

APPENDIX.

Appendix.

No. 1.

EXTRACT SHewing VIEWS OF EARL OF ABERDEEN AND SIR RICHARD PAKENHAM.

John Russell to Lord Lyons, 20th August, 1859; read, and copy given, to United States' Secretary of State.

Extract.

I have to state to you that the Earl of Aberdeen, to whom I have referred, informs me that he distinctly remembers the general tenour of his conversations with Mr. MacLane on the subject of the Oregon Boundary, and is certain that it was the intention of the Treaty to adopt the middle of the Straits as the line of demarcation, without reference to islands, the position, and the very existence, of which had hardly at that time been accurately ascertained; and he has no recollection of any mention having been made, during the discussion, of the Canal de Haro, or of any other channel than those described in the Treaty itself.

I also inclose a Memorandum drawn up by Sir Richard Pakenham, the negotiator of the Treaty of 1846.

Inclosure in foregoing despatch.

Memorandum by Sir R. Pakenham on the Water Boundary under the Oregon Treaty of 1846.

I have examined the papers put into my hand by Mr. Hammond, relating to the line of boundary established between the British and United States' possessions on the north-west coast of America, and I have endeavoured to call to mind any circumstance which might have occurred at the time when the Oregon Treaty was concluded (June 15, 1846), of a nature either to strengthen or to invalidate the version now put forward by the United States' Commissioner, to the effect that the boundary contemplated by the Treaty, would be a line passing down the middle of the channel called Canal de Haro, and not, as suggested on the part of Great Britain, along the middle of the channel called Vancouver's or Rosario Strait; neither of which two lines would, as I humbly conceive, exactly fulfil the conditions of the Treaty, which, according to their literal tenour, would require the line to be traced along the middle of the channel (meaning, I presume, the whole intervening space), which separates the Continent from Vancouver's Island. And I think I can safely assert that the Treaty of June 15, 1846, was signed and ratified without any intimation to us whatever on the part of the United States' Government, as to the particular direction to be given to the line of boundary contemplated by Article I of that Treaty.

All that we knew about it was, that it was to run "through the middle of the channel which separates the Continent from Vancouver's Island, and thence southerly through the middle of the said Channel and of Fucus Straits, to the Pacific Ocean."

It is true that, in a despatch from Mr. MacLane, then United States' Minister in London, to the American Secretary of State, Mr. Buchanan, dated 18th May, 1846, which despatch was not, however, made public until after the ratification of the Treaty by the Senate, Mr. MacLane informs his Government that the line of boundary about to be proposed by Her Majesty's Government would "probably substantially divide the territory by the extension of the line on the parallel of 49° to the sea; and, as to say, to the arm of the sea called Birch's Bay, thence by the Canal de Haro and Straits of Fucus to the ocean."

It is also true that Mr. Senator Benton, one of the ablest and most zealous advocates for the ratification of the Treaty (relying, no doubt, on the statement furnished by Mr. MacLane), did, in a speech on the subject, describe the intended line of boundary to be one passing along the middle of the Haro Channel.

But, on the other hand, the Earl of Aberdeen, in his final Instructions, dated May 18, 1846, says nothing whatever about the Canal de Haro; but, on the contrary, desires that the line might be drawn in a southerly direction through the centre of King George's Sound and the Straits of Fucus to the Pacific Ocean.

It is my belief that neither Lord Aberdeen, nor Mr. MacLane, nor Mr. Buchanan, possessed at the time a sufficiently accurate knowledge of the geography or hydrography of the region in question, to enable them to define more accurately what was the intended line of boundary than is expressed in