

consideration of the whole subject, with *amended pleadings*.

The American Plenipotentiary appears to have been perfectly satisfied as to the equity of the British pretensions, and, acting on the great international policy of "honesty to all men," agreed with Lord Stanley, 10th Nov., 1868, to a protocol, by which the *meaning* of the first Article of the Treaty of 1846 was referred to the arbitration of the President of the Swiss Confederation.

In pursuance of this protocol, on the 14th Jan., 1869, the Hon. Reverdy Johnston, charged with full power to this effect, and no doubt strengthened by the approval of his own Government, signed a Convention with the Earl of Clarendon, referring to the Swiss President the solution of the questions as to the true construction to be put on the first Article of the Treaty of 1846, whether it meant the Haro Channel or the Rosario Channel, or the whole channel, or any intermediate channel.

Although this Convention was recommended for ratification by the Senate Committee of Foreign Affairs, it was never brought before the Senate, and the period within which the ratification should have taken place expired.

The fact is, the Senate of the United States never could be brought to face the Convention of 1869. That body gibbed and shied, and at last fairly bolted, leaving the Treaty which, by their national representative at the Court of St. James, had been pledged to win, in a very undignified position on the floor of the House. The force of contrast made the matter worse, for the preceding Treaty, that of 1846, had been sanctioned with suggestive alacrity, at that rate of lightning speed euphonistically known as "slick"—three days only having elapsed between the signing and sealing, and the ratification. Many reasons were assigned, diplomatically, for the collapse, but the best answer is to be found in the 36th protocol of the Treaty of Washington (8th May, 1871), whereby this vexed question was again dealt with, and finally, thus:

"At the Conference of the 15th March, the British Commissioners proposed that the question of the water boundary should be made upon the basis of the Treaty of 1869," or the Reverdy Johnston Treaty.

"The American Commissioners replied

that, though no formal note was taken, it was well understood that *that* Treaty had not been favourably regarded by the Senate." And in this way we are introduced to the last Treaty of all, the Treaty of the 8th May, 1871, or the last Washington Treaty, in its relation with this subject.

It was clear, from the stand taken above by the American negotiators, that no re-opening of the question, no modification of the channels, could ever be approached, except weighted with grave liabilities. They offered, indeed, to abrogate the Treaty of 1846 so far, and to rearrange the boundary line as thereby established, or, in other words, to revive the American claim to Vancouver Island, with "fifty-four forty, or fight." Diplomatic humanity revolted at the proposition. Better to endure all the ills we had, than to rush into unknown danger on the Russian frontiers.

Then, at the Conference of the 29th April, the British Commissioners, hampered and weighted by instructions, bound by the sins of their predecessors, "proposed the middle channel, known as the Douglas Channel." "The American Commissioners declined to entertain the proposal." On their side they proposed the Haro, which was, of course, declined on the other. "Nothing therefore remained to be done but a reference to arbitration to determine whether the line should run through the Haro Channel or the Rosario Straits. This was agreed to."

But the British Commissioners persisted still. "They then proposed that the *arbitrator* should have the right to draw the boundary line through an intermediate channel. The American Commissioners declined the proposal, stating that they desired a *decision*, not a *compromise*."

Alas! most lame and impotent conclusion. Had the plain, common-sense construction of the Treaty of 1846 been apprehended from the first, the intermediate channel would have been the line of division, the Island of St. Juan ours, and no compromises asked from either party.

Again, with forlorn desperation, the British Commissioners proposed "that it should be declared to be the proper construction of the Treaty of 1846, that all the channels were to be open to navigation by both parties. The American Commissioners stated they did not so con-