

TREATY SERIES. No. 4.

1903.

CONVENTION

BETWEEN THE

UNITED KINGDOM AND THE UNITED  
STATES OF AMERICA

FOR THE

ADJUSTMENT OF THE BOUNDARY  
BETWEEN THE DOMINION OF CANADA  
AND THE TERRITORY OF ALASKA.

Signed at Washington, January 24, 1903.

[*Ratifications exchanged at Washington, March 3, 1903.*]

---

*Presented to both Houses of Parliament by Command of His Majesty.  
March 1903.*

---

LONDON:  
PRINTED FOR HIS MAJESTY'S STATIONERY OFFICE,  
BY HARRISON AND SONS, ST. MARTIN'S LANE,  
PRINTERS IN ORDINARY TO HIS MAJESTY.

And to be purchased, either directly or through any Bookseller, from  
EYRE and SPOTTISWOODE, East Harding Street, Fleet Street, E.C., and  
32, Abingdon Street, Westminster, S.W.;  
or OLIVER & BOYD, Edinburgh;  
or E. PONSONBY, 116, Grafton Street, Dublin.

[Cd. 1472.] Price  $\frac{1}{2}$ d.

CONVENTION BETWEEN THE UNITED KING-  
DOM AND THE UNITED STATES OF  
AMERICA, FOR THE ADJUSTMENT OF THE  
BOUNDARY BETWEEN THE DOMINION  
OF CANADA AND THE TERRITORY OF  
ALASKA.

---

*Signed at Washington, January 24, 1903.*

---

*[Ratifications exchanged at Washington, March 3, 1903.]*

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and the United States of America, equally desirous for the friendly and final adjustment of the differences which exist between them in respect to the true meaning and application of certain clauses of the Convention between Great Britain and Russia, signed under date of the 28th (16th) February, A.D. 1825, which clauses relate to the delimitation of the boundary-line between the territory of Alaska, now a possession of the United States, and the British possessions in North America, have resolved to provide for the submission of the questions as hereinafter stated to a Tribunal, and to that end have appointed their respective Plenipotentiaries as follows :

His Britannic Majesty, the Right Honourable Sir Michael H. Herbert, K.C.M.G., C.B., His Britannic Majesty's Ambassador Extraordinary and Plenipotentiary ; and

The President of the United States of America, John Hay, Secretary of State of the United States ;

Who, after an exchange of their full powers, which were found to be in good and due form, have agreed upon the following Articles :—

ARTICLE I.

A Tribunal shall be immediately appointed to consider and decide the questions set forth in Article IV of this Convention. The Tribunal shall consist of six impartial jurists of repute, who

shall consider judically the questions submitted to them, each of whom shall first subscribe an oath that he will impartially consider the arguments and evidence presented to the Tribunal, and will decide thereupon according to his true judgment. Three members of the Tribunal shall be appointed by His Britannic Majesty and three by the President of the United States. All questions considered by the Tribunal, including the final Award, shall be decided by a majority of all the members thereof.

In case of the refusal to act, or of the death, incapacity, or abstention from service of any of the persons so appointed, another impartial jurist of repute shall be forthwith appointed in his place by the same authority which appointed his predecessor.

The Tribunal may appoint a Secretary and a Bailiff to perform such duties as they may prescribe, and may employ scientific experts if found to be necessary, and may fix a reasonable compensation for such officers. The Tribunal shall keep an accurate record of all its proceedings.

Each of the High Contracting Parties shall make compensation for the services of the members of the Tribunal of its own appointment and of any agent, counsel, or other person employed in its behalf, and shall pay all costs incurred in the preparation of its Case. All expenses reasonably incurred by the Tribunal in the performance of its duties shall be paid by the respective Governments in equal moieties.

The Tribunal may, subject to the provisions of this Convention, establish all proper rules for the regulation of its proceedings.

## ARTICLE II.

Each of the High Contracting Parties shall also name one person to attend the Tribunal as its Agent.

The written or printed Case of each of the two Parties, accompanied by the documents, the official correspondence, and all other evidence in writing or print on which each Party relies, shall be delivered in duplicate to each member of the Tribunal and to the Agent of the other Party as soon as may be after the organization of the Tribunal, but within a period not exceeding two months from the date of the exchange of ratifications of this Convention.

Within two months after the delivery on both sides of the written or printed Case, either Party may, in like manner, deliver in duplicate to each member of the Tribunal, and to the Agent of the other Party, a Counter-Case, and additional documents, correspondence, and evidence in reply to the Case, documents, correspondence, and evidence so presented by the other Party. The Tribunal may, however, extend this last-mentioned period when in their judgment it becomes necessary, by reason of special difficulties which may arise in the procuring of such additional papers and evidence.

If in the Case submitted to the Tribunal either Party shall have specified or referred to any report or document in its own

exclusive possession without annexing a copy, such Party shall be bound, if the other Party shall demand it, within thirty days after the delivery of the Case, to furnish to the Party applying for it a duly certified copy thereof; and either Party may call upon the other, through the Tribunal, to produce the original or certified copies of any papers adduced as evidence, giving in each instance such reasonable notice as the Tribunal may require; and the original or copy so requested shall be delivered as soon as may be and within a period not exceeding forty days after receipt of notice.

Each Party may present to the Tribunal all pertinent evidence, documentary, historical, geographical, or topographical, including maps and charts, in its possession or control and applicable to the rightful decision of the questions submitted; and if it appears to the Tribunal that there is evidence pertinent to the Case in the possession of either Party, and which has not been produced, the Tribunal may in its discretion order the production of the same by the Party having control thereof.

It shall be the duty of each Party through its Agent or Counsel, within two months from the expiration of the time limited for the delivery of the Counter-Case on both sides, to deliver in duplicate to each member of the said Tribunal and to the Agent of the other Party a written or printed argument showing the points and referring to the evidence upon which his Government relies, and either Party may also support the same before the Tribunal by oral argument of Counsel. The Tribunal may, if they shall deem further elucidation with regard to any point necessary, require from either Party a written, printed, or oral statement or argument upon the point; but in such case the other Party shall have the right to reply thereto.

### ARTICLE III.

It is agreed by the High Contracting Parties that the Tribunal shall consider in the settlement of the questions submitted to its decision the Treaties respectively concluded between His Britannic Majesty and the Emperor of All the Russias under date of the 28th (16th) February, A.D. 1825, and between the United States of America and the Emperor of All the Russias, concluded under date of the 18th (30th) March, A.D. 1867, and particularly the Articles III, IV, and V, of the first-mentioned Treaty, which in the original text are, word for word, as follows:—

“ III. La ligne de démarcation entre les possessions des Hautes Parties Contractantes sur la côte du Continent et les Iles de l'Amérique Nord-ouest, sera tracée ainsi qu'il suit:—

“ A partir du point le plus méridional de l'île dite *Prince of Wales*, lequel point se trouve sous la parallèle du 54° 40' de latitude nord, et entre le 131° et le 133° degré de longitude ouest (méridien de Greenwich), la dite ligne remontera au nord le long de la passe dite *Portland Channel*, jusqu'au point de la terre

ferme où elle atteint le 56° degré latitude nord; de ce dernier point la ligne de démarcation suivra la crête des montagnes situées parallèlement à la côte, jusqu'au point d'intersection du 141° degré de longitude ouest (même méridien); et, finalement, du dit point d'intersection, la même ligne méridienne du 141° degré formera, dans son prolongement jusqu'à la Mer Glaciale, la limite entre les possessions Russes et Britanniques sur le Continent de l'Amérique Nord-ouest.

"IV. Il est entendu, par rapport à la ligne de démarcation déterminée dans l'Article précédent—

"1. Que l'île dite *Prince of Wales* appartiendra toute entière à la Russie.

"2. Que partout où la crête des montagnes qui s'étendent dans une direction parallèle à la côte depuis le 56° degré de latitude nord au point d'intersection du 141° degré de longitude ouest, se trouverait à la distance de plus de 10 lieues marines de l'Océan, la limite entre les possessions Britanniques et la lisière de côte mentionnée ci-dessus comme devant appartenir à la Russie sera fournie par une ligne parallèle aux sinuosités de la côte, et qui ne pourra jamais en être éloignée que de 10 lieues marines.

"V. Il est convenu, en outre, que nul établissement ne sera formé par l'une des deux Parties dans les limites que les deux Articles précédents assignent aux possessions de l'autre. En conséquence, les sujets Britanniques ne formeront aucun établissement soit sur la côte, soit sur la lisière de terre ferme comprise dans les limites des possessions Russes, telles qu'elles sont désignées dans les deux Articles précédents; et, de même, nul établissement ne sera formé par des sujets Russes au delà des dites limites."

The Tribunal shall also take into consideration any action of the several Governments or of their respective Representatives, preliminary or subsequent to the conclusion of said Treaties, so far as the same tends to show the original and effective understanding of the Parties in respect to the limits of their several territorial jurisdictions under and by virtue of the provisions of said Treaties.

#### ARTICLE IV.

Referring to Articles III, IV, and V of the said Treaty of 1825, the said Tribunal shall answer and decide the following questions:—

1. What is intended as the point of commencement of the line?
2. What channel is the Portland Channel?
3. What course should the line take from the point of commencement to the entrance to Portland Channel?
4. To what point on the 56th parallel is the line to be drawn from the head of the Portland Channel, and what course should it follow between these points?
5. In extending the line of demarcation northward from said point on the parallel of the 56th degree of north latitude, following

the crest of the mountains situated parallel to the coast until its intersection with the 141st degree of longitude west of Greenwich, subject to the condition that if such line should anywhere exceed the distance of 10 marine leagues from the Ocean then the boundary between the British and the Russian territory should be formed by a line parallel to the sinuosities of the coast and distant therefrom not more than 10 marine leagues, was it the intention and meaning of said Convention of 1825 that there should remain in the exclusive possession of Russia a continuous fringe, or strip, of coast on the mainland, not exceeding 10 marine leagues in width, separating the British possessions from the bays, ports, inlets, havens, and waters of the Ocean, and extending from the said point on the 56th degree of latitude north to a point where such line of demarcation should intersect the 141st degree of longitude west of the meridian of Greenwich ?

6. If the foregoing question should be answered in the negative, and in the event of the summit of such mountains proving to be in places more than 10 marine leagues from the coast, should the width of the *lisière* which was to belong to Russia be measured (1) from the mainland coast of the Ocean, strictly so-called, along a line perpendicular thereto, or (2) was it the intention and meaning of the said Convention that where the mainland coast is indented by deep inlets forming part of the territorial waters of Russia, the width of the *lisière* was to be measured (a) from the line of the general direction of the mainland coast, or (b) from the line separating the waters of the Ocean from the territorial waters of Russia, or (c) from the heads of the aforesaid inlets ?

7. What, if any exist, are the mountains referred to as situated parallel to the coast, which mountains, when within 10 marine leagues from the coast, are declared to form the eastern boundary ?

#### ARTICLE V

The Tribunal shall assemble for their first meeting at London so soon as practicable after receiving their commissions, and shall themselves fix the times and places of all subsequent meetings.

The decision of the Tribunal shall be made so soon as possible after the conclusion of the arguments in the Case, and within three months thereafter, unless His Britannic Majesty and the President of the United States shall by common accord extend the time therefor. The decision shall be made in writing and dated, and shall be signed by the members of the Tribunal assenting to the same. It shall be signed in duplicate, one copy whereof shall be given to the Agent of His Britannic Majesty for his Government, and the other to the Agent of the United States of America for his Government.

#### ARTICLE VI

When the High Contracting Parties shall have received the decision of the Tribunal upon the questions submitted as provided

in the foregoing Articles, which decision shall be final and binding upon all Parties, they will at once appoint, each on its own behalf, one or more scientific experts, who shall, with all convenient speed, proceed together to lay down the boundary-line in conformity with such decision.

Should there be, unfortunately, a failure by a majority of the Tribunal to agree upon any of the points submitted for their decision, it shall be their duty to so report in writing to the respective Governments through their respective Agents. Should there be an agreement by a majority upon a part of the questions submitted, it shall be their duty to sign and report their decision upon the points of such agreement in the manner hereinbefore prescribed.

#### ARTICLE VII.

The present Convention shall be ratified by His Britannic Majesty and by the President of the United States, by and with the advice and consent of the Senate, and the ratifications shall be exchanged in London or in Washington so soon as the same may be effected.

In faith whereof we, the respective Plenipotentiaries, have signed this Convention, and have hereunto affixed our seals.

Done at Washington, in duplicate, this 24th day of January A.D. 1903.

(Signed)  
(Signed)

MICHAEL H. HERBERT.  
JOHN HAY.

---