

standing of the Contracting Parties at the time.* Therefore, in prolonging the 40th parallel to the middle of the channel between the Continent and Vancouver's Island, and in drawing the mid-channel line southerly therefrom to Fuca's Straits, the Arbitrator will have to consider the channel, at and immediately to the southward of the 40th parallel, as bounded on the west, not by the eastern coast of Vancouver's Island, as now ascertained, but by the broken line of coast, which is in fact formed by the eastern shores of Galiano Island and the other islands of that chain.

35. With reference to maps, another distinction requires notice. The map spoken of as Wilkes's Map of the Oregon Territory (an extract of which is Mr. Bancroft's Map IV) is merely a map, in the ordinary sense, and is not a chart with soundings marked or otherwise adapted for purposes of navigation.†

36. Mr. Bancroft speaks (page 28) of the place of a particular name "*on every map used by the negotiators.*" Who are meant by the negotiators does not appear. In the ordinary sense, the negotiators were Mr. Pakenham and Mr. Buchanan. There is no evidence known to Her Majesty's Government of any particular map, or of any map, having been used for the purposes of the negotiations which issued immediately in the Treaty. There was a map before Mr. Everett and Lord Aberdeen in one of their conversations,‡ but what map does not appear. Mr. MacLane, it would seem, used Wilkes's map,§ but there is no evidence that he and Lord Aberdeen together referred to that or any other map. As regards Lord Aberdeen himself, he probably used Vancouver's chart, but it would rather seem that he did not give much attention to a map in the matter. In his instructions to Mr. Pakenham,|| he makes a slip in using the name of King George's Sound, an obsolete name for Nootka Sound, instead of the Gulf of Georgia;¶ and, in his statement to Lord John Russell in 1859,** he says it was the intention of the Treaty to adopt the mid-channel of the straits as the line of demarcation, without any reference to islands, the position and, indeed, the very existence of which (he adds) had hardly at that time been accurately ascertained.

37. Finally, it should be noted that the fact that the Canal de Haro has long borne a proper name on the maps is no evidence of the superiority of that passage for purposes

* Mr. Bancroft says (page 5):—"Since the intention of the negotiators must rest on the knowledge in their possession at the time when the Treaty was made, I shall use the charts and explorations which have advanced, or profess to have advanced, our knowledge of the country in question, and which are anterior to that date."

† There was no chart issued with the Narrative of the United States' Exploring Expedition, under Lieutenant Wilkes, as part of the atlas connected with it, or otherwise. Indeed, no chart shewing the surveys of that Expedition in the Oregon region appears to have been published up to the time of the correspondence between Mr. Bancroft and Lord Palmerston in July to November 1848, Appendix No. 4.

‡ Above, paragraph 19 (viii).

§ Above, paragraph 19 (ii).

|| Historical Note, p. xii.

¶ Mr. Archibald Campbell remarks on this point:—"Lord Aberdeen in tracing the boundary line follows the 49th parallel to the sea coast and deflects thence in a southerly direction through the centre of *King George's Sound* and the Straits of Fuca to the ocean." On either of the accompanying tracings, and indeed upon any map of the north-west coast, we may look in vain for 'King George's Sound' between the Continent and Vancouver's Island. This mistake is not so readily accounted for as Mr. MacLane's in regard to Birch Bay, as the name is nowhere to be found on Vancouver's chart, which is said to have been used by the British Government in reference to the water boundary. 'King George's Sound' is the name that was given in 1778, by Captain Cook, to Nootka Sound, on the western coast of Vancouver's Island, between latitude 49° and 50°. The name was not much in vogue, except to distinguish a mercantile association formed soon after the discovery of Nootka, called the 'King George's Sound Company.' There is, however, no need of conjecture as to Lord Aberdeen's real meaning. He simply miscalled the Gulf of Georgia."

** Appendix, No. 1.