees 40 minutes."

The Canadian claim is that the treaty of 1825 has been misunderstood, and that instead of following the sinuosities of the coast the Alaskan boundary should be so drawn as to cross these sinuosities, giving Canada access to many bays and harbors. If any purpose stands out clearly in the treaty of 1825, it is the exclusion of Great Britain from these waters. The issue was not raised until the mineral wealth of Alaska was discovered. The British and Canadian maps, except those of very recent date, support the American contention. Numerous official acts of the British and Canadian Governments are cited to show the formal recognition of the American title to a continuous strip along the now disputed shore. The precise direction of the boundary at certain points may have to be determined, but that the boundary must in any event exclude Canada from the sea is plain. Russia intended to keep the shore in her exclusive possession to protect the fishing trade of her neighboring islands. Great Britain may have made an improvident bargain, but this consideration does not affect our Alaskan title.

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#### NORTHWEST AND ALASKAN DISPUTE.<sup>28</sup>

[From our Special Correspondent.]

WHITE PASS, ALASKA, Aug. 22, 1903.

Within a few yards of the station at the summit

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<sup>28</sup> Letter of special correspondent in the *Boston Herald*, September 7, 1903.

two flags are flying within five or six feet of each other. One is the British and the other is the American flag. Between them is supposed to run an imaginary line bounding the territories of the two countries. The line is as unstable as it is imaginary, for it was determined upon by the two governments to provide a *modus vivendi* while the controversy as to the true line was conducted in London.

It was time, when the *modus* was adopted, that something should be done. The revenue agents of the Dominion of Canada had taken into their own hands the right of determining the extent of their own jurisdiction. They had moved from their unquestioned territory into American lands, and, as they moved, they had undertaken to exercise the disagreeable functions of their office. This had excited the wrath of the Americans, not only of those who dwell in Alaska, but of those who inhabit the state of Washington, and especially of that part of it which borders upon Puget sound.

Angry passions had been aroused, and conflict was threatened, and when the Canadian revenue officers had actually taken up their quarters at Skagway the United States army felt called upon to intervene, the result being that the Canadians moved back to the crest of White Pass, where they remain, companions of the United States revenue officers, under Mr. Hay's *modus vivendi*.

This boundary question is exciting on this coast; both the *modus vivendi* agreement and the commission which is about to meet in London are unpopular. One cannot speak of the Canadian claim to a United States

inhabitant of Alaska, or to a Washingtonian, without receiving the answer: "If John Bull gets the territory that Canada claims he'll have to fight for it."

This angry frame of mind had not been imparted to the Washington authorities when they made their agreement, nor was it patent to Congress when the commission was authorized. This is a "rough and ready" part of the country and has no faith in diplomacy. One hears on every side strong views as to the government's policy in agreeing to debate the question of relative rights. Mr. Olney is constantly quoted with approval as having said that there was nothing in this question to arbitrate.

I am also told by a leading man of Seattle that the President promised him that he would never agree to arbitrate the question. He announced that if he had been in Polk's place he would have actually fought before he gave up 54 deg. 40 min., and here was a similar proposition. And yet here is the commission composed of men supposed to be committed in advance to the Northwest's view.

Strangely enough, the American integrity of one member of this commission is doubted by the fervid people of the Pacific coast, and that member is Mr. Lodge. It is a curious doubt, for any one who has followed Mr. Lodge's speeches on this subject must know that he is absolutely committed to the United States' contention. Indeed, to the unprejudiced mind the commissioners are not judges at all, but counsel.

It is plain, however, that notwithstanding Mr. Roosevelt's popularity in general in the Northwest, he is suspected of wavering on the boundary question, and

that the expression of a suspicion of Mr. Lodge's firmness is but another way of expressing suspicion of the President. It is the opinion, or the feeling, here, that the English commissioners will not dare to agree with the American against the interests and the desires of the Dominion, and that unless one of the Americans shall yield, arbitration must be the consequence.

"Are we not committed to arbitrate everything? Are we not the chief sponsor of The Hague tribunal?" asked a former officer and still a resident of Alaska. The question was not wholly intelligent, but it fully spoke the fears of the people here. The thoughtful men who dread the consequences, reasoning from this basis, say that when the British commissioners find that they cannot agree with the commissioners from this country, they will suggest an arbitration to a foreign power or to The Hague tribunal, and that our own precedents favoring arbitration will be used in urging us to an agreement.

The late Venezuela incident will be especially potent. Strangely enough, the feeling is that an arbitration would result disastrously to this country. This feeling, however, is not due to any doubt as to the justice of our contention, but to the belief that a foreign power or that The Hague tribunal would be governed by a desire to grant to the Dominion a port on the coast north of 54 deg. 40 min., especially now that the British possessions in the Yukon territory have turned out to be valuable.

It is safe to say that if such a result should follow the reference to the commission of this boundary

dispute, it would be disastrous to the administration on the Pacific coast. The people grumble at the confession, implied by the appointment of the commission, that there is any subject open to discussion. Indeed a study of the question and an examination of maps and charts—British as well as Russian and American—must convince one that the people here are right.

The whole subject has been thoroughly and ably discussed by Mr. Thomas Willing Balch of the Philadelphia bar. People in this region, lawyers as well as laymen, think that Mr. Balch knows more about the subject than does any other man in the country, and express great surprise that he has not been employed as counsel for the United States. Perhaps he is aiding the government, but in Alaska it seems as though Mr. Foster and his son-in-law were the sole defenders of our claims before the tribunal.

What is interesting is that the whole course of the government is watched with jealousy. Every step that it takes is questioned, and this because the people of the Capitol, the President and the Senate, have agreed to debate as to the relative rights of Great Britain and the United States to territory which people here believe to be our possession, and which was universally conceded to be so until 1898, five years ago.

The firmness of this conviction is shown by the remark of a Seattle man who is interested in Alaska in a commercial way. "Why," he said, "William McKinley would never have agreed to arbitrate. William McKinley was an amiable man and did not love to scrap, either in action or by word of mouth,



but he stood by his rights. If a Britisher, or anybody else, claimed his coat and demanded it of him, Mr. McKinley would have said: 'No, my dear sir, I paid for this coat and it is mine.' He would have tried to convince the wrongful claimant of his error, but he would have declined to arbitrate his rights to his own property, and, if the other had insisted, he would have told him that he could not have the coat unless he took it."

This is the way in which the people of the disputed territory and those in its vicinity feel about the boundary question. They know that the territory belongs to the United States. They go back to 1825, when Russia and England negotiated the boundary treaty, and when the English government struggled to acquire a seaport for the western part of its dominion above 54 deg. 40 min. In that negotiation Count Nesselrode, speaking for Russia, insisted that ever since 1799 Great Britain had been deliberately excluded from the sea north of 54 deg. 40 min., and, in describing the contention of 1825, said: "Thus we wish to retain, and the English companies wish to acquire."

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There seems no ground for disputing our title but the one that the Yukon territory is valuable. Canada wants a port north of Port Simpson, which is of 54 deg. 40 min. If the Canadians' claim were granted by way of compromise, we would be deprived of a port on the interior Alaskan waters. Skagway would then become British, and all that would pass between the United States and Alaska would have to pass

through a British port, with a Canadian custom house. We would lose valuable lands and waters, and the friction on the border would be intensified.

It is bad enough as it is. When a ship sails from Puget sound to Alaska, if it goes by interior waters to Juneau or Skagway or to some intermediate port in United States territory, it must pass through British waters. It must clear at Vancouver for British waters, and after crossing Dixon's entrance it must clear again at Ketchikan for American waters.

If the Canadians were to have their way, there would be just as much delay *en route*, while we would land at a foreign port. Borders are especially harrassing up here, and press heavily upon the nerves of these unconventional people. They do not like the processes of custom houses. They complain of being "held up," and any one who goes from Skagway to Dawson has a large experience in a brief time of official "hold-ups"—one by the Dominion at the White pass, one by the United States at the same spot on the way back—and this in addition to the clearances along the water.

Any change that may be made in the boundary line as it stands, and as it has stood for more than eighty years, will deprive the United States of valuable territory, of fruitful waters and of a convenient port the voyage to or from which is free from the perils of the sea. No annoyances will be done away with. There will still be the frontier and its two custom houses. There will still be the cause of exasperation. The present ugly attitude which one discovers here would be maintained and intensified.

Already one hears muttering of the "foolish gift" which we made to England when we abandoned 54-40, and as one reads of the premature sending of warships to Turkey, one hopes, in the event of the grant to Canada of her claim, that the Northwest will not overexert its influence upon the President who could send that fleet. There is something better to do with these frontiers than to move them about at the expense of the United States, and to do that would please the more sensible of the Canadians more than the port which the Dominion is seeking. This something is to do away with tariff barriers between the two countries, a suggested policy which commands more enthusiasm in Canada even than that of Mr. Chamberlain's conversion.

HENRY LOOMIS NELSON.

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BALCH'S "ALASKA FRONTIER."<sup>29</sup>

In this monograph Mr. Balch has given all the essentials for forming a judgment on the vexed question now at issue between the United States and Great Britain, and which forms the subject of the inquiry referred on Jan. 24, 1903, to a commission of six jurists, three to be appointed by the United States and three by Great Britain and Canada. "The American Commissioners in making up their opinion," it is stated, "must consider the acts of Canada and of England, the official Canadian government maps, and the British Admiralty charts." Moreover, the new treaty provides that the French or official version of certain

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<sup>29</sup> *The Harvard Graduates' Magazine*, September, 1903, pages 35-37.

Articles of the Anglo-Russian treaty of 1825 shall be used in deciding what arrangement the Muscovite and the British empires agreed upon in that instrument; and in the last part of Article IV. the phrase '*parallèle aux sinuosités de la côte*' is republished correctly. "This phrase, especially, makes it incumbent upon the three American Commissioners not to yield to Canada an outlet to salt water anywhere above the Portland Channel."

These concluding words of the postscript of this publication give the gist of the matter. The author has made careful and complete study of the whole history of the territory in question, from the early explorations to the claims in which "Russia, England, and the United States affirmed their sovereignty to greater and greater areas of land in the Northwest part of the American Continent." The differences between the United States and Russia were adjusted in 1824 by a convention which recognized the free navigation of the Northern Pacific Ocean, and fixed the latitude of  $54^{\circ} 40'$  north as the line that should divide the "spheres of influence" of the United States and Russia. All below that parallel Russia agreed to leave to the United States to contest with Great Britain, and all above it the United States consented to leave to Russia to dispute with England. When in 1825 the British and the Muscovite governments finally settled their conflicting territorial claim, the frontier between their respective possessions was drawn along the meridian of  $141^{\circ}$  west longitude to Mt. St. Elias, and then was to follow the crest of mountains running parallel to the coast, to the head of the Port-

land Channel, and down that sinuosity to the ocean in  $54^{\circ} 40'$  of north latitude. But if at any point the crest of the mountains proved to be at a greater distance than ten marine leagues from the shore, then the frontier should run parallel to the sinuosities of the coast at a distance of ten marine leagues inland, but never farther than that from the shore. For more than half a century it is proved that the British Empire never contested the interpretation openly proclaimed by both the Muscovite and the United States governments; that, under Articles of this treaty, first Russia and later—after the cession of Russian America or Alaska in 1867 to the American Union—the United States were entitled to a strip of territory or *lisière* on the mainland from the Portland Channel or Canal in the south up to Mt. St. Elias in the north, so as to cut off absolutely the British possessions from access to the sea above the point of  $54^{\circ} 40'$ . It was not until August, 1898, that, for the first time, the British Empire formally claimed at the Quebec Conference that the proper reading of these Articles entitled Canada to the upper part of most or all of the fiords between the Portland Canal and Mt. St. Elias.

A review of the long negotiations during the years 1822, 1823, 1824, and 1825 between Count Nesselrode and the British Commissioners shows, as the author clearly traces, that the agreement finally reached was intended to exclude the British North American territory from all access to the sea above the point of  $54^{\circ} 40'$ . Count Nesselrode contrasted the policy of the two states in the pithy sentence: "Thus we wish to retain, and the English companies wish to acquire."

For England then sought to establish, as now again, a right to territory which she had passively recognized as Russian. So plainly does Mr. Balch see that the same situation confronts us in the present claims, that he aptly makes Nesselrode's sentence the motto of his title page.

In following out the topics above mentioned the author introduces no less than 28 maps into his text of the utmost value, being of different dates, several of which, as used by the Russian office and also as used, allowed, or even prepared by the British Admiralty, would seem to estop the English from prosecuting their present claim.

An account of the purchase of Russian America in 1867, named Alaska by W. H. Seward, naturally includes the favorable relations existing between the United States and Russia. These undoubtedly predisposed our country through Messrs. Seward and Sumner to look with complacency upon dealings with a country which was the one great nation that consistently from the beginning of the Civil War favored the Union cause. The diplomatic correspondence is introduced showing how Russia stood firm when other Powers seemed to be considering it only a matter of how and when to recognize the Southern Confederacy.

Among the maps referred to by the author is No. 60 (a) of the atlas entitled "Carte Générale de l'Empire de Russie," etc. This is a map of the whole Russian Empire in 1829, and (most significant this) in the left-hand lower corner the boundary of the Russian American lisière is given as on map No. 58, which in Mr. Balch's work is marked No. 7. Charles

Sumner used this general map of the Empire, No. 60, in preparing his speech in support of the purchase of Alaska in 1867. The copy that he had is now in the Harvard University Library. It is mentioned by our author that in the year 1866 the subject of leasing to an American Company the rights that Russia had formerly rented to the Hudson's Bay Co. was under consideration. The Russian government was opposed to any such minor arrangement. It wished to hand over to the United States for a fair consideration the whole of Russian America. The possession of distant American territory, lying across the seas, was an element of weakness to Russia, and the Empire was anxious to part with it to the United States, a friendly power.

The research put into this monograph shows for itself. The author visited London, Alaska, Paris, St. Petersburg, with other places, to collect facts and evidence from first sources. Of the maps used several are unique copies, and are owned by him. To mention one conclusive fact among the many strong arguments adduced, I quote, "Why has no Canadian considered Chart No. 787 of the British Admiralty [of which a copy is given], which in 1901, three years after the Quebec Conference assembled, marks the frontier so as to give the United States a continuous unbroken lisière above 54° 40'?" There are in part incorporated in this work a paper, "La Frontière Alasko-Canadienne," which was printed in the *Revue de Droit International*, and another which was published in the *Journal of the Franklin Institute* (Pa.), both by Mr. Balch.

Mr. Balch says that he undertook this work (and

it is published at his own sole expense) with the purpose of placing in a concise form before the American people the facts in the case. From these as presented he is of opinion that the pretense that the question of right should be submitted to a national joint commission or to an international arbitration is unreasonable. This was written last spring, and the work published last February, and just after this it was that in the same month what King Edward has called the "arbitral tribunal" was formed. The author, however, remarks that as an even number of Americans and Britons or Canadians are to sit on the Commission, it can hardly be said that the subject is referred to an arbitration.

In closing an inadequate notice of this highly important work too much credit cannot be awarded, as has already been done from high and most responsible authorities both at home and abroad, for this timely, exhaustive, and well-written monograph.

G. C. SAWYER, '55.

[In addition to the foregoing articles, *The Alaska Frontier* was referred to with favor either in editorials or reviews in 1903 in *The Journal of the Franklin Institute*, Philadelphia, April; *The Commercial Appeal*, Memphis, Tennessee, April 6; *The Outlook*, New York, April 16; *Daily Alaskan*, Skagway, Alaska, April 16; *The Evening Bulletin*, Philadelphia, May 20; *The Advocate of Peace*, Boston, Mass., April; *The Tribune*, Altoona, Pa., August 14; *Press-Knickerbocker and Albany Morning Express*, September 3; *The American Review of Reviews*, New York, Dr. Albert Shaw, Editor, September; *The Independent*, New York, October 8.—EDITOR.]



THE AMERICAN VICTORY.<sup>80</sup>

The Alaskan boundary dispute has been settled exactly in accord with the American contention and with the facts. In 1825 England tried her best to get seaports on the strip now in dispute, but Russia would not allow it, and in the Anglo-Russian treaty of that year fixing the boundary line between Alaska and the British possessions, England was kept from the sea. This treaty provided that the frontier line from the head of the Portland channel should be parallel with the sinuosities of the coast, and should follow the chain of mountains, but in case the mountains were more than thirty miles from the shore, then the line should run parallel to the windings of the coast, thirty miles inland. No honest man can misunderstand the language of this treaty. According to its terms Russia retained a strip of coast land that was everywhere thirty miles wide, and England could not have a single seaport on that strip. This was thoroughly understood between England and Russia in 1825 and was embodied in the treaty in language that cannot be misunderstood. Yet Canada proposed to draw the boundary line from the head of the Portland channel right over to the coast and thence along the coast, giving herself dozens of outlets to the sea. Such a claim was the very acme of nery impudence, and it is no wonder that Lord Alverstone could not indorse so palpable a lie. As for Portland channel,

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<sup>80</sup> Editorial from *The Commercial Appeal*, Memphis, Tennessee, October 19, 1903, written by the Editor, Walker Kennedy, Esq.

according to the treaty of 1825, the line ascended that body of water; but as it is a bifurcated body, there could very well be a legitimate dispute as to which fork of it the line was to ascend. As we purchased Alaska from Russia we inherited her rights under the treaty of 1825. It seems but proper in this connection to recall the services of Thomas Willing Balch of the Philadelphia bar for the maintenance of American rights in Alaska. This gentleman has published two monographs on the subject containing a full history of the treaty of 1825 and the various maps which virtually without exception establish the American contention. On February 17, 1903, a dispatch from Washington announced "an interesting discovery" made by President Roosevelt and Secretary Root in regard to the Alaska boundary. They were represented as consulting the large geographical globe that stands near the cabinet table. They "easily traced the boundary line between Alaska and the British possessions. To their surprise they found that the boundary as shown there sustains the contention of the United States in all particulars, although it was prepared under the direction of the British admiralty." If the President and Secretary Root were surprised that the British admiralty sustained the American claim they must be easily subject to surprise. Nobody else in the country who had studied the question shared that surprise. The fact that the British admiralty sustained our claim was discovered by Mr. Balch's brother. Mr. Balch bought a copy of the Admiralty map September 1, 1901, and ever since then in a number of papers and reviews he has re-

ferred to it, and the map has been reprinted several times. It appeared in Mr. Balch's first monograph published in 1902, a copy of which was sent to all the members of congress and presumably to members of the cabinet. As Mr. Balch presented the American case in a way that was absolutely impregnable, and as he was the man to make the "interesting discovery" about the British admiralty admission, it is but fair that his part in this complete victory should be known.

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#### THE ALASKA ADJUDICATION.<sup>31</sup>

*To the Editor of the Nation:*

SIR:—The Alaska award, as reported by cable, in the main supports the contentions of the United States. But still, in some of the less important points, the adjudication found is in favor of Canada. Consequently, the decision of the Adjudication Board—for the Joint Commission as constituted was not a real Court of Arbitration—was a diplomatic compromise.

The chief point of contention was whether Canada should obtain an outlet upon tidewater on the Lynn Canal in the northern part of the lisière or thirty-mile strip. The main question is now settled against her by the opinion of Lord Alverstone, the Lord Chief Justice of England, for the award of the Adjudication Board confirms the United States in the possession of an unbroken lisière above the Portland Channel, which opens into the ocean at fifty-four forty, showing that

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<sup>31</sup> *The Nation*, New York, November 12, and the *Evening Post*, November 13, 1903.

the Lord Chief Justice was convinced by the overwhelming force of the evidence in favor of the United States.

Canada, considering that her pretensions were not based on sound facts, made very favorable gains by the Adjudication award. At one or two points, as on the Stikine River, for instance, the eastern frontier of the *lisière* is brought probably a little too near the sea water, all of which redounds to the advantage of Canada. At the mouth of Portland Channel, at the south end of the *lisière*, Canada obtains Pearse and Wales Islands. At first sight the possession of these islands seems of small importance. But their geographical position, immediately opposite the Canadian harbor of Port Simpson, gives them, in spite of the retention by the United States of the two small outward islands of Kannaghunut and Sitklan, an important strategic value. Port Simpson is destined to be the western terminus of the new Canadian Transcontinental Railroad. Canada, with Pearse and Wales Islands in her possession, will control the Portland Channel, and can build at Port Simpson another naval stronghold like Halifax on the Atlantic and Esquimault on the Pacific, and from it menace our developing trade across the Pacific Ocean with Alaska and Asia.

The management of the Alaska boundary contention, its submission to the Adjudication Board, and the resulting award cannot be called a real triumph for the cause of international arbitration. But, now that this dangerous frontier question is in a large measure out of the way, it is to be hoped sincerely

that efforts will be made by both the United States and the Canadian Governments to bring about a commercial rapprochement between the two nations. And the sooner negotiations are carried on directly between Washington and Ottawa instead of by the roundabout and cumbersome way of Downing Street, the better—as Monsieur Henri Bourassa, a grandson of Papineau, pointed out in a notable speech on October 23 in the Dominion Parliament<sup>32</sup>—for the maintenance of cordial relations between the United States and Canada. We Americans—and by Americans are meant all those who live in the New World, from the Arctic to the Antarctic—should try to live as far as possible on friendly terms with one another, and let the nations of the Old World fight among themselves if they wish, while we sell them the implements of war, whether of food, or garments, or weapons. Estimated in dollars and cents, such a policy will pay much better than for Canada to help fight the wars of Great Britain in the Old World, or for the United States to try to draw the chestnuts out of the fire in the Orient for the benefit of European nations. Certainly, up to now, the Philippines have not been a paying investment for us; and to urge this country to invest in

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<sup>32</sup> *House of Commons Debates*, Third Session—Ninth Parliament, Vol. XXXVI., October 23, 1903.

Compare also: Henri Bourassa, M. P., *Grande-Bretagne et Canada—Questions Actuelles; Conférence au Théâtre National Français, Montréal, Le 20 Octobre, 1901*: Montréal, Imprimerie du *Pionnier*, 33-35 rue St. Gabriel.

See also *The French-Canadian in the British Empire* by Henri Bourassa, member of the Canadian Parliament: Reprinted from the *Monthly Review*, September and October, 1902; London, John Murray, Albemarle Street, 1902; pages 27-28.

transoceanic wars in the name of commercial advantage is very much like advising individuals to place their money in one of the numerous South Sea Bubbles that are floating around in the industrial market.

T. W. BALCH.

PHILADELPHIA, November 7, 1903.

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L'ADJUDICATION DE LA QUESTION DE LA FRONTIÈRE  
ENTRE L'ALASKA ET LE CANADA<sup>33</sup>

PAR

THOMAS WILLING BALCH,

A. B. (HARVARD).

MEMBRE DU BARREAU DE PHILADELPHIE.

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Le 24 janvier 1903, fut conclue à Washington une convention qui réfèrait la question de la frontière orientale de la lisière de l'Alaska à un tribunal composé de six jurisconsultes de distinction; trois devaient être nommés par le président des États-Unis et trois par le roi d'Angleterre. La convention fut signée par le ministre des affaires étrangères américain (*Secretary of State*), M. John Hay, pour les États-Unis, et par l'ambassadeur anglais, sir Michael Herbert, pour la Grande-Bretagne; elle fut ratifiée par le Sénat des États-Unis, le 11 février 1903, et elle devint alors un traité.

Le tribunal était un tribunal d'adjudication et non pas un tribunal d'arbitrage international. En effet, il

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<sup>33</sup> Reprinted by the courtesy of the *Revue de Droit International et de Législation Comparée* of Brussels, 1904, Deuxième Série, volume VI., pages 38-40.

était composé d'un nombre pair de jurisconsultes: trois de chaque côté, qui étaient choisis par les deux parties parmi leurs concitoyens.

La mission du tribunal d'adjudication était de fournir l'explication correcte d'une partie du traité anglo-russe qui fut signé à Saint-Petersbourg, le 16/28 février 1825, par le comte Nesselrode, M. de Poletica et sir Stratford Canning. Par ce traité, la Russie et l'Angleterre convenaient d'une ligne de démarcation entre leurs territoires de l'Amérique du Nord. La ligne partait de la mer Glaciale, suivait le méridien du 141<sup>e</sup> degré de longitude Ouest de Greenwich jusqu'au mont Saint-Élie; elle devait suivre la crête des montagnes situées parallèlement à la côte jusqu'à la tête du Portland Channel, et puis descendre cette sinuosité jusqu'à l'océan, au point le plus méridional de l'île dite Prince of Wales sous le parallèle de 54° 40' de latitude Nord. Il était dit que partout où la crête des montagnes se trouverait à la distance de plus de dix lieues marines de l'océan, la frontière serait formée par une ligne parallèle aux sinuosités de la côte, et qui ne pourrait jamais en être éloignée que de dix lieues marines.

Les États-Unis affirmaient que ceci donnait à la Russie et en conséquence à eux-mêmes—puisque, en 1867, ils avaient acheté l'Amérique russe avec tous les droits de la Russie<sup>34</sup>—une lisière continue de territoire sur le continent, du mont Saint-Élie jusqu'au Portland Channel, d'une largeur suffisante pour couper entièrement l'empire britannique de tout accès à la laisse de la marée haute au nord de 54° 40'. Le Canada, au

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<sup>34</sup> Concerning the purchase of Alaska, see *The Alaska Frontier*, pages 58-73, *passim*, especially the letter of Mr. Frederick W. Seward.

contraire, soutenait que l'exacte interprétation du traité de 1825 lui attribuait une ligne de démarcation qui passait à travers les sinuosités telles que le Lynn Canal au lieu de passer à l'intérieur, lui donnant ainsi des ports aux sommets de ces sinuosités.

Le décision du Tribunal donne raison, presque en totalité, aux États-Unis. Toutefois, pour certains détails de moindre importance, l'adjudication est en faveur du Canada. La question principale était de savoir si le Canada devait avoir un débouché sur la laisse de la marée haute au Lynn Canal ou à toute autre des sinuosités ou fiords qui s'avancent dans la lisière. Cette question essentielle est maintenant décidée contre le Canada par le jugement impartial de Lord Alverstone, lord chief justice d'Angleterre, qui vota dans le même sens que les trois membres américains du tribunal, ce qui, par un vote de quatre contre deux, assura aux États-Unis la possession d'une lisière continue de territoire au nord du Portland Channel. Lord Alverstone prouva par son vote qu'il avait été convaincu de la justice des droits des États-Unis, grâce à la masse de preuves et à la force accablante des faits.

Quand on se rappelle que les prétentions du Canada n'avaient pas de bases solides, on peut dire que celui-ci a gagné beaucoup par la décision du tribunal d'adjudication qui, à vrai dire, fut un compromis diplomatique. A un ou deux endroits, comme par exemple à la rivière Stikine, la frontière orientale de la lisière est rapprochée probablement trop près de la mer, au grand avantage du Canada. Rejetant les preuves fournies par les cartes gouvernementales anglaises et canadiennes, et la règle du thalweg, le tribunal d'adjudication a attribué



au Canada, de l'assentiment des trois membres américains, les îles de Pearse et de Wales, situées à l'embouchure du Portland Channel. A première vue, la possession de ces îles paraît être de peu d'importance ; mais leur position géographique, juste en face du port canadien de Port-Simpson, leur donne, bien que les États-Unis conservent les deux petites îles extérieures de Kannaghunut et Sitklan, une haute valeur stratégique. Car Port-Simpson est destiné à devenir le terminus occidental du nouveau chemin de fer transcontinental canadien. Le Canada, avec les îles de Pearse et de Wales en son pouvoir, contrôlera Portland Channel et pourra construire à Port-Simpson une autre place forte navale, telles que Halifax sur l'océan Atlantique, et Esquimault, sur l'océan Pacifique, et de là, il pourra menacer sur l'océan Pacifique le commerce des États-Unis avec l'Alaska et l'Asie.

Les divers pourparlers qui amenèrent les gouvernements de Washington, de Londres et d'Ottawa à soumettre la délimitation de la frontière de l'Alaska à un tribunal d'adjudication et la décision qui s'ensuivit ne peuvent pas être comptés, nous le répétons, parmi les vrais triomphes de l'arbitrage international. Mais, maintenant que cette question brûlante de la frontière est pour ainsi dire définitivement terminée, il faut espérer bien sincèrement que les gouvernements des États-Unis et du Canada s'efforceront d'amener un rapprochement commercial—toujours un solide gage de paix—entre les deux nations. Et, comme M. Henri Bourassa, le petit-fils de Papineau, le leader des Canadiens français en 1837, l'a démontré dans un discours mémorable prononcé, le 23 octobre dernier, devant le Parle-

ment de la puissance du Canada, au plus tôt que les négociations seront conduites directement entre Washington et Ottawa au lieu de l'être par le chemin de traverse de Downing Street, mieux vaudra pour le maintien d'une entente cordiale entre les États-Unis et le Canada.

## INDEX.

	PAGE.
Letter of Mr. T. W. Balch, <i>The Nation</i> , New York, January 2, 1902,	1
Letter of Mr. R. W. Shannon, <i>The Nation</i> , New York, January 16, 1902.....	3
Letter of Mr. A. Johnston, <i>The Nation</i> , New York, January 23, 1902.....	6
Letter of Mr. W. H. Dall, <i>The Nation</i> , New York, January 30, 1902,	10
Letter of Mr. T. W. Balch, <i>The Nation</i> , New York, February 6, 1902.....	13
Letter of ex-Secretary of State J. W. Foster, March 17, 1902....	18
Letter of the Hon. F. W. Holls, March 19, 1902.....	18
Letter of Mr. H. W. Elliott, <i>The Star</i> , Washington, March 26, 1902,	19
Editorial from the <i>Public Ledger</i> , Philadelphia, April 4, 1902....	24
Letter of the Hon. F. W. Holls, April 4, 1902.....	27
Editorial from <i>The Star</i> , Toronto, April 10, 1902.....	28
Editorial from <i>The Commercial Appeal</i> , Memphis, April 13, 1902,	29
Editorial from the <i>Press-Knickerbocker and Albany Morning Ex- press</i> , Albany, April 16, 1902.....	34
Editorial from <i>The Chronicle</i> , Chicago, April 21, 1902.....	39
Editorial from <i>The Post Intelligencer</i> , Seattle, April 22, 1902....	41
Editorial from <i>The Helena Independent</i> , Helena, April 22, 1902..	44
Letter of Mr. P. Rogestvensky, Secretary Russian Embassy, February, 1901.....	49
Letter of Count Cassini, March 11-24, 1902.....	49
Letter of Count Cassini, May 1-14, 1902.....	50
Article from <i>The Times</i> , Philadelphia, June 30, 1902.....	50
Editorial from the <i>Press-Knickerbocker and Albany Morning Express</i> , Albany, July 5, 1902.....	51
Article from the <i>Public Ledger</i> , Philadelphia, July 12, 1902.....	52
Speech of the Hon. Charles F. Cochran, January 20, 1903.....	54
Review in <i>The Press</i> , Philadelphia, February 22, 1903.....	66
Editorial from the <i>Public Ledger</i> , Philadelphia, March 16, 1903..	75
Letter of the Hon. F. W. Holls, March 25, 1903.....	77
Editorial from the <i>Evening Journal</i> , Albany, March 28, 1903....	79
Letter of ex-Secretary of State J. W. Foster, March 28, 1903..	82

	PAGE.
"Carte Générale * * * de la côte N. W. ( <i>sic</i> ) de l'Amérique," 1829.....	84
Map of Russian America, 1830-1835.....	85
Letter of Mr. T. W. Balch, April 1, 1903.....	86
Letter of Secretary of State John Hay, Washington, April 2, 1903.....	86
Letter of Mr. T. W. Balch, April 8, 1903.....	87
Letter of ex-President Cleveland, Princeton, April 18, 1903.....	88
Telegram of the Hon. A. H. Allen, Washington, April 6, 1903...	88
Editorial from <i>The Post-Intelligencer</i> , Seattle, April 2, 1903.....	89
Review from <i>The Nation</i> , New York, April 2, and <i>The Evening Post</i> , April 15, 1903.....	92
Article from <i>The Plain Dealer</i> , Cleveland, April 5, 1903.....	94
Article from <i>The Call</i> , San Francisco, April 26, 1903.....	96
Letter of the Lord Chief Justice of England, London, April 23, 1903.....	101
Letter of Count Cassini, Washington, May 28, 1903.....	102
Editorial from the <i>Press-Knickerbocker and Albany Express</i> , Albany, July 15, 1903.....	102
Editorial from <i>The Record-Herald</i> , Chicago, August 13, 1903....	104
Editorial from the <i>Public Ledger</i> , August 25, 1903.....	107
Letter of Mr. H. L. Nelson in the <i>Herald</i> , Boston, September 7, 1903.....	110
Review in <i>The Harvard Graduates' Magazine</i> , September, 1903..	117
Editorial from <i>The Commercial Appeal</i> , Memphis, October 19, 1903,	123
Letter of Mr. T. W. Balch, <i>The Nation</i> , New York, November 12, 1903.....	125
Article in <i>La Revue de Droit International et de Législation Com- parée</i> , Brussels, 1904.....	128









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