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The Historical Influence And Legacy Of The Alaskan Boundary Dispute

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THE HISTORICAL INFLUENCES AND LEGACY
OF THE ALASKAN BOUNDARY DISPUTE

By

Steve Mallory
Bachelor of Arts, University of North Dakota, 1996

A Thesis
Submitted to the Graduate Faculty
of the
University of North Dakota
in partial fulfillment of the requirements
for the degree
Master of Arts

Grand Forks, North Dakota
July
1999
This thesis, submitted by Steven R. Mallory in partial fulfillment of the requirements for the Degree of Masters of Arts from the University of North Dakota, has been read by the Faculty Advisory Committee under whom the work has been done and is hereby approved.

(Chairperson)

This thesis meets the standards for appearance, conforms to the style and format requirements of the Graduate School of the University of North Dakota, and is hereby approved.

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Title: The Historical Influences and Legacy of the Alaskan Boundary Dispute

Department: History

Degree: Master of Arts

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ACKNOWLEDGEMENTS

I would like to thank all the people who aided me in the completion of this thesis. First, I would like to Dr. James Mochoruk for all the effort he devoted to my work as chairperson of my Committee. His knowledge of both Canadian and American information was invaluable to my study.

I would also like to acknowledge Dr. Kimberly Porter and Dr. Sharon Carson for consenting to be on my committee. Dr. Porter considerably helped not only with her understanding of Theodore Roosevelt and early twentieth century America but also with grammatical inconsistencies and style. Dr. Carson was an extremely helpful critic as a non-historian.

Special thanks to the History Department of the University of North Dakota who helped me understand history and the scholarly research.
ABSTRACT

This thesis was an investigation into the historical significance and interpretation the Alaskan boundary dispute played in the tripartite relations of Canada, the United States, and Great Britain.

The first purpose of this work was to fully examine Hay-Herbert Treaty, emphasizing the hitherto unacknowledged benefits inherent in the treaty. The second purpose of this work was to reexamine Theodore Roosevelt's actions that have previously been the focal point of research in the Alaskan boundary dispute. The final purpose of this work was to explain the greater historical importance Canadians have maintained in the Alaskan boundary dispute and the affect of that greater relative significance. In more specific terms, the research showed the considerable study and emphasis the Alaskan boundary dispute received in Canadian historiography in opposition to the lack of research on this topic in the United States historiography.

The methodology of this thesis consisted of analyzing primary documents from diplomatic figures. Emphasis was given to the letters between Secretary of State John Hay, President Roosevelt, Henry Cabot Lodge, Prime Minister Laurier, Clifford Shifton, Lord Alverstone, and Henry White. However, newspaper
reports from the United States, Canada, and Great Britain were also explored. Secondary works used included biographies of key figures and histories dealing with foreign relations between the countries. These latter sources were also engaged as primary sources when investigating the historiography.
The Alaskan Boundary dispute involved contradictory interpretations of the Anglo-Russian Treaty of 1825; a treaty which determined the boundary between the Alaskan Panhandle and Canada. The dispute was at its height during the period from 1896 to 1903. In order to understand the Alaskan boundary dispute and its historiographical legacy, an understanding of the attitudes the Canadian people had of the United States during the dispute must first be discussed. Indeed, it will be argued that the legacy of the Alaskan boundary dispute can be viewed as a direct result of attitudes of the Canadian people before, during, and after the award.

The old maxim that history is written by the victors simply does not hold true in this case. The history of the Alaskan boundary dispute has been written almost exclusively by the losers in this case, Canadians. History is written by those individuals that find meaning and wish to place importance in the events of the past. Importance is the chief concern and Canadian historians ascribed more importance to the Alaskan boundary dispute than their American counterparts.

A select group of Canadian historians found consequential meaning in the Alaskan boundary dispute. This group was the so-
called "independent nationalist" group of Canadian historians. The importance of the Alaskan boundary dispute was its connection to Canadian nationalism. The development of Canadian autonomy was an evolutionary process opposed to the revolutionary process of American independence. Canada became gradually more autonomous from Great Britain over a long period of time. This slow development created innumerable opportunities for arguments to develop between Canada and Great Britain. Historians played a critical role in these arguments by interpreting events into pro-autonomy and anti-autonomy categories.

Historians such as John Ewart and O. D. Skelton, who favored a more autonomous Canada, became the principal historians of the Alaskan boundary dispute. Because these writers were promoting the development of a more autonomous Canadian government, the Alaskan boundary dispute was portrayed as an example of British Imperial neglect, if not treachery. Through this type of work, the dispute was given great significance in Canadian history; indeed, the Alaskan boundary dispute was interpreted as "one of the turning points of Canadian history."

The positioning of the Alaskan boundary award as a result of British negligence was far less a matter of critical interpretation of facts than it was a continuation of the immediate reaction the Canadian people had towards the Alaskan boundary award. This immediate reaction was a product of their preconceived attitudes towards the United States and the actions
of the Alaska Boundary Tribunal's two Canadian commissioners (which will be covered in detail in course of this work).

The preconceived notions of the Canadian public were a result of the uneasiness Canadians felt toward the United States. This uneasiness was fostered by the long and often times troubled history of Canadian-American relations. As former American Secretary of State John W. Foster explained,

> From the very beginning of our independence as a nation, our northern boundary line has been the source of almost constant discussion, and often of angry controversy, and more than once has brought the countries to the brink of war.²

Canada found this troublesome relationship even more difficult, because it was the smaller and less powerful nation.

Early twentieth century Canadians had learned through experience to be cautious of the expansionist United States. This apprehension was not without cause. Americans had attacked Canada in the Revolutionary War and the War of 1812. American based groups such as the Fenians had invaded Canada as late as the 1870's.³ Prominent figures in United States government had talked of Canada being ceded as adjustment for the *Alabama* claims.⁴ Along with many other incidents,⁵ there was considerable reason for Canada to be uneasy about the United States.

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³ The Fenians were an organization that sought Independence for Ireland from Great Britain.
⁴ The United States, in the *Alabama* claims, charged that Great Britain was responsible for adding the Confederate states in the American Civil War.
Not only was uneasiness towards the United States a notion of the Canadian public, it became a definition of Canadian nationalism. W. S. Wallace, the first editor of the Canadian Historical Review, "recognized that the [Canadian] sense of nationality rested on a geographical separateness, the rejection of the American Revolution, and the legacies of the War of 1812." Canadians, or at least Canadian historians, defined themselves in opposition the United States.

Canada offers a unique arrangement in the conception of a Nation-State. The concept of a nation traditionally centers around considerations such as ethnic makeup, language, race, institutional differences, and geographical considerations. In relation to the United States and Canada, very few distinctions are apparent. The two nations are remarkable similar. Each is a product of English tradition. The geographical separation, with the exception of the Great Lakes is simply a man-made boundary. The greatest extent of the boundary is based on the abstract concept of a line of latitude, invisible in reality. Each nation has a sizable and distinct minority group. So it seems natural that each country would seek to partially define itself in

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Other United States-British North American boundary controversies included St. Croix River, Passamaquoddy Bay Islands, Northeast boundary, the Webster-Ashburton Treaty of 1842, Commission for St. Lawrence and Great Lakes, Commission for Lake Superior and Lake of the Woods, the Rocky Mountain to Pacific boundary, and the San Juan Island dispute.
opposition to the other. In fact, this becomes a necessary step encourage distinct and separate nationalism.

Canada and the United States have remained separate entities. The struggle to remain distinct is a more prevalent subject of discourse in Canada. Canada has made its distinction from the United States as an important aspect of its own sense of nationalism. However, because Canadian nationalism to some extent revolves around the idea of distinction instead of more noticeable physical differences there is a constant apprehension concerning a unity with the United States. Because of the sheer size and importance of the United States, unity would mean the disappearance of Canada.

As legitimate as Canadian uneasiness may or may not have been, the fact remains that Canadians were uneasy about their great neighbor to the south. Canadian attitudes towards the United States “contained elements of profound distrust.” This distrust made many Canadian excessively critical of any American actions relating to Canada. This was especially true of the Alaskan boundary dispute.

Canadian distrust of the United States was a major factor influencing the vehemence of Canadian support for the claims put forward by the Wilfred Laurier’s Administration. This distrust provided the opening needed for many Canadians to take “an easy but illogical step... to assume that the case of their country was the stronger of the two.” This primary belief resulted in a
legacy of interpretation that positioned the dispute as a lasting reminder of British negligence towards Canadian needs.

The Alaskan boundary dispute has been extensively written about in Canadian history because of the importance it had to that country. The lack of alternative interpretation has left the dispute subject to Canadian bias. Perhaps the most important oversight by previous historians is the lack of interest paid to the Hay-Herbert treaty, which provided for the final settlement of the controversy.

In opposition to the dominant historiography, an in-depth study of the benefits of the Hay-Herbert treaty will lead to a fuller understanding of the Alaskan boundary dispute. The British negotiation of this treaty provides evidence of its willingness to take up the torch for Canadian interests, while American negotiation further acknowledges the United States' respect for its neighbor to the North.

The Hay-Herbert treaty provided the settlement for the Alaskan boundary dispute. The treaty was negotiated by Secretary John Hay and British Ambassador to the United States Michael Herbert. The even-numbered tribunal established by the treaty benefited the United States, Canada, and Great Britain. While the negotiation of the treaty was a diplomatic success, many positive aspects of the treaty were destroyed by political actions surrounding the actual tribunal. The negative political actions of the United States were unfairly highlighted in the
Canadian contemporary press, while the actions of the Canadian commissioners were overlooked. In addition, previous historical interpretations have focused too heavily on the political actions while excluding any mention of the benefits of the treaty. With the passage of time, more adequate reflection can be achieved in relation to the dispute. Therefore this interpretation of the Alaskan boundary dispute will be instrumental in pointing out and correcting traditional bias in the historiography of the Alaskan boundary dispute.
THE DISPUTE’S ORIGINS

The Alaskan boundary dispute’s origins stem from a long tradition of misunderstanding and mismanagement. The unclear legacy through early Ukases, diplomatic actions, treaties, and conferences set the stage for understanding the importance of the Hay-Herbert Treaty and the actions that would follow.

The northern Pacific coast is a jagged mountainous coastline. The largest feature of this area is the Archipelago Alexander, a long line of islands extending from Puget Sound at 47° 03’ to Taiya Inlet at 59° 29’.

The archipelago islands are 14,000 square miles in combined area. As Charles Hallock described it in 1886, "the coast maintains the same indented and tortuous line, flanked by innumerable islands." In this maze of islands and mountains a boundary was to be laid down.

The coast of Alaskan panhandle has two mountain ranges. The first range is St. Elias Range which runs along the coast and the tops of which create the islands of the archipelago. The second, higher range, is the Coast Range which is located behind the St. Elias Range to about 63° north latitude and makes up the watershed for the upper Yukon. Neither range creates a single mountain crest splitting the panhandle. Instead these chains form a sea of mountains.
The North American Pacific coast was explored by numerous Europeans during the period from 1539 to 1603, including Juan Rodriguez Cabrillo, Sebastian Vizcaíno, Frenander de Cordova y Aguilar, Sir Frances Drake, and William Cavendish. However, these explorers restricted their voyages to the lower latitudes. The Russian explorer claiming the Right of Discovery to the panhandle was Vitus Janassen Bering (a Dane employed by Russia) in 1741.  

Peter the Great commissioned Bering to explore the north Pacific just weeks before his death in 1725. On July 15, 1741, the vessel St. Paul discovered the coast near latitude 55° 21'. Bering secured Russian possession of the North Pacific coast above 55° latitude, and the Russians soon defended this claim. In the Ukase of Empress Catherine given December 22, 1786, she ordered ships into the North Pacific for "the protection of [our] rights on lands discovered by Russian seafarers." In addition to the naval presence, the Russian claim was fortified by the settlements on Bering and Copper Islands.

The British had a claim to "Right of Discovery" and occupation on the North Pacific on Vancouver Island. The British, however, had stronger claims to lands just inland from the Pacific. The Hudson’s Bay Company had expanded steadily westward. With increased fur trade nearing the Pacific, the British sought Pacific ports to ship furs to the Orient.
One of the first Britons to explore the Alaskan coast was Captain James Cook. A leading explorer, and famous for his world travels, Cook sailed to Alaska on his third voyage in 1788. Near the Alaskan coast, Cook stayed away from large areas of the coast when the winds became strong. The result of Cook's actions was that "several great gaps were left unexplored." Particularly notable is the large gap in the area between 50° and 55°. Cook was not impressed with the value of the northern territory, as he deemed most of the furs from this area as inferior in quality, with the notable exception of the sea otter. However, the prospect of discovering a Northwest Passage was still enticing as a route to the Orient.

The Orient was an important market. It provided much of the incentive for exploration of the North Pacific in search of a Northwest Passage during the eighteenth and nineteenth centuries. It was during this time that George Vancouver made his investigations in the Alaskan Panhandle in 1792, '93, '94, which were published in 1798. The nature of Vancouver's explorations was not a Lewis and Clark type expedition to map and chart resources and landmarks. Instead, Vancouver was primarily searching the north Pacific coast in an attempt to find the western end of the Northwest Passage. His charts contained only vague estimated descriptions of inland features. However,

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*See Vancouver's chart on next page.*
Illustration 1: Vancouver's Map
Vancouver’s charts and narrative would play a critical role in the Alaskan boundary dispute.

The first major diplomatic action concerning the Alaska coast was the Ukase of 1799. Tsar Paul I issued the Ukase of 1799 which claimed the southern boundary of Alaska down to 55° north latitude. Foreign countries generally accepted the Ukase. It provided the Russian-American Company with exclusive rights to the area. The Ukase was effective for twenty years, then in 1821 another Ukase was issued.

The Ukase of 1821 produced the first major controversy. Tsar Alexander I took the occasion to extend the southern boundary to the 51° north Latitude and to close the north Pacific Ocean to foreign shipping. This was an important action for whereas the Ukase of 1799 “had called forth no protest; it was only when the 1821 Ukase carried the latitude to 51° that the fur traders of the United States and Great Britain were aroused.” By this time, both the United States and Great Britain had claims to the Oregon territory that extended to 54° north latitude. More important than the territory were the navigation rights. The Russians claimed a 100-mile nautical boundary which virtually closed the Bering Sea to foreign nations.

Stern opposition from both the Americans and British met Tsar Alexander’s Ukase. However, neither country wanted to humiliate the Russian government so no outright rejection of the Ukase was issued. As for the Ukase of 1821, it “was a political
blunder. It almost solicited attack." However, resolving the situation with a treaty everyone could agree on would take four years. The Americans were the first to resolve the situation with Russia.

The Russian-American Convention of 1824 resolved the matter between the Americans and Russians. This dispute was the easier to solve. The Americans had a weaker claim to the northern parts of the Oregon territory. Therefore they were more generous in conceding territory to the Russians. For their part the Russians, eager to establish a precedent boundary with the Americans for their later negotiations with the British, were willing to drop their marginal claim to lands south of 54° 45' north latitude.

The main objective of the Convention of 1825 between Great Britain and Russia was to disavow the Ukase of 1821. Great Britain was primarily concerned with navigation rights in the North Pacific, while the boundary line was a secondary consideration. However, unlike the Americans who required only a north-south boundary, Great Britain and Russia also had to negotiate an east-west boundary. The east-west parallel in the northern area was gradually pushed back by the British to the 141° of longitude. However in drawing the panhandle boundary, "two considerations made a parallel of latitude an awkward boundary line. One was the west to Southeast trend of the coast south of Yakutat Bay; the other was the uncertainty as to how far
east such cession should reach." Therefore a natural boundary was considered highly desirable.

The negotiation for the panhandle boundary ran into many problems. None of the negotiators had any first hand knowledge of the area, and beyond that it appeared that no one else did either. "There were... no original and trustworthy charts of the Northwest Coast except those of Vancouver, which had been published twenty-six years before the Convention." While Vancouver had explored and charted many if not all of the inlets and bodies of water, at the time of the negotiation of the 1825, "no one of record had ever penetrated fifty miles inland." The maps that the negotiators did have were "imperfect and antiquated." The result was a natural boundary that would be based on the scanty evidence of the geographic features of the panhandle then available.

The Russian claim to exclusive navigation of a hundred-mile territorial limit was against common international law. The established limit was a three-mile zone. The Russians had little hope of obtaining all they claimed in the Anglo-Russian negotiations of 1825, because of the drastically more substantial British settlements and claims in the inland position of the North Pacific and international law being on the British side. Therefore a concerted effort was made to establish as much territory on the southern boundary of the Alaskan Panhandle as possible. The Russians made "the retention of the 55° of
Latitude as an approximate southern boundary... a face-saving issue." The British eventually agreed and after considerable negotiation a treaty was signed.

The Anglo-Russian Treaty of 1825 established the boundary of Alaska. This treaty established a line starting at the southernmost tip of Prince of Wales Island that was to continue north along the Portland Channel until the line intersected with the fifty-sixth degree of latitude. From there, the line was to "follow the summit of the mountains situated parallel to the coast" until it reached the one hundred forty-first degree of longitude. An important stipulation was that the mountain summit line was to extend no farther than ten leagues from the coast. However, the Alaskan Panhandle is filled with indentations and protrusions. The coast is a jagged line full of channels, inlets, sounds, and promontories. The mountain summit line referred to by the Treaty of 1825 proved elusive on such a coast.

The actual map line adopted by the Russians was a stretch of land protruding ten leagues in from the coast without regard to any mountain chain. The Russian Admiralty map of 1827 also displayed the boundary as encircling large inlets such as the Lynn Canal. The Russian claims were undisputed, even after the United States purchased the territory in 1867. The boundary only came into question when Canadians objected to the American

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b See Map 1 on next page.
Illustration 2: Alaskan Panhandle
continuation of the Russian interpretation during the late nineteenth century.

American involvement in the Alaskan Panhandle reemerged in 1867, when the United States purchased Alaska from the Russians. The treaty ceding Alaska to the United States was signed March 30, 1867, ratified copies were exchanged on June 30, 1867, and formal transfer took place on October 18, 1867. The United States now increased its border with British North America. The immediate transfer was uncomplicated, even though the precise boundary had not been demarcated.

The precise boundary received little attention. The Alaskan Panhandle and surrounding areas were of little importance. The territory’s natural resources were untapped. The area had few settlers and no immediate need for a precise boundary was apparent. However, interest in Alaska, especially its natural resources would soon heighten.

Alaska’s natural resources first became apparent in 1861. In that year, gold was discovered on the Stakheen River. The discovery resulted in a population influx. Stakheen River mining began and with it interest in a precise boundary between the American and Canadian territory.

Gold discoveries in the late nineteenth-century provoked Canadian interest in the boundary. Most notably the Yukon Gold Rush of the 1890’s illustrated the usefulness of a seaport in order to ship supplies and also military troops to the Yukon gold
fields. The Canadians claimed the correct summit line encompassed the mountains arising almost immediately from the coast. The Canadians also disputed the boundary encircling the inlets. This encircling of inlets cut Canada away from any deep water ports on the Alaskan Panhandle, most notably the Lynn Canal. The final Canadian objection to the Russian-American line was the position of the Portland Channel. The Canadians maintained the Portland Channel referred to the Pearse Canal, instead of the Observatory Inlet. Canadian claims concerning the mountain summit line, the Lynn Canal, and the Portland Canals became the central issues of the Alaskan boundary dispute.

The resulting interest provoked governmental correspondence in relation to the boundary. Clearly, the boundary was to be situated along the mountain summit line. However, as people became more familiar with the terrain of the area, the difficulty of delineating this line became apparent. The Lieutenant Governor of British Columbia, Joseph W. Trutch, wrote to Canada's Secretary of State Joseph Howe on July 11, 1872. The letter referred to the 1825 treaty boundary line. Trutch maintained, "[t]he description therein given of this line of demarcation is not so clearly defined as to render it readily traceable on the ground." He suggested a clear line should be substituted. The suggestion was not followed up on and the border remained unmarked. This response was typical of many efforts to resolve

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See Map 2 on next page.
Illustration 3: Portland Channel
the boundary early. There was still relatively little interest in the area.

In 1877, the Peter Martin case displayed the problems that could result from an undelineated boundary. Peter Martin was a miner working in Canadian territory north of the Stikine River. Martin was arrested in Canada and had to be transported through the United States. During the transportation, Martin tried to escape. The attempted escape resulted in an additional charge of assaulting an officer. Martin was tried and convicted. However, Martin petitioned for release because the second assault had taken place on United States soil. An investigation resulted in Martin being freed. After reviewing the circumstances, the decision was that the second event had in fact happened in United States territory thirteen miles north of the mouth of Stikine River. The result for the Alaskan boundary dispute was that a temporary boundary line was agreed to in the Stikine River. The line was twenty-one miles inland from the mouth of the river.

Donald Cameron\(^d\) conceived the Coast Doctrine. Cameron claimed that rather than following the shoreline (which included the inlets and bays) the treaty should follow the general trend of the coast. The line should disregard the deep inlets and form a more or less straight line without jutting inland. Cameron submitted a report containing this argument the Canadian

\(^d\) Colonel Donald Cameron was appointed to research the boundary for the Canadians. He was also the son-in-law of Sir Charles Tupper, the leader of the opposition in Canada during much of the boundary dispute.
Secretary of State on February 18, 1875. Cameron's line received the approval of the British Columbian government. However, it would be some time before it caught on in Ottawa. Official Canadian claims were not made until the Joint High Commission in 1898. Even when it did attract attention in Ottawa, it was not necessarily the "practical policy of the Canadian government" so much as "the credo of a small but influential coterie in the department of the Interior." The problem with Coast Doctrine was it "had no warrant in intention of the treaty makers nor support from precedent."

The temporary boundary on the Stikine River was the first strike against the Russian-American ten-league boundary. The surveyed boundary was twenty-one miles inland not the thirty to thirty-five miles that ten leagues would require. The moving of Stikine River from thirty miles to twenty-one miles encouraged Judge J. H. Gray, a member of the Supreme Court of British Columbia. He began to argue for larger Canadian claims. During the summer of 1884, he argued the line should not extend up the Portland Canal but instead up Clarence Strait to Behm Canal. Gray's line then followed a thin line along mountain summits close to the boundary. The area and nature of the dispute was beginning to change from a need to demarcate an agreed upon line to the proper interpretation of the Treaty of 1825.

The Portland Channel held few of the features the 1825 claimed it to have. The Portland Channel was a long inlet north
of the Pearse Channel and southern extreme of Observatory Inlet. The Portland Channel could be viewed as flowing down either of these waterways until it reached the Pacific. The treaty was unclear as to which waterway it was to follow. In addition, Portland Inlet was almost due east of the southern tip of Wales Island. Therefore it would be very difficult for it to follow in a northerly direction from that southern tip, that the treaty acknowledged as the correct direction for the boundary to follow. Finally, the channel was to strike the 56° latitude to form the easterly boundary. However, the Portland Channel missed the mark falling roughly ten miles short of the 56° north latitude.

The southern boundary became an important secondary note to the mountain summit line, as the Canadians took advantage of the discrepancies between the treaty and the actual channel. In 1894, Alexander Begg wrote "the interpolation of the three words, 'called Portland Channel,' has rendered the wording of the treaty obscure and the boundary impracticable." He continued on to state, "Doubtless the treaty 'Called Portland Channel' should have been written "called Behm’s Channel," and should be so interpreted."

Early Canadian interpreters of the treaty claimed that name had not been in the original treaty but added later, unfortunately for their case, they were incorrect. The British Columbian theory, as it was called, was extremely weak, due in

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9 Alexander Begg was a newspaperman and historian. He was a Toronto Daily Mail correspondent in Western Canada.
large part to the fact that Portland Channel was specifically named in the treaty.

The process of cleverly interpreting the wording of the 1825 treaty continued in Canada. R. E. Gosnell in *Yearbook of British Columbia* for 1897 put forth the claim that "ocean" referred to the high sea on the outside of the archipelago, so the ten league measurement should be measured from the outside of the archipelago islands. This claim would even more drastically reduce the American possession. However, the archipelago claim never attracted the influential supporters the "Coast Doctrine" attracted.

The United States was also beginning to see the shortcomings of the 1825 treaty. In the 1880's the United States put forward the idea that the Treaty of 1825 was "fatally indefinite and that an application of its terms was [a] geographical impossibility in the light of existing knowledge of the physical features of the region in which the boundary line must be laid down." The mountain chain had always been in question. However, with Judge Gray's and Donald Cameron's reinterpretation of the Portland channel the question soon broadened.

The Canadian claims were hard for Americans to understand. In the words of George Davidson, "[f]or sixty years the terms of the resultant Convention of 1825 had been accepted as explicit and satisfactory, but since 1885, contentions have been made in order to nullify its provisions." In actuality, the Canadians
wanted to reinterpret the provisions not nullify them. Yet, it was curious to American why the Canadians had not pushed their claims before 1885 and not protested American claims officially until 1898.

The main reason for Canadian and British neglect was because the area lacked importance. The area in dispute was not especially valuable during the 1880’s. As for the size:

The area in dispute was insignificant in terms of relation of its size and resources to those of Canada and the United States, but the forces of national feeling magnified its importance until it produced a crisis in the relations of the British Empire and the United States.\textsuperscript{38}

As for the Canadians pushing new claims, as the American Review of Reviews put it, why not, as "[t]he whole subject is the in which the Canadians had nothing to lose and everything to gain."\textsuperscript{39}

A major factor in the increased interest in the area was the Yukon gold discoveries. Gold had been discovered in Alaska as early as 1849 by the Russians at Kenai Peninsula. Additional discoveries occurred near Wrangell in 1861, at Sumdum bay in 1870, near Sitka in 1871, near Juneau in 1873, on the Fortymile River in 1886, and in 1893 at Hope, Rampart, and Circle. However, it was the 1897 discovery of gold by George Washington Carmack, Tagish Charlie, and Skookum Jim on Bonanza Creek that set of the Great Klondike Gold Rush.

While the gold made some prospectors rich, the rush made even more merchants wealthy. News of the gold fields spread quickly. As word got out, the excitement spread and prospectors
25

appeared in Skagway and Dyea. The Alaskan boundary dispute received increased attention, not because of the gold, but because of the increased trade. Prospectors were buying American goods, and entering Canada though American ports. This meant custom duties and American trade. Early in 1898, 90% of all Yukon trade was in American hands. Canadians saw much of subsidiary value of their gold fields slipping into American hands.

The Canadian government in general, and Minister of the Interior Clifford Sifton in particular, put a priority on regaining the wealth created by the Yukon gold fields. What was needed was an all-Canadian route to the Yukon. The problem was that the most acceptable route to the area was through the Chinook and White Passes at the head of the Lynn Canal. The United States was in possession of this strip of the panhandle. Skagway had been founded as late as 1897, but even then the Canadians had not thought of protesting its settlement. However at the top of the Lynn Canal another body of water split off, this was Pyramid Harbor.

In the Alaskan boundary dispute, the acquisition of Pyramid Harbor became the chief goal of the Canadian government. It was noted that, "since 1885, all attacks to break through this lisiere of the Convention of 1825 have been mainly, in fact solely, to obtain a port of ingress into British Columbia from the Archipelago." The need for a port was understood first in
British Columbia, however this did not become apparent, for the most part, to the Canadian government until the discovery of gold in the Yukon.

The fact of the matter was that Canadians could not hope to settle Pyramid harbor until the dispute was settled, for the United States would permit such settlement. In an effort to salvage what they could of the Yukon trade, the Canadians sought other all Canadian routes. The most popular plan called for the construction of a railroad. In April 1898, a railroad from Observatory Inlet to Teslin Lake was planned but was dropped on May 25, 1898, by the Liberal government. On February 8, 1898, the Liberals introduced the Canadian Yukon bill. The plan called for a railroad from Stikine River to the Yukon. The plan failed in the Conservative dominated Senate. Another attempt at an all Canadian railroad route from Edmonton also failed in the Senate. The Conservatives did not want the Liberals to profit from the control of railroad contracts. The result was that transportation alternatives which might have defused the Alaskan dispute, were destroyed in Canada by partisan politics.

The pressure and lure of the wealth of the gold trade continued to be a strain on the settlement of the Alaskan boundary dispute. And for good reason: as of January 1, 1903, the reported gold production of the Klondike district since 1897 was over $79,000,000. Furthermore, the drama was heightened by the “the belief that all the territory in dispute was gold-
bearing. Neither parties were faced with the realization that gold discovered in a disputed area could lead to more hostility and burden the negotiations further.

The possibility of hostility did not lead immediate action. After the provisional settlement of the Stikine boundary and through Cameron's new interpretations of the treaty of 1825, negotiation for an interpretation of the treaty received less attention. The Joint High Commission of 1888, between the United States and Canada met to deal with issues relating to both nations. The Alaska boundary dispute was only informally discussed and no official action was taken on it.46 In the discussions of the commission, each country assigned a leading expert to meet. The United States assigned William Dall, while Canada appointed Dr. George Dawson. They discussed the matter; however nothing was agreed to during the talks so the commission did not take up the matter.

The first major talks about interpretation of the treaty were heard on the 10th of February 1892. On that date, United States Secretary of State James G. Blaine and John W. Foster had a conference with Canadian representatives Sir Julian Pauncefote, John S. Thompson (Minister of Justice), George E. Foster

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45 William Dall was employed by the United States Coast and Geodetic Survey.
46 Dr. George Dawson was employed by the Canadian Geological Survey.
47 John W. Foster was the United States agent in the Bering Sea Arbitration and an expert on the Alaskan boundary dispute. He was a former lawyer, diplomat, and Secretary of State.
48 Julian Pauncefote was the British Ambassador to the United States.
(Minister of Finance), and Mackenzie Bowell (Minister of Customs). Two days later on the 12th of February, the Canadian submitted a proposal for impartial authority to decide the boundary. The outside body was to rule on the mountain line and Portland channel. The United States objected to this proposal, insisting that the boundary need only be surveyed, not interpreted. Instead a joint survey was agreed upon. The joint survey results were completed in 1895. These surveys were taken from the heads of the inlets, which did little to solve the dispute.

The Americans were still operating under the assumption that the matter could be worked out without an interpretation of the wording of the treaty but instead where the mountain line existed. It would appear that the British were following the same train of thought. On February 18, 1898, the Colonial Office suggested arbitration to define the border around the heads of inlets not to interpret whether they should cut through the inlets or not. However, the matter was not subjected to independent negotiations but was included in the issues put before the Joint High Commission of 1898-99.

The Joint High Commission would discover just how different and important were the conflicting claims of the United States and Canada. The Alaskan boundary dispute had developed over misunderstanding and neglect. The dispute's origins began with the 1825 treaty meant to define the boundary, and continued
(though mainly unappreciated) through to the discovery of gold which placed increased importance on settlement of the dispute.
WORKING TOWARDS A SETTLEMENT

Many outside forces affected the settlement of the Alaskan boundary dispute. The first step towards solving the dispute was the commencement of official negotiations. These negotiations occurred during the life of the Joint High Commission. The Alaskan boundary was lumped in with other American-Canadian issues. Following the Commission, other issues such as the Panama Canal, the Boer War, and domestic politics would also interfere with an Alaskan settlement.

The first official negotiation between the United States and Canada of the Alaskan boundary dispute was held at the Joint High Commission of 1898–99. The Commission was an attempt to solve numerous conflicts between the United States and Canada, including the North Atlantic fisheries, Bering Sea sealing, armaments on the Great Lakes, reciprocity and the Alaskan boundary. The Commission consisted of six members from the United States; Senator Charles Fairbanks, Senator George Gray (later replaced by Senator Charles Faulkner), Representative Nelson Dingley, John W. Foster, John A. Kasson3, and T. Jefferson

3 John A. Kasson was a reciprocity expert. He was also a former diplomat and Congressman.
Coolidge. The British, seeking to appease their North American subjects appointed only Lord Herschell. Lord Herschell was joined by one representative of the still independent colony of Newfoundland (Sir James Winter) and four Canadians (Prime Minister Sir Wilfrid Laurier, Sir Louis H. Davies, Sir Richard Cartwright, and John Carlton).1

During the Joint High Commission, Canada submitted two maps in reference to the Alaskan boundary dispute. In one, the boundary line ran through Clarence Strait. In the other, the line ran through Pearse Canal. This was the first sign that the Canadian government had officially accepted the "British Columbian theory." The acceptance of this theory provided evidence that Canada was going to stretch its claims as far as possible. The result was that the Alaskan boundary became the stumbling block that divided the Joint High Commission.

The Americans were frustrated by Canadian claims concerning Alaska. The Americans did not understand the importance Canada placed on the issue. The Americans believed Canada was simply trying use the Alaskan issue as leverage for other negotiations. Secretary of State John Hay explained, "We are absolutely driven to the conclusion that Lord Herschell put forward a claim that he

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b T. Jefferson Coolidge was a former minister to France and financier.
c Lord Herschell was the Lord High Chancellor of England.
d Sir James Winter was the Attorney General of Newfoundland.
e Sir Louis Davies was the Minister of Marine and Fisheries.
f Sir Richard J. Cartwright was a member of Parliament and Minister of Trade and Commerce.
had no belief or confidence in, for the mere purpose of trading it off for something substantial."3 However, the Canadians were profoundly interested in Alaska and a substantial concern for Canada was a harbor on the Alaskan coast.

The Joint High Commission's Alaskan boundary subcommittee included Prime Minister Laurier, Lord Herschell, Senator Fairbanks, and John W. Foster.4 Lord Herschell became an important advocate of all the Canadian claims. He forcefully argued even for claims he had little belief in, such as the "British Columbian theory." Secretary Hay wrote to Henry White5 about Lord Herschell's view that "virtually the whole coast belongs to England." Hay thought the coast was "a mere matter of common sense" and "impossible that any nation should ever have conceded" or accepted "such a ridiculous and preposterous boundary line" as the Canadians claimed.6 However, there appeared to be room to negotiate. Lord Herschell claimed "[t]he only part of the boundary where it is of any grave importance whether your contention or ours be well founded is in the neighborhood of Lynn Canal."7 Lord Herschell, while arguing for all the Canadian claims, realized that the most pressing need for Canada was a port to supply goods to the Yukon.

The United States was poised to compromise. After numerous proposals, the United States offered to grant "occupation, use

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3 John Charlton was a member of Parliament and Free Trade Commissioner to the United States.
4 Henry White was the United States First Secretary in London.
and control" of Pyramid Harbor. In this offer, which would be the final compromise offered by the United States, Canada would get the harbor they desperately wanted but not official title to the land. The one aspect restricting outright Canadian sovereignty was that if Canada left Pyramid Harbor unoccupied it would revert back to United States control. The Canadian negotiators seemed inclined to accept this proposal. However, word of the compromise leaked out and an opposition appeared. Notable in this regard is the letter from American ship builders in Washington, Oregon, and California which pressured President William McKinley to withdraw the offer, which he did. American shipping interests were strongly against the establishment of any Canadian port, which was the chief goal of the Canadians. The result was a deadlock on the Alaskan boundary. According to Laurier "our American fellow commissioners were at first and almost to the last disposed to come to a reasonable compromise." However, no compromise would be made during the life of the Joint High Commission.

The United States, frustrated by Canadian claims, encouraged a separate plan for the boundary arbitration from the other issues. The main problem with separate arbitration was the disposition of the arbitration court. The British sought a European judge and the Americans a Latin American judge. When the question of the judge's nationality resulted in a stalemate, the United States proposed submitting the Alaskan boundary to a
separate body composed of three American members and three members representing Great Britain and Canada. The Canadians opposed this type of tribunal and insisted on an odd numbered body, including an outside arbitrator.\footnote{12}

The deadlock on the Alaskan boundary question resulted in abandonment of the Joint High Commission. The Canadians insisted that if the Alaskan question could not be solved there was no point in coming to agreements on the other issues. The Joint High Commission had already adjourned in Quebec on October 10 then reconvened in Washington on November 9, 1898.\footnote{12} The United States argued for another adjournment until the Alaskan matter could be solved diplomatically, instead of the complete break-up of the commission as the Canadians proposed. The matter was solved on February 20, 1899, when the Joint High Commission adjourned with the understanding the Commission should reassemble at Quebec on the 2\textsuperscript{nd} of August. However, since no agreement had occurred on the Alaskan boundary dispute during the break, the Commission did not reassemble.\footnote{14} In the end the Joint High Commission "separated without being able to settle anything whatever because neither party could yield upon the Alaskan boundary question."\footnote{15}

Despite its failure, the Joint High Commission was an important stepping stone. It provided a clearer definition of the dispute. The Americans were finally confronted with an official Canadian interpretation of the boundary. The dispute
had grown from a mere demarcation of a boundary, to a question of interpretation. Hope of settlement failed after the Joint High Commission. A major "reason for this [the non-continuation of negotiation] was that the Canadians abandoned any active part in negotiations and preferred to act merely as critics of the more active role played by the British and American governments." However, the British held an important bargaining chip.

The British were offering a new Panama canal treaty in exchange for a favorable Alaskan boundary. In the words of Secretary Hay, "I obtained assurance from British Minister of Foreign Affairs, that if High Commission should reach an agreement, British consent to your proposed Clayton-Bulwar Treaty would be given at once." The United States had been interested in building a Central American canal, but had found itself restricted by the Clayton-Bulwar treaty. In that treaty of 1850 the United States and Great Britain had agreed "neither the one nor the other will ever obtain or maintain for itself any exclusive control over" a Central American canal.

The Spanish-American War had displayed the difficulties of moving the American navy from the Atlantic to the Pacific. The conclusion of the war had also supplied the United States, through the capture of the Philippines, a stepping-stone to the China trade. The expanded role of Pacific trade for American

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1 The importance of the China trade was a great consideration. It must be remembered that Secretary Hay issued his first Open Door Note on September 6, 1899.
exports would also greatly benefit from a Central American Canal. President McKinley realized the importance of negotiating a new treaty. However, Congress was filled with strong supporters of building a canal with or without a new treaty. The Senators' only stipulation was that it be strictly American. President McKinley was much more in touch with the importance of honoring treaties. His administration was extremely interested in renegotiating the Clayton-Bulwar Treaty.

The British were not opposed to releasing the United States from its obligation. However, they also saw the opportunity for "a quid pro quo for American concessions with regard to the Alaskan boundary." The Canadians were the major proponents of this plan. However, in the end the British agreed with the United States to deal with the issues separately.

The British realized Canada's desire to use the Clayton-Bulwar treaty as leverage in the Alaskan boundary. Therefore, before Great Britain signed the Hay-Pauncefote treaty abrogating the Clayton-Bulwar Treaty, they pressured Laurier to give Canadian consent. Laurier, realizing the futility of the issue, consented to the Hay-Pauencefote treaty under British pressure and saw an important negotiating tool disappear.

The first Hay-Pauncefote treaty was signed February 4, 1900. The treaty ran into stiff resistance in the Senate. In the end the Senate passed the Hay-Pauncefote treaty on December 20, 1900. However, the Senate had added three amendments to the
treaty. On February 22, 1901, Great Britain decided to retain the old Clayton-Bulwar Treaty rather than accept the amended version. This was a strong blow to Anglo-American relations. The process started all over again, but would prove more fruitful.

Henry White visited Lord Salisbury to start efforts for a new canal treaty. Once more Salisbury suggested compensation in Alaska for a new canal treaty. However, as their conversation continued both realized the benefit of having each issue negotiated separately. The second Hay-Pauncefote Treaty was signed November 18, 1901 and ratified by the Senate on December 16, 1901.

Also influencing the settlement of the Alaskan dispute were other factors occurring concurrently. Immediately after the adjournment of the Joint High Commission, tensions were high. The disputed land was filled with lawless prospectors who amplified the possibility of trouble. To prevent trouble in May 1898, the Canadian Yukon Field Force commanded by Lieutenant Colonel T. D. B. Evans was sent to the Yukon Gold Fields. The force encompassed two hundred and three volunteers from the Permanent Force. By September 1899 the headquarters were transferred to Dawson City and the force reduced by half. In 1900, the remainder of the garrison was withdrawn. United States troops were not immediately sent in. Hay and McKinley agreed in May 1899 to postpone the dispatch of American soldiers
to Pyramid Harbor because of negotiations for a treaty settlement.  

The result of these negotiations was not a treaty but rather a temporary boundary. On October 20, 1899, a Modus Vivendi was agreed upon. The boundary only covered the district just north of the Lynn Canal. Negotiation of a full boundary treaty was difficult because the Americans did not want to submit the matter to arbitration. Secretary Hay explained the American position in the following way: "although our claim is as clear as the sun in Heaven, we know enough of arbitration to foresee the fatal tendency of all arbitrators to compromise." 

In 1900, efforts were made to resolve the boundary dispute. The same obstruction in the form of the deciding body could not be satisfactorily solved. Great Britain argued the boundary was always open so Venezuela style arbitration would be the most appropriate. The United States argued that the actual demarcation of the boundary was open but the interpretation of the treaty had not been in question for seventy years and therefore Venezuela-style arbitration was not appropriate. 

The United States and Great Britain had tried to agree on a arbitration treaty during the Venezuela boundary dispute. The United States had called for all territorial claims to be sent to arbitration. Great Britain had claimed that disputes of territory "may be, much graver as well as much more difficult to
decide." The British also believed that such a clause would result in "an enormous multiplication" of speculative cases. Because of these beliefs, the United States and Great Britain had not signed a treaty. The result was that a treaty which could have bound the United States to arbitrate the Alaskan dispute had not been signed. The United States was in a position where it was not forced to arbitrate.

Another sticking point was that Canada wanted to include a clause insuring that no matter what the tribunal decided Skagway and Dyea would remain American while Pyramid Harbor would be under Canadian jurisdiction. The Americans claimed that this was inappropriate because Skagway and Dyea had been established and settled by Americans, whereas the Canadians had not established any settlements in Pyramid Harbor.

While negotiations for a treaty continued on, many outside matters began to affect the United States, Great Britain and Canada. Perhaps the most influential matter was the Boer War. In October 1899, the Boer, or South African, War broke out. The war lasted two years and eight months. The war tested not only the strength of Great Britain and the Empire but also their European relations. Great Britain found little European support for its actions in South Africa. In fact, the German Kaiser issued a telegram congratulating the President of the Boer Republic on success in repelling a British raiding force. Also

\footnote{The United States had forced Great Britain into an arbitration made up}
complicating the issue was the fact that the Boers were decidedly better opponents than first suspected.

Great Britain was in desperate need of assistance. However, Canada a major colony found itself split in support of the British side. After all the Boer War was a colonial war, and Canada was a colonial country in which many important figures (especially among French Canadians\(^k\)) had aspirations of someday breaking from Great Britain themselves. Also, the Irish in their continual battle against Great Britain sided with the South Africans, and Canada was home to many Irish immigrants. Therefore, additional incentives were explored by the British to promote more Imperial Nationalism. Of course one of these incentives was support in the Alaskan boundary dispute. British officials such as “Lord Minto, among others, had argued that Canada’s contribution in South Africa might be traded for British backing on Canada’s Alaska boundary claims.”\(^{31}\) Canada, however, was not the only country exploiting the Boer War.

The United States was the only major power to sympathize with Britain during the Boer War.\(^{32}\) The United States did not officially support the British in the war. Indeed, there was some pro-Boer and considerable Irish support. President Theodore Roosevelt, because of this, refused publically support the war or

\(^{k}\) The French-Canadians saw little reason for Canadian troops to be used to stop a rebellion against Great Britain. Many French-Canadians hoped to one-day split from the British Empire, and certainly found few benefits to the Canada in supporting such a war.
carry out further negotiation of the Alaskan boundary. Domestic politics were not the only incentives waiting for the Boer War to end. Roosevelt was aware that some Canadian support of Great Britain during the Boer War was an effort to gain favor in the Alaskan dispute. Roosevelt decided to wait out the Boer War so Canada could not use its support in the Boer War as a quid pro quo in the Alaska boundary settlement.

Another important trend was developing during the years 1896-1903. This trend was the withdrawal of Great Britain from North and South America. Historian William Morton explains,

What Canadians failed to realize was that since the Venezuela crisis of 1895-96, Great Britain was finally and fully withdrawing from the Americas and leaving them, with Canada, to an unconditional American hegemony. The crass imperialism of the Republican partly at the end of the century was partly the cause, partly the result of this withdrawal.

Canadians seemed unaware that all the attempts to secure the inlets and heads of canals had “come from [the] Dominion of Canada, and not from the Government of Great Britain.” This general trend certainly was boosted by the ascension of Roosevelt to the Presidency.

President McKinley was shot on September 6, 1901 and died September 14, 1901. The result was that Canada would have to deal with “the big stick of a man whose invincible self-confidence suggested that he had come to an amicable understanding with the Deity.” That man was Theodore Roosevelt.
President Roosevelt is remembered for his jingoist approach to American diplomacy. The Alaska boundary dispute has often been interpreted as another example of his Big Stick diplomacy. The *American Review of Reviews* remarked, "[a]bout nothing had Mr. Roosevelt ever been more frank or more uncompromising than about this Alaskan Question." Roosevelt simply felt there was nothing to arbitrate.

Roosevelt's Big Stick was seen early by the Canadians, perhaps earlier than it was even wielded. President Roosevelt sent troops to the Alaska Panhandle in 1902. With the placement of troops in Alaska, Canadians observed a "hardening of the American attitude". "Thus the prospects of a friendly accommodation, never good, became steadily worse." However, the movement of troops to Alaska did not represent a military build-up in preparation for war. "These were scarcely 'secret preparations for war'; they were rather reasonable precautions to prevent the international negotiation of the Alaskan boundary question from being complicated by local disturbances." Roosevelt's reputation seems to have preceded his actions. Later, Roosevelt would be much more forward with his actions. However the reaction to the placement of troops reveals how Canadian apprehension concerning the United States fueled misinterpretations of his actions.

Theodore Roosevelt took office in 1901 with little interest in settling the Alaskan boundary dispute. Roosevelt had great
confidence in America's claim. He was also satisfied with the modus vivendi. He felt no need to arouse any problems with Great Britain, and advised his ambassadors to "let sleeping dogs lie." When the issue arose again in 1902, Roosevelt took a firm stance.

The Alaskan boundary issue was never officially closed after the Joint High Commission broke off indefinitely. The boundary dispute was the issue that no one wanted to handle in fear of rekindling the fire. The anticipation associated with not dealing with the situation was due to the fear of the rapid hostility a new gold rush in the disputed area would create. The Canadians believed that when it came to the transient, and often lawless, miners, prevention was the best policy. The Canadians sought to reopen the discussion in an effort to prevent future disruption. Roosevelt was suspicious, he saw Canada as pushing a phony claim. He wrote to Secretary of State John Hay in 1902 saying:

They [the Canadians] now say that as they got the false claim in, trouble may come if it is not acted on. I feel a good deal like telling them that if trouble comes it will be purely because of their own fault; and although it would not be pleasant for us it would be death for them.

As much as Roosevelt would have liked to take vengeful action, he simply could not take the associated risk. Instead, after considerable encouragement from Hay, Roosevelt agreed to proceed with negotiations.

President Roosevelt took a different approach to solving the dispute. He promoted the idea of a commission
instead of arbitration. In 1902, he told Hay he would appoint "three commissioners" but would also tell them "in no case to yield any of our claim." Roosevelt wanted the tribunal to consist of representatives of each country. This early example of Roosevelt's conception of the tribunal foreshadowed his later actions when selecting his jurists.

The final relevant development which occurred during the Alaskan Boundary dispute was the growth of Canada. During the 1890's a wheat boom in Canada along with the excitement of the gold discoveries increased Canada's growing national pride and prospects. The result was that from 1901 to 1911, Canada's population grew faster than that of the United States. Canadians were coming to believe that their nation would become the next United States in terms of World Power. In fact, Prime Minister Laurier explained "As the nineteen-century was the century of the United States... so shall the twentieth century belong to Canada."

Wilfrid Laurier became Prime Minister in 1896, when his Liberal Party won federal power for the first time in twenty-two years. When Wilfrid Laurier became Prime Minister, Clifford Sifton from "expansionist western Canada" became Minister of the Interior.
Up until 1896, it was noted in the American Press that, "[s]o far the so-called Canadian 'aggressions' are all on paper. The Cameron line has been drawn but has only a imaginary existence." However, that was soon to change with the new government.

While Laurier's attitude towards the Alaskan boundary dispute betrayed "a lack of inner conviction, a merely formal commitment to a popular but unrealistic cause," this could not be said of Sifton. Sifton "adopted the coast doctrine with great enthusiasm." Where Dawson's Map of 1887 had cut across four inlets, Sifton's 1898 map cut across eighteen. And while in 1890, the Canadian government had said the boundary would be "no difficulty," after the Liberal election in 1896, the Canadian view was now that the boundary difference was "very considerable."

Negotiations continued through 1901-02, on a sketchy basis. In November 1901, Laurier agreed to an even numbered tribunal as long as one jurist on each side would not be a citizen of the United States or a British subject. The United States, with Roosevelt feeling firmly in the driver's seat, rejected this offer. Finally in October 1902, Prime Minister Laurier returned from London to Canada and announced he had agreed to an even-numbered tribunal.

The Alaskan boundary dispute had clearly became entangled with many other issues from the Joint High Commission to 1902.
These other issues hindered the settlement. Only as the other issues were resolved could the negotiation of treaty focusing strictly on the Alaskan boundary dispute be agreed on.
THE HAY-HERBERT TREATY

A settlement that established and promoted goodwill between all the countries, indeed required providing explicit benefits for each country. The Hay-Herbert treaty was carefully negotiated to supply important benefits to the United States, Canada, and Great Britain. The Hay-Herbert treaty, which provided for the final resolution of the Alaskan boundary dispute, was signed in 1903.

The advantages of the Hay-Herbert treaty to the United States began by providing a settlement on the terms that it had originally proposed in 1898. The treaty provided for the six-member tribunal with three Americans and three Britons or Canadians. Canadians also realized that the treaty favored America’s original proposal. The Manitoba Free Press declared, “The proposition is virtually the same as that brought forward by the American members of the joint high commission three years ago.”¹ However, the acceptance of American terms was a deliberate act to apply pressure on the United States to submit to some form of negotiation. The United States could not refuse a treaty with the makeup they had originally proposed, however, there were many important reasons why the United States sought an even-numbered tribunal.
The Americans sought an even numbered tribunal so as not to relinquish any control. The British-Canadian design would have required an outside person or body. The final verdict would have hinged on a foreign country or individual. Many American citizens did not want to risk any outsiders telling them that America had to relinquish land to Canada. Canada realized America's contention that "the balance of power must be held by no one outside of the United States." The even-numbered tribunal was a response to Americans' strong sense of sovereignty. If a negative decision were reached, it would require the consent of at least one American. The even-number tribunal assured American accord with the decision.

American solidarity was all that was needed in order to insure "a practical extinction of any chance of a decision hostile to their plans." The Americans could stand firm and the worst that could happen was a deadlock. The Hay-Herbert treaty became America's chance for victory without the possibility of a result hostile to their desires. The treaty may not have guaranteed American victory but it did all but officially eliminate the possibility of a Canadian victory. As one Canadian newspaper put it, "Canada will not be the Gainer." The Americans could hardly turn down what was being described "as a 'heads I win, tails you lose' arrangement." While American interests seemed well protected, they would have even more safeguards.
While the organization of the tribunal resembled the original American proposal, the region subject to interpretation reflected the Canadian proposal. Unlike earlier considerations, the ports of Dyea and Skagway were considered open for debate. Their inclusion resulted in a considerable chance for the United States. Dyea and Skagway's inclusion meant the possibility that American towns could become Canadian property. Towns that had not been protested during the original settlement could become Canadian. Certainly many problems would occur with the thousands of American citizens possessing American land claims in these areas, not to mention the disgrace for the American government. This important obstacle was remedied when Canadian Prime Minister Wilfrid Laurier informed United States Secretary of State John Hay that Canada would settle for compensation and not require the return of the actual land. The result was a confirmation of friendliness and a more acceptable treaty in the eyes of America.

The inclusion of Skagway and Dyea highlighted the main American contention against any negotiation of the Alaskan boundary; Americans possessed the land. Americans interpreted the Canadian claim as a greedy assertion resulting from the discovery of gold in the Yukon. The Americans were troubled by the Canadians' dramatically changing claims. The Canadians seemed to be substantially increasing the area they claimed
during the late nineteenth century. Yet the important fact remained, while the Canadians were continually changing their claim, Americans were governing the area.

Everyone knew which country was in charge in the area. Canadians could claim as much as they wanted, but it was doubtful they could acquire any of the land without the consent of the United States. The Canadians could not simply change their claims and plant the Canadian flag on new land. Even in the early days, one Canadian pioneer explained when asked why he had not planted the British flag, "If any man had planted a British flag then his life would not have been worth much." The bare facts of the matter were that the United States held the disputed land. The fact the United States agreed to any negotiation of Canadian claims acknowledged America’s concern for amiability in Canadian-American relations.

American friendliness towards Canada would only stretch so far. The Americans were content to appease Canada by subjecting the matter to an interpretation committee. The Americans would dismiss the Canadian claims, as long as the American claims never came into serious contention. As for American acquiescence, Henry Cabot Lodge summed up American sentiment:

They [the Canadians] have an idea, I think, that we will yield anything. They are in error. We are anxious to remove a cause of international controversy but not to yield undoubted right, & so far as the territory goes we are perfectly content to disagree, for we have it all in our possession."
Illustration 4: Canada's Changing Claims
The tribunal offered the perfect structure for the Americans to dismiss Canadian claims without jeopardizing their possession of the land. However, not everyone was happy with a treaty whose chief benefit was the retaining land that was already in the United States' possession. Many Americans felt that the matter should not have been sent to a tribunal. Frederick Holls\textsuperscript{b} warned President Roosevelt in a letter, that the Hay-Herbert Treaty was "very likely to be exceedingly grave."\textsuperscript{10}

At first glance, however, the Hay-Herbert treaty benefits to the United States seem to outweigh any possible benefits the Canadians or the British could obtain in the matter. However, it would be naive to think that all that was at stake was territory. The Canadians forced American culpability. The Americans would not simply maintain the land because of their prominence as a nation. The settlement was a display of Canada's growing power. The Canadians were forcing the Americans to acknowledge a Canadian claim, one which the Americans had previously refused to acknowledge. In terms of national pride, few things could compare with the once small colonies of British North America coming together to force the imperial giant of the United States to arbitrate the question of lands currently in American possession.

\textsuperscript{b} Frederick Holls was an attorney specializing in international relations. He was the United States secretary to the 1899 International Peace Conference.
The fact that the United States had agreed to an outside body to settle the boundary was a tremendous victory for Canada. Canada did not determine the terms of treaty, but in the words of Laurier, “In one way it was a great victory.” Laurier explained that Canada had acquired “over the pretensions of the States” a settlement that put American territory in jeopardy. Laurier was correct in displaying pride in the fact that the treaty was a recognition of America’s obligation to acknowledge Canadian claims. The Winnipeg Free Press sounded off in agreement, professing “The fact that the United States had agreed to submit the subject to any tribunal was a step in advance, because it had all along held that there was nothing to arbitrate.” The Canadians gained something substantial, namely a tribunal with the United States. In question would be land, which the United States had possessed for over thirty years. For the first time the United States had made their land vulnerable. The Hay-Herbert treaty, as a result, should be viewed as a diplomatic victory for Canada.

The verdict of the tribunal was secondary and also likely to be beneficial. The most probable outcome of the tribunal would be a deadlock, and a deadlock would serve two Canadian purposes. First, the deadlock would establish the fact that there was a questionable border. The United States would have set a precedent with this tribunal. In the event of a deadlock, the United States would find it harder to refuse arbitration in
the future. If fact, in their argument before the tribunal, Great Britain claimed that by joining the 1903 convention the United States had "tacitly admitted that the boundary had not been settled."\(^14\) Second, the Canadian public's demand for a resolution would be eased. The Canadian government would have dealt with the issue. A stalemate could have mollified the average Canadians' belief in the Canadian claim, which would relieve political pressure. Therefore, a deadlock in the Alaskan boundary tribunal would have benefited the Canadians.

While a deadlock was probable, an American victory was not out of the question. Canada seemed to be risking a considerable amount for the moral victory of forcing the United States to submit the issue to arbitration. However, this may not be the case. The Canadians did not really have that much at stake. No Canadian settlements would be taken from their control and even the settlements they could conceivably gain may not have had significant value. The main enticement for a favorable boundary line was the addition of a port. The *Manitoba Free Press* described the possible port as "a port in name only, and is absolutely worthless to this country as a basis for controlling the trade of the Yukon."\(^15\) After all, these new ports would still have to compete with the established ports at Skagway and Dyea. With reports such as these circulating in the newspapers, the Canadian public was certainly aware of the questionable value of the territory. Along with some question as to the value of the
land, there is also evidence of a lack of faith in the legitimacy of the Canadian claim.

The Canadian claim did not have the strength most of the public believed it to possess. The Canadian government was likely just looking to save face. The real risk to the Canadian government was not the loss of a possible port but the perception of Canadian weakness. Prime Minister Laurier feared the Canadian public would regard any resolution as Canada surrendering or sacrificing its interests to the United States. Laurier wanted to dispose of the Alaskan boundary controversy without committing the Canadian cardinal sin of selling out to America or allowing Great Britain to sell out Canada to the United States. The tribunal, made up of "impartial jurists of repute" was a perfect vehicle to let the Canadian public down gently. When asked about the provisions as to the selection of the jurists, Prime Minister Laurier's response was "the only provision is that they are to be jurists of repute." The hope was jurists of the highest repute would be chosen, allowing a pro-American decision to be viewed with a sense of justice in Canada. As John Hay's biographer Tyler Dennett claims,

All of the information received during the summer (of 1902), however, confirmed the impression conveyed by previous correspondence that Laurier was seeking an opportunity to escape with as little loss of prestige as possible from an awkward situation in which he had placed himself as the champion in Canada of doubtful rights in Alaska.
This seems to support the idea Laurier doubted Canada's claims. This was certainly the stance of John Hay when he wrote President Roosevelt saying, "I knew, both from Pauncefote and Laurier that they had no belief in their case." The Canadian government's moral victory was quite substantial, due to the fact that their leader, and once great proponent of Canada's Alaskan boundary rights, had relatively little faith in verification of Canadian claims. The fact remained "from the Canadian point of view, the treaty was a distinct improvement over the earlier drafts." In the end Laurier agreed to the even-numbered tribunal that later Canadians would call a "lopsided arbitration."

The final contributor, Great Britain, had perhaps the least at stake and the most to gain. It was in need of American friendship. Great Britain's power was fading while America's was growing. The British had just completed a less than impressive showing in the Boer War, while the Americans had recently won an empire in the Spanish-American War. More to the point, Great Britain needed friends to counter Germany. The Germans were expanding which caused a growing threat to Great Britain. In order to gain American friendship, the British wanted to dispose of all Anglo-American controversies. The list of grievances included the Venezuelan blockade, North Atlantic fisheries,

2 Lord Julian Pauncefote was the British Ambassador to the United States before Sir Michael Herbert.
3 The time of the Treaty was crucial, not for any Alaskan disturbances but instead because of problems in Latin America. Great Britain had joined Germany in a blockage of Venezuela, in an effort to force that
Bering Sea sealing, and the Alaskan boundary. The Hay-Herbert treaty was used as a symbol that the Anglo-American friendship had not been broken by the Venezuelan problems. One London correspondent noted that the treaty gave "undoubted proof of the uninterrupted friendliness existing between Great Britain and the United States." According to Ambassador Michael Herbert, "[t]he time had come for Great Britain to choose between Germany and the United States." The symbolic nature of Anglo-American friendship within the Hay-Herbert treaty was evident from the beginning.

The British also expected to gain Canadian esteem with the Hay-Herbert treaty. The British hoped to be seen as doing the Canadians a favor by establishing a mechanism for the settlement of Canadian claims. Canada had been pushing Great Britain for a settlement, but as a British colony it had no power over its own foreign affairs. Therefore, Canada, particularly Prime Minister Laurier, pressured Great Britain to resolve the matter. After the Hay-Herbert treaty was made public, the London Times acknowledged that, "Canada has been pressing for a solution of the Alaska problem for more than a year." The Times also applauded Laurier's role in the settlement saying, "it [the treaty] is owing to Sir Wilfrid Laurier's initiative" and attributing it "to Sir Wilfrid Laurier's personal persistence."
Canadian pressure finally paid off and the British could reap some of the benefits. Lord Lansdowne gave perhaps the most telling description of the negotiations when he explained, "[i]f he [Lord Lansdowne] has conceded anything he has conceded it with the full consent of Canada. Nay, upon her urgency." Appeasing Canadian desire for a settlement was an additional benefit for Great Britain's negotiation of the treaty.

Great Britain sought friendship and the Hay-Herbert treaty provided friendship. The treaty was an attempt to resolve the Alaskan boundary dispute officially and legitimately. More importantly, the treaty was to mark a new era of Anglo-American friendship. As the London Times noted, the even-numbered tribunal was "an effort to settle differences by friendly discussion, and implies a high degree of confidence on each side in the equity and friendship of the other." This confidence and equity would present Great Britain and the United States with a lasting bond. After all in the words of the Times, the tribunal would be "settling the points in dispute in the only manner that leaves no sense of soreness or disappointment." Clearly, the Treaty's tribunal system was seen as important to prevent hostile reaction to a settlement.

The Hay-Herbert treaty did have drawbacks for the British. One considerable British disadvantage was that the treaty did not
force the United States into arbitration. The British were still embittered from being forced to arbitrate the Venezuelan boundary dispute. In early negotiations, they sought some retribution by seeking to force the Americans into arbitration of this dispute. The United States had championed arbitration between Venezuela and Great Britain but now balked at the idea of submitting an American dispute to arbitration. Arthur H. Lee, a member of Parliament, made sure to point out to Roosevelt, "the inconsistent attitude of the U.S. in this matter." However, the Hay-Herbert treaty only contained one mention of the word "arbitral" in the preamble. This reference was due to what President Roosevelt called "an unfortunate accident on the part of the copyist." The offensive word was soon removed. The London Times acknowledged the Americans' belief that the members were representatives of the country, not arbitrators. This lack of formal arbitration was, in the words of Laurier, "a single slight blemish." The British seemed to agree and overlooked this opportunity for petty retaliation.

Aside from the lack of any arbitration, the Hay-Herbert treaty created an almost ideal situation for the British. They

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1 Lord Lansdowne (Henry Charles Keith Petty-Fitzmaurice) was the British Foreign secretary.
2 The Venezuelan boundary crisis (1895-96) arose from arguments over the proper border between Venezuela and British Guiana. The main dispute focused on the Orinoco River. Venezuela appealed to the United States to enforce the Monroe Doctrine in-order to force the British to arbitrate the issue. The United States to up the takes of demanding arbitration. In the end, the British (facing German threats in South Africa) agreed with the United States to arbitrate the border.
could end the Alaskan boundary dispute on terms acceptable to both the Canadians and Americans, thereby encouraging a new Anglo-American friendship. After all, in the words of the London Times, the treaty was "a new and lasting bond of union between the two countries, both of whom at last see that neither has any separate interest so vital as friendship between both." The British it seems were the biggest winners in the Hay-Herbert treaty. They would be satisfying the Canadians and Americans while promoting a stronger Anglo-American bond, at a time when it was sorely needed.

After reviewing the benefits and drawbacks of the treaty in relation to each country, it is clear to see the Hay-Herbert treaty was if nothing else a beneficial accomplishment through the time of its negotiation. The treaty held important benefits for the governments of the United States, Canada, and Great Britain, all three of which seemed anxious to end the Alaskan boundary dispute. Where the treaty should rank in historical significance is another issue, but the London Times remarked that, "[i]t is probably on the whole a greater diplomatic triumph for all concerned than was the Hay-Pauncefote treaty or any other of recent times." The treaty was the best solution the circumstances would permit. However, the friendly goals of the

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9 The Hay-Pauncefote treaty, signed between the United States and Great Britain, allowed the United States to build the Panama Canal but barred the United States from fortifying the canal. The Treaty replaced the Clayton-Bulwer treaty of 1850, which required joint Anglo-American construction.
treaty would be overshadowed by the actions of Theodore Roosevelt and Canadian reaction to them.

On February 4, 1903, Sir Wilfrid Laurier expressed his pleasure with finally creating a mechanism for settling the boundary, and his hope that "a strong body of jurists will forever dispose of that question."36 This was the intended legacy of the Hay-Herbert trial. It was an understanding among friends to overcome an obstacle in that friendship. Unfortunately this aspect of the Alaskan boundary dispute has been overlooked and under-appreciated because of the actions that would follow the signing of the Hay-Herbert Treaty.
ROOSEVELT'S ACTIONS

The Hay-Herbert Treaty provided a settlement, on basically friendly terms. However, the beneficial aspects of the treaty never had an opportunity to develop. Almost immediately after the announcement of the treaty friction began to develop. The central problems resulted from President Roosevelt's appointees and political actions. These aspects provided the Canadian public and later Canadian historians with the evidence they needed to support the Canadian commissioners' claims. However, these actions and appointments have been unfairly emphasized. This evidence, which is the focus of most histories of the Alaskan boundary dispute, has been taken at face value and not critically analyzed.

The United States Senate ratified the Hay-Herbert Treaty on February 11, 1903. Senator Henry Cabot Lodge was in charge of getting it through the Senate. In order to secure passage, Lodge was compelled to tell certain senators who Roosevelt's appointees would be. However a "clever strategy" still had to be employed to secure ratification. The Treaty was sent to an executive committee during a period when the senate chamber was empty. The treaty was still in trouble until it was disclosed that Roosevelt would appoint Senator Lodge, Senator George Turner, and Secretary
of War Elihu Root as the American commissioners. The ratification vote was taken by a voice vote without a listing of yeas and nays. Ratified treaties were exchanged March 3, 1903.3

The members of the Tribunal were to be appointed immediately.4 When the final treaty was signed, Roosevelt's appointments of the "impartial jurists of repute" the treaty mandated, instead resembled representative commissioners.5 Great Britain and Canada were expecting United States Supreme Court Justices to be appointed to the tribunal. Roosevelt seemed aware of this desire when in the words of historian Allen Nevins, Roosevelt made "the gesture of inviting Supreme Court justices to act."6

President Roosevelt "it would appear" asked all the judges of the Supreme Court to be American jurist for the tribunal.7 No direct evidence is available to support the actual request of the Justices, but Hay reported to Ambassador Herbert that all the Supreme Court judges were asked to serve.8 However, the forcefulness of Roosevelt's approach may be questioned. It seems he had no problem persuading Root to serve. In Root's words, "the President drafted me--I should say impressed me--shanghaied me--into the Alaskan Boundary Tribunal."9 However, one does not get the feeling that the Justices felt subject to the same pressure.

Public outcry in Canada began almost immediately. The Manitoba Free Press declared the American appointees "have
expressed themselves in anything but an impartial manner upon the points involved in the dispute." The London Times Ottawa correspondent echoed this sentiment by saying it was unlikely the American commissioners would take an "unbiased view of the evidence." The New York correspondent tried to counter these claims saying he knew of no objection and any objection could not be "entirely valid." However, the fact of the matter was many Canadians found dissatisfaction with Lodge, Turner, and Root for various reasons.

Henry Cabot Lodge was the most objectionable in the view of most Canadians. Both Lodge and President Roosevelt knew the Canadians viewed the Senator negatively. Lodge remarked, in a letter to the President, that he was "not popular in Ottawa." Lodge had always been an outspoken opponent of the Canadians' claims. As early as 1896, Lodge had called the claims "trumped up and manufactured to an extent that strained credulity." Secretary Hay also regarded Lodge as a "regrettable" choice calling him a "most evil genii", who acted "as if the devil were inspiring him." This was due in large measure to the fact that Lodge simply would not remain silent about his views on the issue. Lodge made a speech in Boston claiming that "no nation with an ounce of self-respect could admit the justice of Canada's contention." Speeches such as this, fueled Canadian claims of Lodge as "uncompromising", "aggressive", and "bitter". Lodge countered, "Those were only political speeches" and at the
tribunal "I shall have to take an oath to consider the evidence impartially and I shall do so." However, it is important to note that John Garraty, Lodge's biographer, maintained "if Lodge really believed that he was going to be an impartial judge he was surely deceiving himself and no one else." Most likely, Lodge was defending himself to avoid being removed from the tribunal and knew he would not be impartial. In fact, "Senator Lodge was an aggressive nationalist." 

As if Lodge's bias was not enough to infuriate the Canadians, he also lacked the legal experience to make him a highly qualified jurist. His legal resume included Harvard Law school but no experience in legal practice. The Canadian claim that Lodge was not impartial or experienced seem to be well founded. The reason Lodge was selected was "because he wanted to go and because he was the President's close friend and advisor." Lodge was also an important figure in American foreign relations.

Roosevelt's second appointment was Elihu Root. Root was the nation's Secretary of War, a position the Canadians found hard to reconcile with an impartial jurist. Root's legal background was sound and he was considered one of the top legal minds in America. Root had the "highest legal attainment and [was] of unimpeachable personal integrity." However, as the Secretary of War and he reported directly to the President. Also, in that capacity Root had been the first United States official to send the military into the area in question. With
such strong ties to the President, Root's appointment was questionable in the minds of the Canadians. While he may have been "less strongly committed than his colleagues," he certainly left much to be desired by the Canadians.\textsuperscript{24} It must be noted however that Root had already decided to resign his duties as Secretary of War when he was appointed to the tribunal.\textsuperscript{25}

Senator Turner was the least known among Roosevelt's appointees. The immediate reaction in Canada was dislike for Turner because he was from Washington state. John Ewart explained:

That, no doubt, is far from conclusive as to his partiality. But this much may be said: that decision in favor of Canada would have been easier for any other man in the United States (except members of the government) than for a politician of the state of Washington and a resident of Spokane.\textsuperscript{26}

Turner was in fact from Washington, but an in-depth examination of him is consistently left out of most histories of the Alaskan boundary dispute. Therefore, a closer look into Turner's life will perhaps shed light on his appropriateness as an "impartial jurist of repute."

George Turner was born in Missouri in 1850. At the age of 19 and without attending law school, he was admitted to the Bar in Alabama.\textsuperscript{27} This was probably a result of his "inquiring mind and a photographic memory."\textsuperscript{28} Turner served as a Federal Marshal and was an important member of the Republican party in Alabama. As a result of his work he was awarded a judgeship.
Turner became a Judge on the Supreme Court for the Territory of Washington from 1884 to 1888. After this term as a judge, he returned to the practice of law. Turner was successful and regarded as "a 'born' lawyer" to whom "the basic principles of Anglo-Saxon jurisprudence come as naturally to his mind as do the lips of the babe to the mother's milk."

In 1897, Turner returned to politics, but this time as a Democrat. Turner was elected to the United States Senate on a fusionist platform. While in the Senate, Turner was an outspoken critic of imperialism in the Philippines. He also opposed the Spanish-American War, insisting the United States should proclaim the independence of Cuba before entering the conflict.

In relation to the Alaskan boundary claims, Turner had spoken out prior to his appointment to the Commission. However, his biographer Claudis Johnson claims Turner spoke in favor of the United States claims "but not in a jingoist manner." As for his selection to the tribunal, "[i]t was generally reported that Senators Foraker, Lodge, Spooner, and Perkins recommended Turner." What Roosevelt "probably did not know about Turner--What the Senator's friends and a few others did know--was that he might be equal to the strain of voting against the claims of the United States if upon evidence presented, they should prove to be

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The fusionist members that elected Turner were the Silver Republicans, Populists, and Democrats.
unfounded." It appeared apparent to Secretary Hay in his letter to Ambassador Choate when he remarked,

"Turner is one of the most prominent lawyers west of the Rocky Mountains, and represents a great body of opinion there which has always been more or less hostile to England, and his influence and standing will be most valuable in influencing the opinion of the Northwestern states in favor of a just and amicable settlement."

Turner's connection to the Northwest was seen as benefit to the Americans. In the event that a decision was made in favor of Canadian claims, it was important to have a respected and influential member who was associated with the area which would be most hostile. His selection meant a voice to calm an angry section of the country, if need be.

While the general trend in the historiography of the Alaskan Boundary dispute is to follow Ewart's assumption that Turner's connection to the Northwest made him an unqualified selection to the tribunal, this would be an unfair assessment of Turner. Charles Tansill, the one notable American historian of the dispute, thought that, "[t]he British objections to Turner were unreasonable." While Turner was still from the Pacific Northwest, his March 1903 is term as a senator from Washington ended.

In the end, Roosevelt's selections were within reason. After all, the President had appointed a close friend and leading senator (who was crucial in the ratification of the treaty), his top advisor, and a representative who could explain any award to
those most opposed to any negotiation. The appointments were far from the claim that they "utterly violated the terms of this article."\(^{37}\) And certainly offer little support for Frederick Gibson's claim that, "The inescapable, and at the same time deplorable, conclusion is that if these men could have been said to be impartial they would not have been appointed."\(^{38}\) These were certainly not the best choices but after reflecting on their actions during the award, any lasting apprehension about their selection should be dismissed. As regards the selection of Roosevelt's appointees, perhaps the Canadian reaction was overemphasized. O. D. Skelton remarked, "So far as the actual decision of the tribunal was concerned, it is doubtful whether the change in the personnel of the court made any material difference. Experience does not show that judges, however fair in the handling of details of evidence, are any more immune than other mortals from the national or social prejudices which unconsciously shape interpretation."\(^{39}\)

The crucial measure in evaluating the appointments is their ability to meet the qualifications set out in the Hay-Herbert treaty. They were to be "impartial jurists of repute."\(^{40}\) Lodge, Turner, and Root have been unfairly categorized as not meeting this standard. The Canadians may have been under the impression that the jurists were to be judges but according to Webster's Third New International Dictionary a jurist is 1. A person who practices law; 2. A person skilled in the philosophy or science
of law. All the American appointments meet these requirements. As for repute, it no argument can be made against these individuals as to their position, rank, or status. The final requirement of impartiality is subject to interpretation. However, their actions during the tribunal speak against the notion that they were prejudicial or biased.

However, that did not stop later historians from criticizing the selections. Roosevelt's appointments according to Gibson were a "demonstration of international chicanery." And Roosevelt "was guilty of serious diplomatic dishonesty" in those appointments.

"Very moderate criticism of these appointments by Sir Wilfrid Laurier in the Canadian House of Commons enraged Roosevelt" who wrote a letter on March 25, 1903 instructing jurists not to compromise. He directed the jurists as to what was open for discussion and what was not. He acknowledged that they would "of course impartially judge the questions that come before you for decision." However, more importantly, he stated "...the claim to Skagway and Dyea, and therefore of course Pyramid Harbor, is not in my judgement one of those which can properly be considered open to discussion." This statement created a vast problem, for the major Canadian contention was not even to be contemplated by Roosevelt's jurists. However, all information
available suggests little attention was paid to these instructions by the jurists.\textsuperscript{b}

Roosevelt was confident in the American claim. However, Roosevelt being Roosevelt, he wanted it perfectly clear that he expected a victory. He began to issue political threats to the British government. The most famous example of Roosevelt's bullying is his letter to Justice Oliver W. Holmes, who was in London in July 1903. Roosevelt took this opportunity to exploit Holmes's personal relationship with Colonial Secretary Joseph Chamberlain.

Roosevelt framed the letter as a response to Holmes's letter, yet was careful to add, "...if you happen to meet Chamberlain again you are entirely at liberty to tell him what I say..."\textsuperscript{46} Roosevelt then proceeded to lay out his view of the Alaskan situation.

He claimed the reason for his consent to the tribunal was due only to his "very earnest desire" for good Anglo-American relations. He maintained the Canadians' case lacked warrant on all but "two or three lesser points." After his explanation for consenting to the tribunal, he then issued a series of threats. Roosevelt declared that if the commission failed to decide the issue, he would "request Congress to make an appropriation which will enable me to run the boundary on my own hook."\textsuperscript{47} Roosevelt

\textsuperscript{b} Turner claimed he told Roosevelt he was not going to decide the case until he heard all the arguments according to a letter that he wrote in twenty years later.
had begun wielding his Big Stick. He re-emphasized his view of the Canadian claim, saying the Canadian claim was "as indefensible as if they should now suddenly claim the island of Nantucket" and "no more worth discussing than the claim that the 49th parallel meant the 50th parallel or else the 48th." He also sought to make it clear that this would be the "one last effort" at diplomatic settlement of the boundary.

Roosevelt made it clear that if the Tribunal did not agree "there will be no arbitration of the matter" instead he would "take a position which will prevent any possibility of arbitration hereafter...." The Americans would simply lay out the boundary "without any further regard to the attitude of England and Canada." Roosevelt concluded his letter by stating he should have taken this action in the first place, but had refused because of his "wish to exhaust every effort to have the affair settled peacefully and with due regard to England's dignity." Roosevelt's letter exhibits his unyielding stance, along with his efforts to influence the British government and, through it, the British judge.

Roosevelt also had his staff hard at work. Roosevelt encouraged everyone he could to apply pressure to the British jurist Lord Alverstone. The First Secretary of the United States Embassy at London, Henry White, hoped to tell Lord Alverstone, that the Americans "have consented to the arbitration in order to
afford [Canada] a loophole to escape from an untenable position."\(^{50}\)

Roosevelt's strong efforts to encourage an outcome favorable to the Americans would not go unnoticed by the Canadians. The Canadians presented strong opposition to Roosevelt's actions. They started with attacks on the jurists Roosevelt selected. Eventually, they would attack the decision of the tribunal, an effort that would negatively color the award as well as the Hay-Herbert treaty.

The Canadians began to see their worst fears realized. Canada had always viewed the United States with a sense of apprehension. They were wary of any actions their larger neighbor might take that could possibly be interpreted as aggressive. The Canadians were quick to interpret Roosevelt's actions in the most negative light. Canada felt betrayed by Roosevelt. In the words of one Canadian Minister,\(^{c}\) it was "evident the United States desired to convert the proceedings into a farce."\(^{51}\) Canadians began to threaten that, "unless the United States acts up to both the letter and the spirit of the Alaskan Boundary Treaty no meeting of the commission will be held."\(^{52}\)

The first Canadian objection was to Roosevelt's appointments. Prime Minister Wilfrid Laurier attempted to induce England to force different appointments. He submitted a

\(^{c}\) This most likely refers to Minister of Interior Clifford Sifton.
memorandum to England stating Canada's objections to Root, Lodge, and Turner.\textsuperscript{53} The British government refused, and as the \textit{Manitoba Free Press} fatefully explained, "All that Canada can do... is to protest against their appointment, as not being in accordance with the treaty, and that has been done.\textsuperscript{54} The Canadians had little recourse. The Canadians would have to accept the American appointments.

The Canadian government had entered into the Hay-Herbert Treaty with at least some expectation of losing its case. However, it anticipated the tribunal's award to be viewed as fair. The Canadian government expected the Canadian public to be satisfied. President Roosevelt's actions turned the Canadian public away from the complacency expected in association with Canadian defeat. As Canadian historian John Ewart concluded, "[n]o one, however, imagined that, this time, dishonor and treachery, rather than mere compliance, would be the principal feature attending the loss of another bit of Canadian territory.\textsuperscript{55} The Canadians, always in fear of being cheated by the United States, were beginning to believe they had been "hoodwinked."\textsuperscript{56} Canadians natural prejudice towards the United States influenced them to react negatively to President Roosevelt's actions.
The British appointed one commission, Lord Alverstone. Alverstone was the Lord Chief Justice of England. He had also served as attorney general for over twelve years. His selection was greeted warmly by both the Canadians and Americans. Great Britain's other two selections were left to Canada to make.

After receiving word of the American appointments the Canadians tightened their own ranks. They followed the letter of the treaty and appointed personnel with legal experience. The Canadians selected Sir Louis Jette, a former member of the Supreme Court, and John D. Armour, the Chief Justice of Ontario. Armour's death in the summer of 1903 resulted in the appointment of Allen B. Aylesworth, a prominent Toronto lawyer. The Canadians clearly appointed less outspoken jurists. However, their actions during the Tribunal present evidence that neither of the Canadian judges had any likelihood of voting against his country.

The Canadians also engaged in political threats. When word leaked that the Lord Alverstone might vote for the Americans, Prime Minister Laurier declared, "[i]f we are thrown over by [the] Chief Justice, he will give the last blow to British Diplomacy in Canada. He should be plainly told this." This quasi-threat of Canadian independence reflects the Canadian

d The title of Viscount (Baron) Alverstone was bestowed on Richard Evarard Webster in 1900.
situation. The Canadians, aware of Roosevelt's threats, responded with pressure and diplomatic threats of their own.

The Canadian claims were questionable from the beginning.

The Canadian prospects:

were never good because the Canadian and imperial governments, faced with the terms of the Anglo-Russian treaty of 1825, which were vague and bore little relation to the terrain to which they were to apply, had done practically nothing between 1870 and 1896 to prepare a case and prevent claims from being solidified by a quarter of a century of tacit acquiescence by Canada.58

Also,

The Canadian case was weak in that for seventy years the assumption of Russia and the United States that the lisiere was unbroken had gone virtually unchallenged, and British maps as well as Russian and American had shown the boundary running around the heads of the inlets.59

In addition to the lack of activity and maps, Canada "made claims so extensive that it had overreached itself in terms of a settlement by arbitration or by judicial process."60 Instead of solidifying the claims in which they did have, Canada expanded its claims. As the claims got greater and greater, it was easier to lump them all together into one "ridiculous and preposterous claim, just as weak as it could be."61

John Foster, in an article for National Geographic, pointed out the historical view England had taken on such matters in international law. He quoted the Duke of Wellington, who wrote in 1822:

Enlightened statesmen and jurists have long held as insignificant all titles of territory that are not
founded on actual occupation, and that title is, in the opinion of the most esteemed writers on public law, to be established by practical use.62

Russia had established possession and sold it to the United States. While Great Britain and Canada watched, the United States had further developed the area. Finally it was time for the presentation of the cases.

The arguments of the case would be overshadowed by Roosevelt's actions. Roosevelt's actions strengthened the Canadian hostility towards the United States. Canada was quick to interpret any actions as hostile. Unfortunately, Roosevelt's actions provided all the evidence Canada needed to justify its fear of American power.
THE AWARD

The award of the Tribunal, settling the Alaskan boundary dispute, was based upon the answering of seven questions. The decision was not fully in favor of either party, but instead a based on a combination of arguments used by both sides. The outcome generally favored the existing line held by the United States.

The Convention of 1903 or Hay-Herbert Treaty established an even-numbered tribunal. The Tribunal had the responsibility of answering the following seven questions regarding the Alaska boundary:

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 the 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 marine leagues from the ocean then the boundary between the British and Russian territory should be formed by a line parallel to the sinuosities of the coast and distant therefrom not more than ten 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 ten marine leagues in width, separating British possessions from 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 a summit of such mountains proving to be in places more than ten marine leagues from the coast, should the width of the lisiere 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 lisiere 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 ten marine leagues from the coast, are declared to form the eastern boundary?

These seven questions were to be argued and presented to the tribunal, which would make the decision which "shall be final and binding upon all parties...." After ratification, the treaty allowed for a maximum of two months for each government to gather evidence and then exchange the evidence gathered. After exchanging evidence, the treaty allowed two months for each party to exchange counter-cases. However, a stipulation was added that "the tribunal may" extend
that period for the explicit purpose of procuring “additional papers and evidence.”³

The British government made a request for a two-month extension with a letter dated May 15, 1903, which Secretary Hay received May 25.⁴ Great Britain requested, on June 12, a list of originals “which embraced practically all” of the United States documents. Secretary Hay denied the British request but gave Britain the opportunity to verify that the United States had the original copy of all the requested documents. Great Britain was forced to comply with the treaty and the counter cases were exchanged July 3, 1903.⁵ However on August 10, another application essentially the same as previous request was made by Great Britain. The United States replied that the documents were enroute to London for the actual Tribunal and granted the British government an inspection of the documents on August 31. However, no inspection of the documents ever took place.⁶ It would seem the request was only made to buy time.

Great Britain was not the only side with complaints. Ambassador Joseph Choate was helping J. W. Foster prepare the American case. Choate was being denied access to the “rich store of papers in the Public Record Office bearing on the Alaska Question.”⁷ However, each party dealt with the situation and prepared their cases for the first meeting of the Tribunal.

The Tribunal’s first meeting occurred at the reception room of the British Foreign Office on September 3, 1903. The printed
arguments of each country's counsels were presented at this first meeting. Elihu Root moved that Lord Alverstone should be President of the Tribunal. The motion carried unanimously. The Tribunal decided that the presentations would alternate from Great Britain to the United States with each counsel. The Tribunal also opened the argument sessions to the public. The Tribunal then recessed until September 15, 1903.

The Tribunal reconvened on September 15. Sir Robert B. Finlay\(^a\) began the British case at 11am. Each session lasted from 11am to 4pm with a break at 1:30pm for lunch. Finlay's arguments lasted for six and a half sessions. Upon the conclusion of Finlay's arguments, David Watson\(^b\) argued for the United States for three sessions. Arguments continued with Christopher Robinson\(^c\) presenting for two sessions for Canada, followed by Hannis Taylor\(^d\) for the United States for one session. Sir Edward Carson\(^e\) then took up the British argument for one and a half sessions. Jacob M. Dickerson\(^f\) for the United States ended with three days of arguments. At the end of the eighteen days of oral arguments, the Tribunal went into private deliberations on October 8, 1903.

\(^a\) Sir Robert Finlay was the Attorney-General of England.
\(^b\) David T. Watson was an anti-trust lawyer.
\(^c\) Christopher Robinson was a Canadian lawyer.
\(^d\) Hannis Taylor was an expert in international law.
\(^e\) Sir Edward Carson was the Solicitor-General of England.
\(^f\) Jacob M. Dickerson had been a former Assistant Attorney General of the United States.
The governments took different approaches to arguing their case. The British argued that a new interpretation of the meaning of the words in the Treaty of 1825 was needed. The United States, on the other hand, argued that previous actions of each country had provided an interpretation. In the most basic terms, "Essentially, the British case was based on hermeneutics, and the United States case on history." Arguments in favor of each interpretation were laid down in the written cases and counter cases.

The Tribunal received these written arguments and heard oral arguments. The basic function of the oral arguments was "more truly one of clarification than actual persuasion." The information from the oral arguments was used in closed sessions to actually decide the case. In order for the Tribunal to be as informed and clear as possible, questions from the jurists were allowed. During the oral arguments the chief questions from the jurists came from Aylesworth and Turner.

The United States relied on maps as a major source of evidence. It argued that the maps had consistently interpreted the boundary to run outside of the inlets and through Observatory Inlet. As proof, the United States submitted many maps including a "Russian atlas, published in 1849, [which] places the boundary in Portland Canal, which it reaches by going east to Observatory Inlet and then North." However, the maps available to negotiators varied considerably and "[t]he variation among these
maps reduced their value greatly as proof.\textsuperscript{12} The United States continued to argue the boundary running around the heads of the inlets as being customary. When Canadians supplied evidence to the contrary, the United States effectively argued "that 'customarily' did not mean 'invariably' and that custom seemed to favor their position."\textsuperscript{13}

Overall, the oral arguments were discussed in a friendly manner. John W. Foster in closing his arguments, remarked that "during our prolonged sessions not a harsh word has been spoken, nor an unpleasant incident occurred to mar the harmony of our intercourse."\textsuperscript{14} He reported that it was "pleasing to state" the United States agents were recipients of "marked courtesy and consideration" from the British agents.\textsuperscript{15} However, there was still apprehension in Canadian circles. During the Tribunal, Canadians maintained a bleak outlook on the Alaskan boundary award. On Saturday September 17, 1903, the Manitoba Free Press reported "[t]here is an increasing amount of pessimism in Canadian circles in London."\textsuperscript{16} This pessimism spread to Canada, as Canadians waited for the award.

At noon on October 20, 1903, the final decision of the Tribunal was delivered. The decision consisted of an award and five maps describing the boundary line.\textsuperscript{9} The whole Tribunal process had taken place in less then eight months. John W. Foster observed that "such a prompt result is almost without

\textsuperscript{9} The boundary line can be see on Map 5 on the next page.
Illustration 5: The Tribunal's Award
parallel in the intercourse of nations." The Tribunal unanimously agreed on Cape Muzon as the point of commencement. The Tribunal also unanimously agreed that the boundary ran to the north of Wales and Pearse Islands. A majority of the Tribunal agreed that the boundary line ran south of Sitkian Island and Kannaghunut Island. A majority also agreed that the line should extend around the heads of the inlets and follow the mountains' summit line marked on the maps issued with the award. This mountain line reached inland and did not follow the mountains arising directly from the coast. The mountain line also left a large gap were "the evidence is not sufficient to enable the Tribunal to say which are the mountains parallel to the coast within the meaning of the Treaty." An in-depth look at all the questions will help to set the stage for the Canadian reaction to the award.

Question one concerned the eastern and southern starting point of the boundary. Cape Muzon was chosen as the starting point. Cape Muzon (located on 54 39' 38'' according to the American survey and 54 39' 50'' according to the British) is actually not the southern tip of Prince of Wales Island (as the 1825 Treaty required). It is the southern tip of Dall Island. The Tribunal ruled that the signers of the 1825 Treaty had believed Dall Island to be a promontory of Prince of Wales Island. Therefore it was the intent of the signers that the boundary line commence at Cape Muzon.
Question two asked which channel was the Portland Channel. The channel dispute affected the ownership of Kannaghunut, Sitklan, Wales and Pearse islands found in-between the Pearse Canal (the Canadian claim) and Observatory Inlet (the American claim). Secretary Hay maintained that the southern boundary question "was not wholly in favor of either party." Compared with the other questions the Portland Channel question was of little concern going into the tribunal. While both countries argued their case, "neither nation contested strongly for their possession."

In reality both countries agreed on what channel was the Portland Channel, it was Portland Canal. However, Portland Canal ended just north of the 55° latitude. From that point, two channels flowed to the Pacific. One was the Pearse Canal the other Observatory Inlet. In support of their views, the British agents relied on Captain George Vancouver's narrative.

The United States argued that there was a distinction between Vancouver's Portland Canal and the one referred to by the negotiators of 1825. They also maintained the negotiators did not have Vancouver's narratives.

George Davidson explained the American view in 1903, which was that the Portland Canal was a three mile wide opening with bold approaches and deep water, and not an obscure strait like Pearse.

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n See the map on the following page.

i George Davidson was the President of the Geographical Society of the Pacific.
Illustration 6: Portland Channel Line
Inlet of today, which is hidden by a number of islands north of Point Wales and was condemned by Vancouver.24

According to Vancouver's narrative, Mr. Brown (his companion) exploring the area, found "[t]he principal circumstance was that of his having sailed up a large opening, whose southern entrance was in latitude 54° 45'."25 "Mr. Brown found it extend[ed] to north-westward, with several arms branching from it in various directions to the latitude of 56° 20'."26 Vancouver's narrative continues to say, "the entrance of which he had visited, and found it spacious and large, but had not penetrated any distance into it."27 No mention of the smaller Sitkian and Kannaghunut Islands was made in the correspondence of the negotiators or in Vancouver's narratives.28

The decision to divide the four islands, which were claimed by both sides, brought about the most controversy. Neither country had argued for splitting the islands, so when the Tribunal awarded Sitkian and Kannaghunut to the United States and Wales and Pearse to Canada, suspicion of a compromise was rampant. Canadians were the most upset.

The idea of splitting ownership of the islands first occurred during the oral arguments. On September 16, 1903, during the third day of the Tribunal, Turner questioned Finlay about the possibility that Tongass passage could be interpreted as the mouth of Pearse Channel.29 Finlay responded that this might have been possible but he thought it unlikely.30
Lodge wrote Roosevelt as early as September 24, 1903, saying "that we could afford, with a slight modification, to accept their Portland Channel." This slight modification would appear to be the splitting of the islands. It would appear the American commissioners, if not the American counsels, were prepared to split the four islands.31

On October 12, two American commissioners first raised and "argued at length" the possibility of splitting the islands.32 During this discussion, no mention of the value of the smaller islands was made.

George Turner was the creator of the split island decision. Once it appeared that the Tribunal would not award all four Islands to the United States, Turner made a very careful study of Vancouver's narrative. He argued that Vancouver had thought Tongas Passage was the natural outlet of Portland Channel. He pointed out that Vancouver made no mention of Kannaghunut and Sitkian Islands.33 Therefore, it would be reasonable that if the negotiators of the Treaty had considered Pearse Canal to be Portland Canal they would have also thought that Pearse Canal flowed through the larger Tongass passage instead of the small passage in-between Kanaghunut Island and the mainland.

On October 17 a vote was taken which split the islands.34 On the October 19, Jette and Aylesworth had a private conference with Lord Alverstone. In this conference the Canadians claimed the two small islands were important strategic islands. Lord
Alverstone responded by telling the Canadians to bring it up before the Tribunal. However, neither Jette or Aylesworth ever brought up the strategic value of the islands before the Tribunal. The final award delivered to the public on October 20 proclaimed the “Tribunal unanimously agrees... [the boundary line] passes to the north of Pearse and Wales island” and “majority of the Tribunal” agrees it then flows through “the channel between Wales and Sitklan Island called Tongass Channel.”

On the return of the American commissioners to the United States, President Roosevelt remarked that those two islands should be called “Turner’s Twins.” However far from helping the United States by saving two American islands, this decision would hurt the United States by leaving lasting Canadian bitterness. Roosevelt was prepared to use those little islands “as a make weight” or arbitrate them “before the Hague by preference.” The decision was seen by the Canadians as a compromise which may have been of “slight importance had it not been for its psychological effect.” This psychological effect will be discussed in the section dealing with Canada’s reaction to the award.

Question four of the treaty dealt with the course the boundary line should follow in the fifteen-mile gap between the Portland Canal and the 56th parallel. The Canadians maintained that the line should meet up with their mountain line. The Americans believed it should be a straight line from the Portland Channel. In this regard the American claim was “tactically much
stronger on this issue.\textsuperscript{40} In the end the Americans and Alverstone voted on the spot marked "D" on the map, which followed the general mountain line favoring the Americans.\textsuperscript{41} The chosen spot resembled more closely the American position.

Question five asked, "was it the intention and meaning... (of the 1825 Treaty) that there should remain in the exclusive possession of Russia a continuous fringe or strip of coast on the mainland? This was the crucial question for the Tribunal. It would decide if Canada would get the harbor it desperately wanted on the Alaskan Panhandle.

The arguments concerning question five revolved around the meaning of sinuosities of the coast as used in the 1825 Treaty. The Canadians maintained the sinuosities of the coast referred to the break from the ocean, cutting off inlets less then six miles wide. This would leave the heads of inlets such as Lynn in Canadian possession. The Americans claimed that the sinuosities of the coast moved in and out along the inlets, otherwise why include the word "sinuosities."

Alverstone agreed with the American interpretation. He recorded his decision that the boundary "was to run round the heads of the inlets, and not to cross them."\textsuperscript{42} With Alverstone, the Americans answered question five in the affirmative. The American definition was accepted.

Aylesworth and Jette dissented. One reason for Aylesworth's rejection was based on the points of the surveys of
1892. Aylesworth's judgement seems to be flawed as he argued these surveys as evidence for the coast starting at the mouths of the inlets. He thought this established the Canadian contention that the boundary line started from the heads of the inlets. In reality the surveys were conducted from the rivers mouths at the inlets' ends not from the heads of the inlets. The actual survey locations supported the American contention that the ocean coast included the inlets.

Question six dealt with the question of where the ten-league line should commence if there was no continuous strip. Since question five was answered in the affirmative, no decision was required for question six.

Question seven asked, which, if any, mountains were intended to form the boundary. The difficult question for the Tribunal was where in the sea of mountains that made up the Alaskan Panhandle was the summit line parallel to the coast? The task was even more difficult because, "Neither nation seemed to establish its position regarding the mountains." The Americans claimed that the mountain chain the negotiators of the 1825 Treaty intended to use as the boundary did not exist. The most important piece of American evidence regarding the claim was Vancouver's map. According to

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3 The United States argued the negotiators of the Treaty of 1865, did have before them a copy of Vancouver's charts, but denied that those negotiators had Vancouver's narratives.
Vancouver's map, there was a summit chain of mountains running inland around the inlets. It was clear Vancouver:

> evidently intended to convey the information that behind the continental shore there was a range, or ranges, of mountains at distances obtained by estimation, because he could not determine them with the means he had, nor were their distances necessary for his work.\(^45\)

Because Vancouver estimated the distances, his chart showed a distinct mountain chain. It was this range that the United States argued was the intention of the 1825 Treaty to make the boundary. In actuality, these mountains did not form a chain, therefore the boundary should revert to the stipulated ten-league distance from the coast.

The Canadians argued that the area was full of mountains, which it was, and that the mountains closest to the coast should be chosen. The Canadians claimed that parallel to the coast, actually meant closest to the coast. If not, then why describe them as parallel to the coast and not the second mountain chain running parallel to the mountains on the coast? The Canadians created a mountain line by linking mountain peaks close to the coast. The Canadian mountain line "consisted of some sixty peaks which formed no crest or range."\(^46\) The Canadians' mountain line also crossed inlets, "an unusual attribute for a mountain crest."\(^47\)

In the end, a majority of the Tribunal decided that "the mountains marked S" on their award map were the mountains intended by the 1825 Treaty. These mountains ran behind the
heads of the inlets and were roughly 20 miles from the coast. They certainly were not the mountains nearest the coast. The mountains selected did leave a large gap where "in the absence of further survey the evidence was not sufficient" to decide which mountains were intended. In the gap, the International Boundary Commission later defined the boundary. O. H. Tittman was the United States appointee, while the Canadians appointed W. F. King.

The Canadian commissioners objected to the mountain line awarded. However, their "opinions manifested the same apparent weakness as has already been illustrated that the British view contained." Since Canada's mountain chain went through inlets, "the majority fulfilled the requirements of the treaty in a better fashion than either of the alternative lines." Yet, on a coast where "[i]n reality it was practically impossible to select a real range of mountains" it was interesting that neither the Americans nor Alverstone wrote a reason for the selection of their mountains. This was especially troubling since their interpretation "represented a significant departure from the lines advocated by either of the disputants."

The decision of the tribunal provided an award according to the treaty. The award tended to follow arguments of both cases instead of clearly aligning with one country's claims. Because of this, Canadians viewed the decision as a compromise.
Canadians believed this compromise resulted from political pressure by the United States.
THE REACTIONS

The most prominent aspect of the Alaskan boundary dispute was not so much the final award but the reaction to the award. The award was generally accepted in the United States and received little attention in Great Britain. The lasting reaction of Canada provided a large amount of the historical importance for the Alaskan boundary dispute. This reaction consisted of outrage towards Lord Alverstone and the Tongass Passage decision.

The final award of the Alaskan boundary tribunal favored the United States' claims. The Canadians were cut off from any deep harbor ports via the Alaskan panhandle. The most curious aspect of the Tribunal's award was the decision to declare that the southern boundary ran through the Tongass Pass. The product of the Tongass Pass decision was that two of the four islands in question would be given to the United States while the remaining two would be given to Canada. The Canadian outcry was enormous against what they perceived as a diplomatic rather than judicial interpretation of the boundary. In the words of John Hay, it gave Canada:

those two little Islands—worth nothing to us. That is all poor Canada gets by the decision, and I do not wonder they are furious but as Will Thomson used to say 'Serves'em right, if they can't take a joke."
It was the joke that infuriated Canada, not the award. The Canadians were frustrated by the way the decision was reached. From early on, one observer had noted, "the people of Canada will be satisfied if it is made clear that there has been no truckling to the United States." However, appeasement of the United States was exactly the result Canada saw in the award, especially in respect to Tongass Pass. They felt the award reflected political and diplomatic power relationships.

The Canadian commissioners further roused Canadian resentfulness by refusing to sign the award. In the opinion of the Canadian jurist L. A. Jette, "I found it impossible, under such circumstances, to concur" with the decision. The other Canadian jurist, A. B. Aylesworth stated that he dissented altogether with the award. The Canadian jurists began to play the political instead of judicial game. Instead of signing the award and ending the matter, they chose not to concede gracefully and refused to sign.

Refusing to sign was a right of the Canadians. They were well within their prerogative not to sign the award. However, what was not acceptable was their public statement. The Canadian commissioners issued a statement that would bias Canadian interpretation for years. The Commissioners stated that the position of the United States' two little islands "wholly destroys the strategic value" of the Canadian islands, contending
that "they command the entrance to Portland Channel, to Observation Inlet, and the ocean passage to Port Simpson."\(^5\)

Lord Alverstone claimed that no suggestion was ever made in regards to the strategic value of the smaller islands. Aylesworth acknowledged that no mention was made of the islands' value.\(^6\) However, Aylesworth stated he had not mentioned their value because he had not wanted to admit it in front of the Americans, whom he regarded as Canada's enemy. The Canadian legacy of fearing the United States seemed to have engrossed Aylesworth. While, the American jurists may have seemed less than qualified in Canadian minds, they were hardly enemies of Canada. Aylesworth's animosity towards the American members brings into question selection as an impartial jurist.

As for the significance of the islands, the Canadians claimed that they controlled the entrance to Port Simpson. Great importance was placed on Port Simpson since 1885. The construction of a railroad from Churchill (on Hudson's Bay) to Port Simpson was under consideration. The line was the shortest route across Canada. The railroad offered the hope that the line "must one day become a great highway of commerce for trans-Pacific trade."\(^7\) However, the dreams for Port Simpson were never fully realized. In regards to the strategic value of the American islands, Lord Minto stated "no one considering the matter in its military aspect could possible accept such an
opinion, in fact it was an absolutely misleading statement of the case...."8

The Tongass Passage decision was not just about the value of the two islands awarded to the United States. The chief loss for the Canadians was not strategic or economic but "the patently non-judicial character of that decision."9 The Canadian commissioners saw the main reason for this decision as Lord Alverstone compromising with the Americans. The Commissioners' statement accused Alverstone of making a diplomatic rather than a judicial decision.

Alverstone was outraged at the personal attack aimed at him. He would write in his autobiography that:

The [Alaskan] papers were very voluminous, and after studying them carefully and hearing all the arguments, I came to the conclusion that I could not support the main contention of Canada as regarded the boundary, and acting purely in a judicial capacity, I was under the painful necessity of differing from my two Canadian colleagues.10

However, as for the personal attack, Lord Alverstone promptly responded, in private, to Aylesworth. He declared Aylesworth's claims were unjust and should have been made to him and not to the London Times.11 Aylesworth responded that the statement to the Times was not a "hasty or illconsiderate action" but instead "an explanation to the people of Canada, of this most lamentable business."12

When word of the Canadian Commissioners' statement concerning their refusal to sign the treaty, reached Canada,
Lord Lansdowne\(^a\) rightly considered any such statement as "deplorable." Clifford Sifton, the chief agent on the Canadian side, and Lord Minto, Canadian Governor-General both seem to have objected to the actions of the Canadian commissioners. Lord Minto's conversation with Sifton expressed their shared belief that the Aylesworth and Jette did not appreciate "their responsibilities as commissioners."\(^{13}\) Aylesworth and Jette seem to have overstepped their responsibilities in the Alaskan boundary affair.

Prime Minister Laurier had a different reaction. He wrote that the concessions of Kannaghunut and Sitklan Islands was "one of those concessions which have made British diplomacy odious to Canadian people, and it will have most lamentable effect."\(^{14}\)

Whether the Canadian commissioners' statement received the endorsement of the Canadian government or not, the legacy of the Alaska boundary tribunal would be forever influenced by their statement. Canadians saw proof of "their worst fear" in the award.\(^{15}\) The commissioners claimed the process had not been fair, the Canadian people responded with "an explosion of wrath that reverberated from one end of the dominion to the other."\(^{16}\)

The statement the Canadian commissioners produced effected the Canadian public's outlook towards the award. The *Winnipeg Telegram* seems to have seen the deep impact early on when it reported:

\(^a\) Lord Lansdowne was the Governor General of Canada.
It [the statement by the Canadian commissioners] is a veritable firebrand thrown into the inflammable material of Canadian suspicion of Britain's partiality for the good-will of the United States. So serious is the act that it is a national and Imperial crime unless deliberate injustice was done beyond the shadow of a doubt.17

The commissioners' statements certainly promoted a hostile environment in Canada. This hostile environment was not necessarily a direct result of the tribunal's award, but rather a product of the commissioners' reaction to the award. The Toronto Mail and Empire questioned, "Is it possible that this Alaskan incident is being used illogically, and as it appears untruthfully, with mischievous ends in view?"18 The issue began to be used as propaganda for independence and Canadian control of its own foreign relations.

Liberal Party Canadian established the Alaskan boundary award as a source to promote Canadian control over their foreign relations, if not outright independence. As word of the decision reached Canada, public opinion reflected Canadian dissatisfaction with Great Britain. The Toronto World claimed Canada was "Sacrificed on the Altar of Diplomacy to make Britain solid with the United States." The Toronto Globe declared, "Canadian interests have been sacrificed by Lord Alverstone." The Peterborough Times announced that Canadians had been, "Robbed of our rights." While the St. John Telegraph explained "Canada was tricked in the Alaskan dispute." The Vancouver Province held that Canada had been "led like a lamb to the slaughter."19
Throughout Canada the Alaskan boundary dispute was associated with Great Britain's sacrifice of Canadian interests to the United States. The award became a standard piece of evidence when illustrating Great Britain's negligence concerning Canadian affairs.

Much of the Canadians' anger focused on Lord Alverstone. Alverstone was aware that his "conduct in giving this decision was the subject of violent and unjust criticism on the part of some Canadians... for a considerable time." He claimed that, "I think reflection resulted in a fairer judgment." He also maintained "I only came to this decision with the greatest reluctance, and nothing but a sense of my duty to my position influenced me." However, Alverstone was mistaken in his belief that Canada had realized his position. As we will see, the history of the Alaskan boundary dispute would focus on his "treachery" for decades to come.

The immediate reaction to the award varied in each country involved. "In the United States it was received with jubilation, in Great Britain with relief, and in Canada with indignation." Each country's reaction helped to later define the historiography of the dispute.

In Great Britain, the award was seen primarily as promoting Anglo-American relations. It was the end of a dispute. The British government may not have gotten the result it had most hoped for, but the matter was finally solved. As for the
Canadian claims, the *London Times* clearly pointed out the British feeling that there was a difference "between being driven from disputed territory and consenting to abandon a claim to its future sovereignty and occupation." Great Britain downplayed the importance of the territory.

In the United States, the view was that the Alaskan boundary was where it should be and was always believed to have been. The Americans seemed to gloss over the fact that America lost an area roughly the size of Rhode Island in the award. Teddy Roosevelt called the award, a "the greatest diplomatic victory of our times." Roosevelt’s statement further inflamed the Canadians. And in a historical sense, little note was taken of the fact that because of the award, the size of the United States actually was reduced. For the general public, "Canada['s] indignation was dismissed as [the] irritation of a poor loser." This reaction was seen in the comics of the day.

In Canada, the public was outraged, as seen in the newspapers. To Canadians, their anger "was not the petulant complaint of a poor loser. It was the just anger of the man who considered himself the victim of a confidence game." This outrage fueled the early historical interpretation of the Alaskan boundary dispute.

The critical moment in the Alaskan boundary dispute was not the actual award, but the public statement by the Canadian

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b See next page.
Mother England: "Come, Johnny, take your medicine like a man; everybody is laughing at you, and Sammy is whistling for you to come out and play."
From the News-Tribune (Duluth).

John Bull: "Yes, 'e's makin' a lot of noise, Sam, but 'e'll get over it."—From the North American (Philadelphia).

Illustration 7: Political Cartoons
commissioners. The public statement was embraced by factions calling for greater Canadian autonomy. These factions connected British neglect with the Alaskan award by using the Commissioners' statement.
THE HISTORIOGRAPHICAL LEGACY

In order to best understand the historiography of the Alaskan boundary dispute, a basic understanding of major trends in Canadian historiography is needed. The following is intended to serve only as a broad generalization; however, it is important for the basic understanding it provides United States-Canadian relations and specifically the Alaskan boundary dispute.

Early English-Canadian historians focused on the constitutional development of Canada. The main focus was that through a long slow process Canada had gradually gained freedom though responsible government. This Constitutional development history centered on Canada's relationship with Britain. It was only during the late 1920s that Canadian historians began to "explore in detail" Canada's relationship with the United States.

During the 1920's and 1930's, Canada began to recognize the United States as "Canada's Friend." It was also during this time that Canadian Nationalists began "an exaggerated and misguided pursuit of 'autonomy.'" It is important to understand the significance the Alaskan boundary dispute took on in terms of Anglo-Canadian relations. The Canadians positioned the dispute
squarely in favor of increased autonomy. The award was analyzed by the effect it had on Canadian-British relations. Scholarship focused mainly on the Alverstone's treachery. Only later during the 1960s and 1970s would a broad movement push the Alaskan boundary dispute into a Canadian-American relationship. The focus shifted towards Roosevelt's actions.

John Ewart was the first to publish a major study of the Alaskan boundary dispute. He was an Ottawa lawyer and author of sixty pamphlets from 1908-1932. Generally, Ewart's works argued that "Canada must declare its complete equality with Great Britain and remain linked to her only by a common monarch." Ewart was an advocate of "the removal of all symbols of colonial status." Ewart's studies tended to expose British neglect.

Ewart was especially hard on the Lord Alverstone in relation to the Alaskan boundary dispute. His sizable essay on the dispute centered around the "treachery of Lord Alverstone." Ewart in his essay on the Alaskan Boundary displayed strong wrath even five years after the fact. Ewart was especially severe on the Portland Channel decision.

Alverstone had actually drafted an award supporting the Canadian contention that all four islands would belong to Canada. Ewart received a copy of the first judgement and compared it to the second judgment. Ewart claimed "not one of these alterations materially supported the conclusion of the second judgment." Ewart was outraged that "with the change of one word in one
clause, the omission of two words in another clause; and the
interjection of one whole clause, this second judgment of Lord
Alverstone is really his first judgment." Ewart offered his
deductions as proof of a compromise on the question. Ewart
continued on:

And that which the present writer principally resents
is not Lord Alverstone’s treachery, not even his gift
of the two islands to the United States, but his
contemptuous indifference in leaving on record the
arguments which establish our case and affixing to it
a decision against us. Does he really imagine that
among all the 'colonials' there is no one with wit
enough to detect the imposition, or with courage
enough to denounce it?

However, Ewart’s resentment seems to be misplaced.

Apparently Ewart was unaware of Turner’s arguments. He
failed to acknowledge that the same judgment was possible,
judicial, and logical. After all, the second judgment was in
favor of Pearse Canal just as the first had been. They resembled
each other precisely because the judgments resembled each other.
The only difference dealt with the question of where the Pearse
Canal emptied into the ocean, which had not been covered in the
original judgment. Alverstone had not been aware that there was
a question over that issue when he wrote his first judgment.
However, in defense of Ewart, it is easy to jump to his
conclusion without any knowledge of Turner’s argumentation. If
one reads only the oral arguments and the two verdicts, it would
be natural to assume a diplomatic compromise occurred instead of
a judicial judgment. But the fact remains, that if Turner's
arguments are taken into account, as they should be, it is perfectly logical to judicially decide that the larger Tongass Passage is the natural path of both the Pearse and Portland Channels.

Ewart based much of the rest of his essay around Alverstone's decision in relation to the Portland Channel. On the other questions Ewart claims:

if in discussion [of] the second and third [questions] we find good reason to doubt his good faith, if we find conclusive evidence that his decision of one or both of them was dishonest, then we shall not be able to suppress the belief that all his decisions were of the same character.10

Apparently Ewart had enough faith in his first judgment to take this broad leap.

Ewart's arguments became a standard in the historiography of the Alaskan boundary dispute. Quotes from his essay are common even in recent writings. Ewart's arguments can also be seen later histories of the Alaskan boundary dispute. Ewart's work had a lasting legacy especially among Canadians supporting greater autonomy.

O. D. Skelton, like Ewart, thought Canada should "assume full sovereignty in isolation from the Empire."11 Skelton served as Under-Secretary of State for External Affairs from 1925 until 1941.12 He was also a writer and historian.

Skelton's writings were shaped by his "great distrust of British motives."13 Skelton's major work was his official
biography of Wilfrid Laurier in 1922, a work that was generally well received.

Skelton followed Ewart’s interpretation of Alverstone’s Portland channel decision, calling it “a classic work of legal reconstruction.” Skelton continued the view that Alverstone had made a diplomatic decision, which should have been left to negotiators not a judge. However, Skelton downplayed the real importance of the area, again focusing on the lack of effective British control of Canadian foreign relations and Roosevelt’s imprudent actions.

A leading Canadian historian, Adam Shortt, reviewed Skelton’s work. He claimed that Skelton’s section dealing with the Alaskan boundary dispute was “not so happy as most other sections of the work, either in the presentation of facts or in the spirit in which they are treated.”

The next major writer to tackle the dispute was John W. Dafoe. Dafoe had long been the editor of the Winnipeg Free Press, and a friend of its owner Clifford Sifton. Dafoe maintained that he was “the correspondent to whom he [Sifton] wrote with the greatest frankness about political matters.” With his close relation to Sifton, Dafoe wrote a biography of Clifford Sifton in 1931.

Dafoe’s work devoted considerable attention to the Alaskan Boundary dispute. Dafoe continued the argument that Alverstone had made a diplomatic decision, but shifted much of the blame to
the Americans. Dafoe maintained Lord Alverstone was bullied into making a diplomatic decision by the Americans. He also claimed the award was "a loss to both sides to the controversy."  

The most extensive look into the Alaskan boundary look came from Fredrick W. Gibson in 1944. Gibson wrote the 450 page long "The Alaskan Boundary Dispute," as his master's thesis.

Gibson argued that the Canadians had a different definition of "judicial" than did Lord Alverstone. To the Canadians judicial related to the direct interpretation of the law as embodied in the Treaty of 1825. Lord Alverstone, however, used "judicial" in a broader way that required consideration of value and importance to negotiating parties. According to Gibson, this discrepancy in the meaning of judicial played a major role in shaping the Canadian view of the award. The result of the attack on the non-judicial decision of the award "confirmed Canadians in the assumption that their country's case possessed legal merit greater than it actually did."

However, just because Alverstone had a different view of judicial does not mean Gibson agreed with the decision. Gibson claimed the award in respect to Portland Channel "was manifestly a compromise decision and flagrantly violated the judicial character of the tribunal." He also attacked Alverstone saying,

As a mediator, if not as a judge, he blundered seriously in failing to enter into close collaboration

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*While Gibson's thesis was never published, it is extremely important because later historians such as Norman Penlington and C. P. Stacy reference it as an "excellent source."*
with his Canadian colleagues and especially in neglecting to inform them privately of his change of opinion on the question of Portland Channel. While this is a legitimate argument, it does little to explain the drastic statement issued by the Canadians. Surely, that statement was further outside the bounds of a judicial settlement than Alverstone’s decision.

The end result for Gibson was “Great Britain advanced one step nearer an entente cordiale with the United States, at the cost of temporary estrangement of Canada.” However, he states that with the exception of the ratification of the Convention of 1903, “the record of British conduct of the Alaskan negotiations is one of faithful deference to the wishes of the Canadian government.” Gibson fails to effectively explain why if the British were faithful to Canadian wishes a temporary estrangement with Canada was necessary. The fact remains that a large part of the estrangement is due to the statement of the Canadian Commissioners.

William Lewis Morton in his 1963 work, The Kingdom of Canada; a General History from Earliest Times, maintained "nothing did more to sharpen the Canadian sense of nationality than the Alaskan boundary dispute and its settlement.” He acknowledged Alverstone’s decision on the Islands “brought down on himself and the United Kingdom the wrath of an embittered Canadian public.” However, the author goes on to call Canadian outrage “an unreasonable reaction.”
H. George Classen, a Russian immigrant arriving in Canada via Argentina, wrote a popular history of the five historic United State-Canadian border disputes. His work Thrust and Counterthrust, offered considerable insight into the award. Classen claimed that Alverstone "had rendered a just judgment on the land boundary." He also maintained that the United States had a just case, but would have been better off if it had not been so abrasive. The author's main contention was that the Canadian claim "was absurd." He focused much of the blame on Donald Cameron for moving the line so dramatically.

A review of Classen by Norman Penlington claims Classen's work suffers from "the frequent American bias of this book." He explains that "Classen has not much to say about the exercise of American power and its ability to take advantage of Britain's pre-occupation elsewhere." Perhaps most grievous to Penlington was Classen's lack of attention to established interpretation. Penlington offered Classen the following as advise—"He will find that closer attention to the canons and form of historical scholarship will often give a book more than a temporary reputation." Classen's work may have benefited from disregarding the cannon.

Norman Penlington, himself offered the next major interpretation in The Alaskan Boundary Dispute: A Critical Reappraisal, in 1971. In his study, Penlington maintains "Laurier was chiefly responsible for the Alaskan award."
reason Laurier is to blame is because he failed to realize the power structures at work. Penlington’s underlying theme is that the United States acted like a bully, and Laurier should have realized he was dealing with a bully. He said of President Roosevelt, “the ruthlessness of his actions left a heritage of Canadian bitterness, which Canadians hid from themselves by blaming Britain.” Penlington claims United States policy and pressure from 1898 is known in the academic world but has “never been generally accepted by Canadians.” So Penlington’s reappraisal can be characterized as a shifting of the blame from Britain to Laurier. While some blame is better placed on the Americans, why blame the Americans for taking such a hard stance when the author admits “the United States had the better claim.”

Another analysis of the dispute was offered by Charles P. Stacey, a historian at the University of Toronto. He argued that the era of good relations between the Canada and the United States was a recent development.

Stacey wrote Age of Conflict volume I 1867-1921 in 1984; and maintained that the award was in the end beneficial, for the simple fact it ended the issue. However, Stacy also continued the argument against the diplomatic decision. He claimed, the “evidence indicates rather strongly… [that Alverstone] acted the part of a politician rather than a judge.” He also felt the dispute had lasting effect due to Roosevelt’s packed court and unreasonable threats. However, Stacey also attacked the
Canadian actions. According to Stacey, Canadian jurists "seem to have been just as much devoted to their own country's case as the Americans were to theirs." The overall importance of the award was again connected to the absence of Canada's control over its own foreign relations. Stacey compared the Alaskan Award to the Washington Treaty of 1871, emphasizing Canada's lack of ratification, and forced acceptance of both.

Charles Callan Tansill is the major American historian of the boundary dispute. Tansill wrote for the Carnegie Endowment series. This series was designed to cover several aspects of the history of United States-Canadian relations. The series, while written by different scholars, generally held that the United States-Canadian relationship was "born in the civil war and characterized for almost a century afterwards by tension, suspicion, and hostility, but gradually issues had been peacefully resolved, and arbitrated until unparalleled cordiality and friendliness prevailed."

Tansill's 1943 contribution to the series was Canadian-American Relations, 1875-1911. In the introduction Tansill wrote of the "inspiration of Dr. James Shottwell, who symbolizes as no one else can, the essential unity of Canadian and American peoples."

Tansill compliments the American appointments to the Tribunal. He agrees with Henry White's assessment that Lodge showed "great tact and considerable diplomacy throughout." He
also claims Senator Turner "was far more competent than is usually supposed." Tansill is disappointed by the Root, feeling he should have played a greater part in the negotiations. As for the dispute, Tansill points out the apparent lack of faith of Laurier. Tansill’s analysis of the Award is limited. He saw the chief result of the award as creating a New Imperial Order in the British Empire.

A. R. M. Lower wrote a review of Tansill's work. In the review, Lower praised Tansill's analysis of the Fisheries Question, the Pelagic Sealing question, and the Alaskan boundary dispute. Lower further claimed Tansill had written "the definitive book on these questions." However, he claimed Tansill had not fully understood the power relationship. Lower claimed "power was perhaps the major factor in the Alaskan Boundary dispute." Once again a Canadian historian failed to examine the historical legacy of the Canadian commissioners. The dispute can never be judged on the merits of the case, there must be some underlying explanation why Canada's claims failed. The lasting bitterness is never seen as a result of the Commissioners' statement. Instead the Commissioners' statement is seen as proof of foul play.

In the Alaskan boundary dispute, "No party to it acted irreproachably and perhaps none with great astuteness." However, the historiography of the dispute reflects only the
American and British infractions. The trend is to expose unfortunate incidents and blow them out of proportion.

The most unfortunate incident concerning the Alaskan boundary dispute is that the bitterness lasted so long. In reality "Canada lost nothing of great value and the United States gained nothing of great value." When the award came in 1903, "Dyea was already dead and Skagway dying." In actuality, what the award gave the United States was land "barring the way to decaying mines in an undeveloped wilderness." This wilderness on the edge of the world was not vast. Canada lost its claim to territory "probably half as large as Scotland" while the United States lost an area roughly the size of Rhode Island.

As for any legal precedent, the Alaska boundary dispute did little to establish any constructive precedent in boundary settlements. The greatest benefit in this regard, "is that an experiment was made on material which did not matter very much and that useful experience was gained by trial and error." The boundary dispute had little actual effect on later events. While its "lingering bitterness... paved the way for an explosion of Canadian nationalism in 1911." The most direct effect was that it was "responsible for much ill feeling in Canada, and for the failure in all probability of the Reciprocity Treaty eight years later."
The British author Harry Cranbrook Allen tried to promote the main theme "Canada had no alternative but to accept the ironical axiom of her political existence, that though she might pay the highest price for Anglo-American friendship, she was also its greatest beneficiary." It seems that close to one-hundred years later, Canadians are still more concerned with relative power and possible infractions than accepting any possible benefits that could have been received from the Hay-Herbert Treaty or the Award.

The Hay-Herbert treaty established an agreeable settlement, but Canada's major benefit of forcing the United States to arbitrate and finding a face-saving way out of its extravagant claims was destroyed by Theodore Roosevelt's appointments and threats. These actions led to the Canadian refusal to sign the award, which promoted the view of Great Britain selling out Canadian interests to the United States. The result of this view allowed Canadians to convert the Alaskan boundary dispute into a political fight with Great Britain.

The Alaskan boundary dispute's connection with the right to self-control of foreign relations and possible independence, became a focal point in Canadian history. Canadians became the prime historical writers on the Alaskan boundary award, because of the greater impact the award had on Canadian history. Instead of creating a critical interpretation of the Hay-Herbert treaty, which can only be achieved by looking at both the treaty benefits
at the time of negotiation and then the results of the treaty, the Canadian research focused on Lord Alverstone’s perceived betrayal of Canadian interests and Theodore Roosevelt’s actions. Meanwhile the relative historical insignificance of the Alaska boundary dispute upon American and British history provided little counter-interpretation. Therefore, the lasting legacy of the Alaskan boundary dispute was Canadian bitterness towards Great Britain and the United States.

It should be said that the Hay-Herbert treaty provided Canada a chance to erase years of anti-Americanism and ill will towards Great Britain by allowing Canada to force America to answer Canadian claims. Roosevelt’s actions were disruptive to the award, which in the eyes of Canadians allowed the United States to avoid accountability. Canada reacted to the award with widespread outrage, which attributed to the misinterpretation of the Alaskan boundary dispute. The overshadowing of the Hay-Herbert treaty, in favor of the overemphasis of the award, resulted in the use of the Alaskan boundary dispute as Canadian evidence for justifying their fear of American jingoism and supporting their belief in British disloyalty. In truth however, the Hay-Herbert treaty was evidence of American accountability and British loyalty.
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