Extent of Fuca's Strait.

Extent of Fuca's Strait.

Chart No. 3.º

It will have been observed by His Imperial Majesty that Her Majesty's Gover ment, in speaking of Fuca's Strait, uses that expression to denote the inlet of the which extends from Cape Flattery to Whidhey Island, which lies off the America Continent. The utmost fength of Fuca's Strait would thus extend over about 2: of longitude, equal in that latitude to about 86 miles (English), when it merges, its south-east extremity, in Admiralty Inlet, and at its north-east extremity Rosario Strait.

Navigation of Fuca's Strait. Chart No. 4.†

Chart No. 3.

Navigation of Fuca's Strait.

The Rosario Strait and the Canal de Haro are both of them connected immediate with Fuca's Strait, so that it is possible for a vessel setting out from a port on eith side of the Channel under the 49th parallel of north latitude, to pass by either of the intervening Channels into Fuca's Strait, and thence to the Pacific Ocean; with difference, however, that a ressel passing down the Rosario Strait would enter Full Strait at its eastern end, in about 122° 47' west longitude, the proper and safe con for such a vessel being to the eastward of Davidson's Rock at the distance of all 1 mile south of Cape Colville, and so would have to navigate the whole of Fucu's St on its way to the Pacific Ocean; whereas a ressel passing down the Canal de Haro keep a safe course between Discovery Island and the Middle Bank, and enter Strait of Fuca in about 123° 10' west longitude, and so would only be obliged to now about two-thirds of Fuca's Struit on its way to the Pacific Ocean. On the other la a vessel entering Fuca's Strait from the Pacific Ocean and bound up the Rosario & by night, after making the light upon Race Island, would have to make the li upon New Dungeness, which is about 70 miles from Cape Flattery, and then the L upon Smith or Blunt Island, which lies almost in the centre of the eastern end Fuca's Strait, and about 6 miles from the entrance of the Rosario Strait. Has made Smith's Island, the vessel may pass safely either to the northward or the so ward of it, according as the wind may allow. In the former case she would prob have to pass within 3 miles of Cape Colville before she can enter the Rosario St On the other hand, it she is obliged to keep a course to the southward of Smi Island, she would probably have to pass within 3 miles of Whidbey Island before reaches the entrance of the Rosario Strait. She might thus be obliged in one of other case to navigate within the three miles limit. On the contrary, a vessel enter Fuca's Strait from the Ocean, and bound up the Canal de Haro, will not be under necessity to pass within territorial waters on either side of the boundary line, in to reach the entrance of the Canal.

Having thus, in the first place, brought under the consideration of His Imp Majesty the physical features of the waters through which the boundary line is drawn pursuant to the provisions of the Treaty of the 15th June, 1846, Her Brita Majesty's Government proposes, in the second place, to submit to the considerati His Imperial Majesty certain rules of interpretation which, in the opinion of j of the highest authority, are applicable to the interpretation of Treaties, and while the opinior of Her Britannie Majesty's Government, may be properly invoke elicit the true interpretation of the Treaty of the 15th June, 1846.

Rules for the Interpretation of Treaties.

Rules for the Interpretation of Treaties.

There are certain admitted Rules to which Her Majesty's Government invite attention of His Imperial Majesty, as proper to be observed in the interpretati Treaties :-

1. The words of a Treaty are to be taken to be used in the sense, in which the

commonly used at the time when the Treaty was entered into.

Vattel, I. ii, chap. 17, cc. 271. Loudon 1011.

In affirmation of this rule, Vattel (l. ii, chap. 17, sec. 271) writes:—"I interpretation of Treaties, compacts, and promises, we ought not to deviate for common use of language unless we have very strong reasons for it;" and in illust of what he means by "the common use of language," he goes on to say, in 272, "The usage we here speak of is that of the time when the Treaty or the of whatever kind, was drawn up and concluded. Languages incessantly vary, signification and force of words changes with time."

* See Chart No. 4.

See Chart No. 3.

irit of

In a "It nd with ited by orcover gnilicati ords.

"The terpreta necive t d spirit si totá le igest, l. 3. The

Upon "The d establis ht to be er—that t, by the ceding o steady t is, but ra t one an 2ty." 4. The i In illust "The re

making o

ead us to

he circu ignous, in When e person hat reaso ntion, and " Pursua ised to a assistance "But we law, the 1 lge in va are none to disco uthor's vi in defaul

est degree sity in se neaning o ace of it. not allows t may 1 es to the Preambl

vel out of it. . Treaties n illustra It will n lious. I