

Extent of Fuca's
Strait.
Chart No. 3.*

Extent of Fuca's Strait.

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

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

Navigation of Fuca's Strait.

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

Chart No. 3.

Rules for the
Interpretation of
Treaties.

Rules for the Interpretation of Treaties.

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

1. *The words of a Treaty are to be taken to be used in the sense, in which they are commonly used at the time when the Treaty was entered into.*

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

Vattel, l. ii, chap. 17,
sec. 271. London,
1811.

* See Chart No. 4.

† See Chart No. 3.