

the straits of Haro to those of Fuca, into the ocean. This line is easily found. It has been ascertained by actual surveys and soundings executed by the joint commission of the two Governments. It gives the United States San Juan Island, the most valuable in the group, both in reference to navigation and military defense. The description in the treaty itself settles the question; the line has been ascertained in perfect accordance with the terms of the treaty, giving those terms the meaning and effect required by the law of nations and the action and consent of the British Government itself under precisely like circumstances on the river and lake frontier described by the treaty of 1783. Why arbitrate when your legal rights are clear and indubitable? Were it a doubtful question in fact, there might be propriety in settling it by arbitration, for a submission to arbitration always implies some doubt of the legality of your claim, and is, in ninety-nine cases out of a hundred, practically an invitation to split the difference between the parties. But in this case there is so little uncertainty, such an absence of all ground of doubt, that it seems ridiculous for us to undergo the humiliation of putting our rights and interests to hazard. The step will inevitably lose us San Juan. I predict it here. The British Government have set their heart upon this island. There has been already as much contest, trouble, and negotiation about it as there was about the northeastern boundary. On each side the sword has been sharpened for the final contest; and no longer ago than August, 1859, Lord John Russell announced to our Government in a solemn dispatch to Lord Lyons, the resident British minister here, that—

"Her Majesty's Government must, under any circumstances, maintain the right of the British Crown to the island of San Juan. The interests at stake in connection with the retention of that island are too important to admit of compromise."

And adds these haughty terms:

"And your lordship will consequently bear in mind that whatever arrangement of the boundary line is finally arrived at, no settlement of the question will be accepted by her Majesty's Government which does not provide for the island of San Juan being reserved to the British Crown."

Is not this a sufficient intimation of the purpose of England and of the value of the island? No settlement will be accepted which does not give her that island! It is her *sine qua non*; and this, notwithstanding Lord Aberdeen, his predecessor, had in the very dispatch (of May 18, 1846) which carried to Washington his proposal that afterward became the treaty, expressly renounced all the islands except only Vancouver. The language of this dispatch is:

"The forty-ninth parallel to the sea-coast, thence in a southerly direction through the center of King George's sound and the straits of Fuca to the ocean; thus giving to Great Britain the whole of Vancouver's Island and its harbors."

And notwithstanding Lord Aberdeen had in conversation with our minister, Mr. McLane, only three days before, assured him that his proposal of a treaty would run the line through the "canal De Haro and straits of Fuca," thus in express words adopting the De Haro channel for which we now contend, and which I have shown to be the legal boundary called for by the treaty.

Are we now, with such facts before us; with the contemporary admissions and statements of the party proposing the treaty, the party against whom in law and in morals it is to be most strongly taken; with the treaty itself calling for that line; with the declaration that that line ran through the Haro channel; with the admission that "Vancouver and its harbors" were all that the proposer sought to retain—are we to be told now that the De Haro line was not intended; that no arrangement is to be accepted which does not give San Juan to the proposer of the treaty? Are we to be thus cajoled and then coaxed into an arbitration? Sir, the honor of this nation forbids it. Let us not fall into such a snare.

I am aware that this peremptory language of Lord John Russell in his dispatch of August 24, 1859, was afterward the subject of discussion between the two Governments. Its effect upon the American Secretary of State, General Cass, was to incline him to break off the negotiation; and it is interesting to observe the diplomatic machinery, not to say artifice, used to keep it on foot and to avoid an armed collision.

Lord Russell, in his dispatch to Lord Lyons of that date, expresses the purpose of his Government in distinct and unequivocal terms. Giving his language its obvious, I should perhaps say its only construction, General Cass, in his dispatch to Mr. Dallas, our minister to England, of the 20th of October, says:

"If this declaration is to be insisted upon, it must terminate the negotiation at its very threshold, because this Government can permit itself to enter into no discussion with that of Great Britain or any other Power except upon terms of perfect equality. And when her Majesty's Government declares that it will never yield its right to the island of San Juan, this Government has only to declare a similar determination on the part of the United States, in order to render any further discussion of the subject entirely fruitless."

On receiving a copy of this dispatch, Lord Russell seems put to his wits for an explanation. In his dispatch to Lord Lyons, of the 29th November, he says:

"That declaration, which was to the effect that no settlement of the question will be accepted by her Majesty's Government which does not provide for the island of San Juan being reserved to the British Crown, appears to have given rise to some misconception. When the meaning of a treaty is, in the opinion of one of the parties, clearly in favor of the interpretation it has adopted, but the interests at stake are unimportant, the point in dispute may be willingly yielded for the sake of peace and good neighborhood; but when the meaning is, in the opin-

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