

other parts of Lord Aberdeen's proposal: for, he says, those other parts "were not precisely ascertained." Mr. MacLane's letter (as far as it relates to the Oregon question) is printed in the Historical Note, and is open to the judgment of the Arbitrator. It appears to Her Majesty's Government to afford no ground to justify this limited application of the phrase "most probably." This phrase is in immediate connection, grammatically, and in the arrangement of the matter, with the passage relating to the boundary. The three subjects—(1), boundary: (2), possessory rights of British subjects: (3), navigation of the Columbia,—are discussed throughout the letter on the same footing. The proposal on any one subject is treated in the letter as being quite as much settled and definitive as the proposal on any other. Moreover, in point of fact, the exact proposal was as much ascertained on any one point as on any other, and this must have been so in Mr. MacLane's apprehension, as Lord Aberdeen had shewn him the project of the Treaty.

(viii.) The boundary, however, it is argued by Mr. Bancroft, was precisely ascertained, because Mr. MacLane states that the line as proposed by Lord Aberdeen had been suggested by Mr. Everett, and what the proposal of Mr. Everett was (he says) is known from the citations in the Memorial from his (Mr. Everett's) despatches. The passage in Mr. Bancroft's Memorial, relating to Mr. Everett's suggestion, is as follows (page 4):—

"On the 29th of November, 1843, soon after Mr. Everett's full powers had arrived, he and Lord Aberdeen had a very long and important conversation on the Oregon question; and the concessions of Lord Aberdeen appearing to invite an expression of the extremest modification which the United States could admit to their former proposal, Mr. Everett reports that he said: 'I thought the President might be induced so far to depart from the 49th parallel as to leave the whole of Quadra and Vancouver's Island to England, whereas that line of latitude would give us the southern extremity of that island, and consequently the command of the Straits of Fuca on both sides. I then *pointed out on a map the extent of this concession*; and Lord Aberdeen said he would take it into consideration.'

"The next day Mr. Everett more formally referred to the subject in a note to the British Secretary:—

"My dear Lord Aberdeen,

"46, Grosvenor Place, 30th November, 1843.

"It appears from Mr. Gallatin's correspondence that . . . Mr. Huskisson had especially objected to the extension of the 49th degree to the Pacific, on the ground that it would cut off the southern extremity of Quadra and Vancouver's Island. My suggestion yesterday would obviate this objection. . . . A glance at the map shows its importance as a modification of the 49th degree. . . .

'EDWARD EVERETT.'

"On the 2nd of February and on the 1st of April, 1844, Mr. Everett reports that he continuously insisted with Lord Aberdeen that the only modification which the United States could, in his opinion, be brought to agree to, was that they should waive their claim to the southern extremity of Vancouver's Island, and that Lord Aberdeen uniformly answered 'he did not think there would be much difficulty in settling the question.'

"During the following months Mr. Everett and Lord Aberdeen, both wishing sincerely to settle the controversy, had further frequent conversations, and, as the result of them all, Mr. Everett reported that England would not accept the naked parallel of 49° to the ocean, but would consent to the line of the 49th degree, provided it could be so modified as to leave to Great Britain the southern extremity of Vancouver Island. 'I have spared no pains,' wrote Mr. Everett on the 28th of February, 1845, 'to impress upon Lord Aberdeen's mind the persuasion that the utmost which the United States can concede is the 49th parallel with the modification suggested, taking always care to add that I had no authority for saying that even that modification would be agreed to.'

"To one fact I particularly invoke the attention of the Imperial Arbitrator; not the least room for doubt was left by Mr. Everett with regard to the extent of the modification proposed. *He had pointed it out to Lord Aberdeen on the map*, and had so often and so carefully directed his attention to it, that there could be no misapprehension on the limit of the proposed concession."

It is difficult to see the force of this reference from the letter of Mr. MacLane to the writings and acts of Mr. Everett. It seems to Her Majesty's Government to be a process of ascertaining a thing uncertain in itself by means of something still more uncertain. It does not appear that Mr. Everett pointed out on a map, or referred in any manner to, the Canal de Haro; yet this is the whole question. The fair inference from Mr. Everett's statements is that he did not speak of the water boundary at all, but only pointed out on a map how much of Vancouver's Island would be cut off by the 49th parallel. Mr. Bancroft appears to overstrain Mr. Everett's words. Mr. Everett says he "pointed out on a map the extent of the concession," as regards the southern extremity of Vancouver's Island; Mr. Bancroft says (page 7) Mr. Everett "had drawn the line of demarcation upon the map," which seems to be a very different thing. If this had been stated by Mr. Everett, and if it also appeared that the line of demarcation drawn by him on the map passed down the Canal de Haro, then Mr. Bancroft's inference that Lord Aberdeen was proposing a line through the Canal de Haro, from the fact that