

course spoken of in the Treaty could be resumed. Consequently, if the Plenipotentiaries had intended that the boundary-line should pass through the Haro Channel, they would undoubtedly have specified that channel by name, in order to distinguish it from "the Channel," that is to say, the channel used by Vancouver—the channel, namely, which was the continuation of the Gulf of Georgia; and they would also have added some modified qualification to the word "southerly," from which it may be inferred that the boundary channel was intended to be one contiguous to the mainland.

Another argument may be adduced in support of the view taken by the British Commissioner, from the fact that the Canal de Haro, so far from being a continuation of the Channel through the Gulf of Georgia, is rather a distinct and independent channel running parallel to that Gulf, and having its commencement in the Straits separating Saturna and the other islands in that quarter from Vancouver's Island.

But all these points were so ably argued by Captain Prevost, the British Commissioner, that Her Majesty's Government do not think it necessary to re-state them in this despatch. They think it sufficient to refer to his report, and to state in general terms their conviction, that whereas the Channel through Rosario Straits does in all essential points answer to the plain meaning and intention of the Treaty, the Haro Channel does not do so.

The Commissioner of the United States rested his view of the interpretation to be given to Article I of the Treaty mainly on the expressions made use of by Mr. McLane, the American Minister at this Court in 1846, in reporting to his Government the terms of arrangement which he thought the British Government would probably offer, and on the language employed by Mr. Benton in the Senate, when the Treaty came under discussion before that body. It appears that both Mr. McLane and Mr. Benton indicated the Canal de Haro: Mr. McLane as that which he thought the British Government would offer as the boundary line; Mr. Benton as that which the Government of the United States had understood as the boundary.

Her Majesty's Government have not failed to consider, with the attention it deserves, the argument to be drawn from those statements in favour of the position of the American Commissioner; but while those statements may be taken as evidence of what were the views of Mr. McLane and of Mr. Benton, Her Majesty's Government cannot accept them as necessarily proving what were the intentions of the Plenipotentiaries who signed the Treaty, or what is the fair construction of the Treaty itself.

Her Majesty's Government, indeed, do not think that they should be asked to do so, seeing that the words of the Treaty, which ought to be the guide, do not properly admit of that interpretation, and that it is beyond dispute that the intentions of the British Government were that the line of boundary should be drawn through Vancouver's Channel.

With reference to this point, I have to state to you that the Earl of Aberdeen, to whom I have referred, informs me that he distinctly remembers the general tenour of his conversation with Mr. McLane on the subject of the Oregon Boundary, and is certain that it was the intention of the Treaty to adopt the mid-channel of the Straits as the line of demarkation, without any reference to islands, the position, and indeed the very existence, of which had hardly at that time been accurately ascertained; and he has no recollection of any mention having been made, during the discussion, of the Canal de Haro, or indeed any other channel than those described in the Treaty itself.

I also inclose a Memorandum drawn up by Sir Richard Pakenham, the negotiator of the Treaty of 1846.

Such being the state of the question, and Her Majesty's Government being anxious to see it finally settled in a manner satisfactory and honourable to both parties, Her Majesty's Government have had to consider the advice which it behoves them to tender to the Crown, with a view to so desirable a result.

This duty has been rendered, in the present instance, a comparatively