

of the Gulf of Georgia; but it is, on the contrary, rather a distinct and independent channel, having its commencement in the Straits separating Saturna from Vancouver's Island, and running parallel to that gulf.

Again, the Haro Channel cannot be adopted as the channel of the Treaty, without doing violence to the expression "southerly," contained in Article 1.

If the boundary line is to be diverted from the southernmost point of the Gulf of Georgia into the Haro Channel, it must take, for a considerable distance, not a southerly, but a westerly, direction, describing for that purpose an acute angle before the southerly course spoken of in the Treaty could be resumed. Consequently, as was stated in the instruction to Lord Lyons, if the Plenipotentiaries had intended that the boundary line should pass through the Haro Channel, they would undoubtedly have specified that channel by name, in order to distinguish it from "the Channel;" that is to say, the channel used by Vancouver—the channel which was the continuation of the Gulf of Georgia; and they would also have added some modified qualification to the word "southerly."

For all these reasons it is contended that the Canal de Haro is neither according to the letter of the Treaty nor the intentions of its negotiators, the channel through which the boundary line was to run.

The Americans lay great stress on the fact that Mr. McLane, the American Minister at this Court in 1846, in reporting to his Government the terms of arrangement which he thought the British Government would probably offer, said he believed they would concede the Canal de Haro as the boundary line; and also to a declaration afterwards made by Mr. Benton in the Senate, that the boundary line had been so fixed. But it is obvious that this evidence is of a secondary character, and cannot be allowed to override the wording of the Treaty.

The Americans, moreover, contend that the 49th parallel of north latitude was fixed by mutual consent as the basis of the boundary line, and that the deflection from that parallel was only conceded by them in order to give to us the whole of Vancouver's Island. Again, the American Commissioner argues in favour of the Canal de Haro, on the ground that