

result of which has been to secure the settlement of some and open the way for the final adjustment of all the other pending questions of difference between the United States and Canada, thus at the same time removing the occasion and the possibility of serious friction between the two countries.

OUR NORTHERN BOUNDARY

After the lapse of one hundred and twenty-five years since the northern boundary of the United States was first defined by treaty with Great Britain and of over sixty years since our last treaty defining this boundary was entered into, it would have seemed to be a safe assumption that if anything further was necessary to make definite and certain the location of such boundary appropriate action to that end would long since have been taken by the two Governments. It will doubtless be somewhat surprising, therefore, to those who have not had occasion to look into the matter to find that several important sections of the boundary are insufficiently defined by treaty description, or on treaty charts, or by monuments along its course, as the case may be, and that owing to the inaccuracy of many of the earlier treaty charts and the loss of some of the duplicate originals filed with this Government, it is of considerable importance that the entire line be marked on accurate modern charts having a treaty value. That the situation is as above stated is disclosed by the treaty recently entered into with Great Britain for the more complete definition and demarcation of the international boundary between the United States and Canada throughout its entire extent from the Atlantic to the Pacific. (Supplement, p. 306.)

It appears from the provisions of this treaty that the boundary from the mouth of the St. Croix River to the Atlantic Ocean, extending through Passamaquoddy Bay and about twenty miles in length, has never been defined by treaty or laid down on treaty charts, and that the consequent uncertainty as to its location has brought into dispute the ownership of a small island and of certain fishing grounds in that bay. It further appears that the location of the line throughout the entire extent of the St. Croix River has never been laid down on treaty charts or monumented along its course, although it is defined by treaty as running through the middle of the river. A boundary through the middle of a river, however, has the accepted meaning of through the middle of the main channel of the river, and, as this river is full of

small islands of more or less importance which frequently divide the river into several channels, there is considerable uncertainty as to the exact location of the line at many points and consequently as to the nationality of several of these islands. The portion of the line extending from the source of the St. Croix River to the St. Lawrence River, bounding on the north the States of Maine, New Hampshire, Vermont, and New York, is described with considerable particularity by existing treaty provisions and has been laid down on charts and the land portion of it has been accurately marked by monuments, but many of these monuments have been lost or displaced and the greater part of this section of the boundary which runs through waterways has never been monumented, although its general course in relation to most of the important islands in such waterways has been determined by the erection of monuments on such islands, indicating their nationality. The course of the boundary from the St. Lawrence River through the Great Lakes is described by existing treaty provisions as running through the middle of the boundary lakes and their connecting waterways, and as the resultant line is necessarily a curved line, and is so indicated on the existing treaty charts, it is almost impossible to ascertain with any certainty its physical location on the surface of the waters. It has therefore been found necessary in the new treaty to provide for the adoption, in place of such curved line, of a series of connecting straight lines to be defined by distances and courses and following generally the course of such curved line, but conforming strictly to the description of the boundary in existing treaty provisions.

From the mouth of the Pigeon River at the western end of Lake Superior to the northwesternmost point of the Lake of the Woods the course of the boundary is defined with some detail by existing treaty provisions, but no portion of it has ever been actually located or monumented along its course by joint action of the two Governments, and no joint survey of its course has been made since the original survey under the direction of the commissioners appointed under Article VII of the treaty of 1814, although its location is roughly indicated on maps prepared from that survey and afterwards adopted as treaty maps by the treaty of 1842, which maps, however, are not sufficiently accurate in detail to determine its exact location at several points.

From the northwesternmost point of the Lake of the Woods the course of the boundary under existing treaty provisions runs due south to the forty-ninth parallel and thence westerly along that parallel to the middle

of the Gulf of Georgia. This portion of the boundary east of the Rocky Mountains was surveyed and laid down on treaty charts and monumented along its course by a joint commission appointed for that purpose in 1872. Many of these boundary monuments, however, have been obliterated and it is necessary now to have such monuments restored and to establish additional monuments wherever required under modern conditions. It appears that the portion of the line west of the Rocky Mountains has recently been resurveyed and remonumented by a joint commission appointed by the two Governments, and the results of the work of this commission are adopted by this treaty, special provision being made for the demarcation of the line on accurate modern charts having a treaty value. The last section of the line extends from its intersection with the forty-ninth parallel of latitude in the Gulf of Georgia through Fuca's Straits to the Pacific Ocean. Here the accurate reproduction on modern charts of the line as already defined and marked under existing treaty provisions is all that is required.

Under the conditions above outlined it is evident that at many points along the course of the boundary it would be impossible to determine with any certainty its exact location. In so far as it represents any division between the United States and Canada in their feelings of mutual friendship and good-neighborliness, it is much to be desired that it should always remain an imaginary line, as it has happily been called, but as a boundary dividing contiguous governmental jurisdictions something more substantial than an imaginary line is required, and, if disputes are to be avoided, the wisdom of more completely defining and marking the entire boundary is obvious.

The new treaty is intended to secure this result, and its comprehensive and thorough treatment of the subject is admirable. It provides that a joint commission or commissions shall be appointed for the purpose of accurately ascertaining the location of the existing boundary throughout its entire extent, from the Atlantic to the Pacific, as established by former treaty provisions and as marked on treaty charts and by monuments along its course, special provision being made for the ascertainment of the location of such portions of the line as have not already been so established and marked, and having ascertained its location the commissioners are required to place monuments or other suitable boundary marks along its course, restoring lost or damaged monuments and erecting such additional monuments as may be desirable, and they are also required to lay down its course on accurate modern charts, dupli-

cate original sets of which are to be filed with each Government; the commissioners are further required to file with each Government joint reports describing in detail the location of the line and the monuments or other boundary marks established along its course; and it is agreed that the line so marked and defined by them shall be taken and deemed to be the international boundary.

The boundary is appropriately divided by the treaty into eight different sections, each one of which is dealt with in a separate article containing a recital of the several treaty provisions and the proceedings thereunder which define and fix its location, the extent of each section being determined by its relation to such treaty provisions and by the character of the future proceedings which are to be taken for the more complete definition and demarcation of such section of the boundary.

Thus, it will be seen that in addition to its primary value, as a preventative of boundary disputes in the future, this treaty has a secondary value of considerable importance, in that, by the method of arrangement and treatment above referred to, it furnishes an authoritative outline or synopsis of the history of the establishment of our entire northern boundary, showing with respect to each section the various different proceedings which have been taken from its inception to its final completion.

THE BOUNDARY-FISHERIES TREATY

A most interesting illustration of the extent of the jurisdiction of the treaty-making power of the United States is presented by the treaty recently entered into with Great Britain for the uniform regulation of the fisheries in the contiguous boundary waters between the United States and Canada, a copy of which treaty will be found in the Supplement to this number of the JOURNAL at p. 322.

This treaty provides that the times, seasons, and methods of fishing in certain specified waters contiguous to the boundary between the United States and Canada and the nets, engines, gear, apparatus, and appliances which may be used therein shall be fixed and determined by uniform and common international regulations, restrictions, and provisions, which are to be prepared by an international fisheries commission to be appointed for that purpose, and the two Governments engage to put into operation and to enforce by legislation and executive action, with as little delay as possible, such regulations, restrictions, and provisions, with appropriate penalties for all breaches thereof.

On the American side of the boundary, the waters containing the fisheries referred to are wholly within the borders of the several boundary