

preceding Rule, is that, in case of words, the party who aims at the free navigation of the whole of Fuen's Straits, is intelligible, as a necessary precaution, if the boundary line is to be run through the Rosario Strait, but is unnecessary and unreasonable, if the boundary line is to be run through the Canal de Haro.

4. That a boundary line run through the middle of the Channel, now called the Rosario Strait, satisfies the great aim, which either party had in view prior to the conclusion of the Treaty of the 15th June, 1846; and as that Channel had no distinguishing name at the time when the Treaty was made, *it could not be otherwise described than as it is described in the Treaty*. On the other hand the Canal de Haro had a distinguishing name, and there was no reason, if the Canal de Haro was contemplated by both the High Contracting Parties at the time when the Treaty was made, why it should not have been described by its distinguishing name to prevent all uncertainty.

5. That a line of boundary run through the middle of the Rosario Strait, in accordance with the knowledge, which both the High Contracting Parties possessed at the time when the Treaty of 15th June, 1846, was made, would have been favourable to both Parties, whereas a line of boundary run through the Canal de Haro *would have deprived Her Britannic Majesty of a right of access to her own possessions through the only then known navigable and safe channel*.

6. That it is more in accordance with equity that His Imperial Majesty should pronounce in favour of the claim of Her Britannic Majesty's Government, than in favour of the claim of the Government of the United States, as a decision of His Imperial Majesty declaring the Rosario Strait to be the Channel through which the boundary line is to be run, will continue to citizens of the United States the free use of the only Channel navigated by their vessels prior to the Treaty of 15th June, 1846; whilst a declaration of His Imperial Majesty in favour of the claim of the Government of the United States *will deprive British subjects of rights of navigation, of which they have had the habitual enjoyment from the time when the Rosario Strait was first explored and surveyed by Vancouver*.

The evidence, which Her Britannic Majesty's Government has thought it proper to offer to the consideration of His Imperial Majesty in support of the present case, as, for the convenience of His Imperial Majesty, been collected in an Appendix, which is annexed thereto.

Her Britannic Majesty's Government of Her Britannic Majesty, under the terms of the Treaty, the middle of the Channel to be run through the Canal de Haro.

it in British channels as the south of the Channel between the two, and that the way to them at that time.

Article I of the Treaty continued through the Channel, which is practicable, if it shall