

Statement.

15. Lord Aberdeen's instructions to Mr. Pakenham cannot be read so as to cut down the effect of the Treaty. They must be interpreted so as to correspond in scope with the project of the Treaty prepared and sent contemporaneously by Lord Aberdeen. The words quoted by Mr. Bancroft (page 7) from Lord Aberdeen's instructions are:—

*"Leaving the whole of Vancouver's Island with its ports and harbours in the possession of Great Britain."**

The form of expression requires little explanation. Lord Aberdeen naturally dwelt on the most prominent part of the arrangement which Mr. Pakenham was to propose, namely, the securing the possession to this country of the whole of Vancouver's Island. He referred only to the broad geographical features, the mention of which was supposed to be sufficient for the matter under discussion. There is nothing in his words to exclude any additional advantage which the terms of the project of the Treaty would give to this country, and more (it is plain) the project did give.

16. Mr. Bancroft further cites (page 8) a passage from a report of a speech of Sir Robert Peel in the House of Commons:—

"Those who remember the local conformation of that country will understand that that which we proposed is the continuation of the 49th parallel of latitude till it strikes the Straits of Fuca; that that parallel should not be continued as a boundary across Vancouver's Island, thus depriving us of a part of Vancouver's Island, but that the middle of the channel shall be the future boundary, thus leaving us in possession of the whole of Vancouver's Island, with equal right to the navigation of the Straits."

It can scarcely be seriously contended that, because Sir Robert Peel, describing in a popular way the effect of the Treaty, spoke of it as leaving us in possession of the whole of Vancouver's Island, this amounts to a declaration by him that the effect of the Treaty is to exclude us from any possession other than Vancouver's Island, although lying within the future boundary, which he in the same breath specifies accurately as the middle of the channel.

17. In connection with the reference to Sir Robert Peel's speech, Mr. Bancroft (page 8) says:—

"Sir Robert Peel quoted from a despatch which proved that he was aware of the three days' debate in the American Senate on the Treaty before its approval."

Here, as in some other parts of Mr. Bancroft's Memorial, it is difficult to discover the object of statements made by him, but not put into an argumentative form. The object of this statement would seem, from the context, to be to suggest that Sir Robert Peel was at this time cognisant of the particulars of a speech of Mr. Benton, a Senator of the United States, made in the Senate (referred to just before by Mr. Bancroft and to be particularly considered hereafter in this Statement). If this is the suggestion meant, there are three answers to it:—

(i.) The deliberation of the Senate, reported in Mr. Pakenham's despatch, read in part by Sir Robert Peel, was not the debate in which Mr. Benton's speech was made. The despatch relates to the deliberation consequent on the preliminary Message of the President, asking the advice of the Senate, not to the debate on the ratification. It was the latter debate in the course of which Mr. Benton's speech was made.

(ii.) Even if Mr. Benton's speech had been spoken before Mr. Pakenham's despatch, and the fact had been mentioned therein, there would still be no force in Mr. Bancroft's suggestion, inasmuch as the debates in the Senate were secret, and the injunction of secrecy was not removed until after the date of the exchange of ratifications in London.†

(iii.) The despatch of Mr. Pakenham (of which the part relating to this matter is printed by Mr. Bancroft in the extract from Sir Robert Peel's speech in Appendix No. 46 to the Memorial) gives no information as to the name of any speaker, or the particulars of any speech, in the Senate. It simply says:—‡

* In this passage the words in italics are in Mr. Bancroft's Memorial printed with widened spaces between the letters, the mode of printing used in German to show emphasis, corresponding to the use of italics in the printing of English. The like observation applies to other passages cited in this Statement from Mr. Bancroft's Memorial.

† Ratifications exchanged, July 17. Resolution of Senate removing injunction of secrecy, August 6. Earliest publication of Mr. Benton's speech known to Her Majesty's Government, August 29 (in Niles' National Register, a weekly newspaper published at Baltimore).

‡ Historical Note, p. xv.