

emphatically *provided*, in the same Article, that the navigation of the *whole* of the *said* channel, including of course all intermediate and subordinate channels, should be free and open to both parties.

That such was the true intendment of the Treaty is confirmed by the language of Sir Richard Pakenham, the British negotiator, used at a subsequent period, in explanation of the transactions of 1846, and referred to by Lord John Russell in his despatch of the 24th August, 1859. He says: "It is my belief that neither Lord Aberdeen, nor Mr. McLane, nor Mr. Bancroft possessed at that time a sufficiently accurate knowledge of the hydrography or the geography of the region in question to enable them to define more accurately what was the intended line of boundary that is expressed in the words of the Treaty;" and again, "all that we knew about it was, that it was to run through the *middle of the channel which separates the continent from Vancouver Island*, and thence southerly through the middle of the said channel and of Fuca Straits to the Pacific Ocean."

The same view has been recently supported by a very great European authority. The London *Times* of the 11th November, 1872, contained, as translated from an Italian journal, a letter from the Chevalier Negra, a scholar and statesman, now ambassador at the court of McMahan, whose name alone commands attention, strongly confirmative of the view taken above. He says:

"By the Oregon Treaty of 1846, English and Americans agreed that the 49th degree of latitude should form their boundary from the Rocky Mountains to the Gulf of Georgia, and that, from that gulf to the Straits of Juan de Fuca, the frontier line should run in the middle of the channel that separates the continent from Vancouver Island. * * But is not the entire space, as I think, and as Capt. Prevost truly said in 1857, a channel like the English Channel? and should not the boundary line, therefore, according both to the spirit and the letter of the Oregon Treaty, pass through the middle of the great channel, of course with the curves necessary to give to the English or to the United States the undivided property of the islands through which a straight line would cut, according as the greater part of the island was found upon the English or American side of the line? I can discern no

geographical reason for dividing back, as the English might like to do, the line eastwards to the Rosario Channel, or for pushing it over to the west to the Haro Channel, as was decided at Berlin. Neither in the first nor in the second case is the line *in the middle of the channel*, and the channel comprises all the space between Vancouver Island and the continent, and is everywhere navigable, although the navigation be better in the broader waters of the Rosario, and better still in those of Haro."

Had the Treaty been thus read and thus acted on *ab initio*, had this dividing line been insisted upon from the first, we should possess now as a *right*, that which Lord John Russell proposed as a *compromise*.

For take the Admiralty chart, and with a pair of dividers trace a line "commencing in the midst of the channel" on the line 49 degrees and running southerly down the middle of the *said channel* which separates the continent from Vancouver Island, following the curvature of the same, at all times equidistantly from the shore of the continent and of Vancouver Island, down to Fuca Straits, regardless of all secondary channels, and of all rocks and islets by the way, and we produce a line in accordance with the letter and the spirit of the Treaty, running as nearly as possible through what is now known as the Douglas Channel, which would give to Great Britain the exclusive right to the Island of St. Juan, and to the United States an equal right to Orcas Island and other fine islands; while the Haro Channel and the Rosario Channel and the Douglas Channel itself, and all other intermediate channels or passages, would have remained free and open to the navigation of both nations. It is difficult indeed to conceive how any misconception could have arisen.

It has been before observed that the subject was one demanding the foresight and forethought of statesmen. Now, what did the statesmen do? Acting under instructions from his Government, we find that, in 1848, the British Minister at Washington blandly suggested to the American Government, in the most honied accents of diplomacy, that, as the Rosario Channel was, beyond a doubt, the right channel, the sooner it was declared so the more gratifying it would be,—and so on, with the usual reciprocations. The Americans, not to be outdone in "bunkum," replied handsomely, and rejoined "Haro."