

CONFIDENTIAL.

Correspondence relative to the Occupation of the Island of
San Juan by United States' Troops.

No. 1.

Lord J. Russell to Lord Lyons.

(No. 42.)

My Lord,

Foreign Office, August 24, 1859.

YOUR Lordship was apprised by my predecessor, in his despatch No. 30 of the 28th of April, that instructions would shortly be sent to you with regard to the boundary between Her Majesty's possessions and those of the United States on the north-west coast of North America, as fixed by the Treaty of 1846. Circumstances prevented that intention from being acted upon previously to the change of Government, and it is now my duty to convey to you those instructions.

Your Lordship is, no doubt, aware that the British and American Commissioners appointed in 1856 to survey and mark out the boundary, differed in opinion as to that portion of it laying between the Gulf of Georgia and Fuca's Straits. As far, indeed, as there is only one channel separating the Continent from Vancouver's Island, no doubt can be entertained as to the true boundary, which, according to the Treaty, runs from 49th parallel of latitude down the centre of the Gulf of Georgia to its southernmost point, and no question can arise as to that portion of the boundary which is to be drawn through the centre of the Straits of Fuca to the ocean. But, with regard to the intermediate portion of the boundary, the Commissioners differed in opinion: the British Commissioner conceiving that the line should be traced through the channel known as Rosario Straits, while his American colleague maintained that it must be sought for in the Haro Channel. The Commissioners defended their respective positions in a correspondence of some length, marked by much ability on both sides. Neither Commissioner, however, was prepared to defer to the arguments of the other. The American Commissioner rejected an offer to compromise the matter subsequently made to him by his English colleague; and the Commissioners, considering that under these circumstances it was useless to continue their correspondence, signed, on the 3rd of December, 1857, a Minute recording their disagreement and adjourning their proceedings until circumstances should render it necessary for them to meet again.

It is much to be regretted that there was not annexed to the Treaty of 1846 any map or chart by which the true meaning of the expressions made use of in Article I of that Treaty could have been authoritatively ascertained. The British Commissioner was clearly of opinion that both the boundary intended by the Plenipotentiaries who negotiated the Treaty of 1846, and also the channel spoken of in the Treaty, are the channel known as Rosario Straits, and Her Majesty's Government fully share that opinion: but, inasmuch as it is now proved that there are several channels connecting the Gulf of Georgia with Fuca's Straits, that circumstance