

Bellingham Bay ("El Seno de Gaston"). From Bellingham Bay they pursued a northerly course past Point Roberts into the upper waters of the ancient Gulf.

(3.) the Chart of Vancouver, which gives soundings only for navigating through the Rosario Channel, was the Chart in general use up to the end of 1846.

Chart No. 2

(4.) No Spanish chart of a date antecedent to the Treaty of 15th June, 1846, is known to Her Majesty's Government, in which soundings are given for navigating through the Canal de Haro.

(5.) When the "Beaver," the first steam-vessel used by the Hudson's Bay Company, passed up from Fuca's Strait to Fort Langley on the Frazer River in 1837, she made use of what is now known as the Rosario Channel. She explored the Canal de Haro for the first time in 1846.

(6.) When the United States exploring vessel "Porpoise," under Lieutenant Ringgold, passed up to the northward, from Fuca's Straits into the upper Gulf in 1841, she made use of what is now known as the Rosario Channel. The boats, on the other hand, of her consort, the "Vincennes," which remained at New Dungeness, were dispatched to the Canal de Haro to make a survey of it. Lieutenant Wilkes, in his narrative (vol. iv, p. 515), states that they were so engaged for three days, by which time they "completed all that was essential to the navigation of it."

(7.) Her Majesty's steamer "Cormorant," the first of Her Majesty's steam-ships which navigated the waters between the Continent and Vancouver's Island, in September 1846 passed up the Rosario Channel to the northward, and returned to Fuca's Strait by the same channel.

Appendix No. 6.

(8.) The declarations of sea-captains and other persons in the service of the Hudson's Bay Company are conclusive that the only channel, used and considered safe by them prior to 1846, was the Rosario Channel.

Appendix No. 5.

The Second and Third Rules of Interpretation.

It is conceived by Her Majesty's Government that the second and third rules for the interpretation of Treaties, already brought to the attention of His Imperial Majesty, as they are of a cognate character, may be conveniently considered together in their application to the question submitted to the arbitration of His Imperial Majesty.

The Second and Third Rules of Interpretation.

These rules may be, then, briefly expressed:—

(a.) That the context and spirit of a discourse is a source of interpretation, where particular expressions are obscure from over-conciseness of statement.

(b.) The interpretation of any part of a discourse ought to be made in such a manner, that all the parts may be consonant to one another.

It may be observed then, in the first place, that the only expressions in the Treaty of 15th June, 1846, respecting which any disagreement has arisen between the High Contracting Parties, are to be found in the second paragraph of the 1st Article of it: "And thence southerly through the middle of the said Channel, and of Fuca's Strait, to the Pacific Ocean;" and that the disagreement is limited to the words "the said Channel." It is considered, therefore, by Her Majesty's Government that, in order to arrive at the true interpretation of the above words, regard may properly be had, not merely to the context of the paragraph itself, but to the text of the preceding and following paragraphs of the 1st Article, which is the operative part of the Treaty as regards the settlement of the line of boundary.

Appendix No. 2.

The 1st Article, then, of the said Treaty is divided into three paragraphs:—

1. From the point in the 49th parallel of north latitude, where the boundary laid down in existing Treaties and Conventions between Great Britain and the United States terminates, the line of boundary between the territories of Her Britannic Majesty and the United States shall be continued westward along the said 49th parallel of north latitude to the middle of the Channel, which separates the Continent from Vancouver's Island.

2. And thence southerly through the middle of the said Channel and of Fuca's Straits to the Pacific Ocean.

3. Provided, however, that the navigation of the whole of the said Channel and Straits south of the 49th parallel of north latitude remain free and open to both parties.

Looking now to the text of the first paragraph of this Article in connection with the second paragraph, Her Majesty's Government submits to His Imperial Majesty that the second paragraph may be read as if it were written *in extenso* thus: "And thence southerly through the middle of the Channel which separates the continent from Vancouver's Island, and through the middle of Fuca's Straits to the Pacific Ocean,"

The context of the Treaty considered.