

Statement.

and, in his statement to Lord John Russell in 1859,* he says it was the intention of the Treaty to adopt the mid-channel of the straits as the line of demarcation, without any reference to islands, the position and, indeed, the very existence of which (he adds) had hardly at that time been accurately ascertained.

37. Finally, it should be noted that the fact that the Canal de Haro has long borne a proper name on the maps is no evidence of the superiority of that passage for purposes of navigation. It would seem to have been accidentally distinguished by a name, before and at the date of the Treaty, from the circumstance that it obtained a name (Canal de Lopez de Haro) on the Spanish map of Quimper's observations of the Straits of Fuca in 1790.† But it was little known except by name at the date of the Treaty and for some time after.

38. Her Majesty's Government have now finished their examination of Mr. Bancroft's Memorial. They do not trouble the Arbitrator with any remarks on such parts of it as refer to the Lecture or Pamphlet of Mr. Sturgis, the observations of Mr. Bates, the articles in the Quarterly Review and the Examiner, and other matters which seem to them to have little (if any) bearing on the question to be decided. The interpretation of the Treaty cannot be affected by the public discussions which preceded it, nor can any amount of unofficial declarations as to what ought to be done be evidence of what the Governments of the two countries intended by the Treaty to do.

39. Nor have Her Majesty's Government thought it necessary to examine in detail the passage in the Memorial (page 9) which is headed "Plea for the integrity of Sir Robert Peel's Ministry," or the corresponding passage (page 12) which forms the concluding paragraph of the Memorial. Her Majesty's Government see no necessity for any such plea, and no ground for the suggestions in the passage last referred to. The characters of Sir Robert Peel and Lord Aberdeen place them beyond suspicion of having acted with insincerity or duplicity in any part of this transaction. Moreover, the frankness with which Lord Aberdeen communicated to Mr. MacLane the project of Treaty, in which no mention is made of the Canal de Haro as the channel through which the boundary should run, sufficiently shews that Mr. MacLane had no sure ground for his surmise that the Canal de Haro was contemplated by Lord Aberdeen as the boundary channel, or, at all events, was so at the time when Lord Aberdeen framed the project of Treaty.

40. The Arbitrator will not fail to observe that the explanation given in this Statement of the mention by Mr. MacLane and Mr. Benton of the Canal de Haro, far from involving any dishonouring imputation, is entirely consistent with the view, which Her Majesty's Government sincerely entertain, that Mr. MacLane, and all those who in any degree represented the United States on the occasion of the Treaty, acted with perfect good faith. Mr. MacLane, it seems almost certain, misled himself by a misapplication of Wilkes's map, and Mr. Benton was misled either by Mr. MacLane's letter, or by a misapplication of his own geographical knowledge, or by both.

41. Her Majesty's Government then submit to His Majesty the Arbitrator, on the whole case, that, whether he looks at the general position of the two nations with reference to their claims to the Oregon district, or at the circumstances attending the particular transaction which issued in the Treaty, or at the language of the Treaty, he will be led to adopt the conclusions of Her Majesty's Government.

as the name is nowhere to be found on Vancouver's chart, which is said to have been used by the British Government in reference to the water boundary. 'King George's Sound' is the name that was given in 1778, by Captain Cook, to Nootka Sound, on the western coast of Vancouver's Island, between latitude 49° and 50°. The name was never much in vogue, except to distinguish a mercantile association formed soon after the discovery of Nootka, called the 'King George's Sound Company.' There is, however, no need of conjecture as to Lord Aberdeen's actual meaning. He simply miscalled the Gulf of Georgia."

* Appendix, No. 1.

† A copy of this map was not in the possession of Her Majesty's Government at the time of the preparation of their Case presented to the Arbitrator in December 1871. The map, which seems to be the result of mere eye-sketches, is of small value in itself. It describes itself as made by Quimper's "primer piloto" (first mate, or master), Don Gonzalo Lopez de Haro. This fact may account for the prominence given to the channel bearing the name of Haro. But little more than the southern mouth of the channel is shewn. The southern entrance of Rosario Straits is indistinctly shewn as Boca de Fidalgo.