

42. His Majesty the Arbitrator has been pleased to take on himself to ascertain the channel of the Treaty, on the failure of the Commissioners appointed by the two Governments to agree. In the execution of this task, he has to look at the state of things as they existed at the time of the Treaty. He has to determine through which of the two channels, the Rosario Straits or the Canal de Haro, the line ought to have been drawn by Commissioners appointed for the purpose the day after the exchange of the ratifications.

Statement.
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43. The considerations, connected with the hydrography of the region and with the history and existing conditions of the navigation of its waters, on which, as Her Majesty's Government submit, this determination cannot fail to be in accordance with their conclusions, are fully set forth in the Case presented by them to the Arbitrator in December 1871. The channel of the Treaty is that one of the two channels in question which was the main navigable channel, as known and used at the date of the Treaty. That channel is the Rosario Straits.