

The discussion thus entered into, in connection with the subsequent diplomatic correspondence on the subject, merits careful attention as an exposition of the views of the two governments in relation to the channel contemplated by the treaty. The United States commissioner bases his claim to the Canal de Haro on the ground that it is the *main* channel south of the forty-ninth parallel leading into the Straits of Fuca, and that it accomplishes the sole object for which the line was deflected south from the forty-ninth parallel, instead of being extended on that parallel to the ocean, namely, to give the whole of Vancouver's Island to Great Britain. His first position is based upon the charts and maps extant at the date of the treaty, and those of latest dates, which show the Canal de Haro to be by far the widest and deepest channel. The second view seems quite as strongly supported by the contemporaneous evidence of those who took part in negotiating the treaty.

The British commissioner lays claim to Rosario Straits, on the ground that it answers to what he designates as the "*very peculiar wording*" of the treaty; that is, he assumes that the Rosario Strait specially meets the requirement of the language, "separates the *continent* from Vancouver's Island;" whereas, the Canal de Haro merely separates *Vancouver's Island* from the continent. And he intimates that the name of the Canal de Haro was omitted in the wording of the treaty, and the usual mode of expression (separating the lesser object from the greater) was designedly reversed in order to carry the boundary line through the Rosario Strait. He presents no contemporaneous evidence, however, to support either his peculiar argument in relation to the language used, or his statement concerning the omission of the Canal de Haro.

The two commissioners disagreed in regard to the boundary channel. The British commissioner having failed to produce any evidence to substantiate his claim that the Rosario Strait is the channel intended by the treaty, or to produce rebutting contemporaneous evidence to that presented by the United States commissioner in favor of the Canal de Haro, offered as a compromise an intermediate narrow channel, which would throw the island of San Juan, the most valuable of the whole group, on the British side of the line. This compromise the United States commissioner refused to accept.

A perusal of the instructions of the two governments to their commissioners, respectively, will throw much light upon the discussion and its result.

The commissioner of the United States was left untrammelled by those addressed to him, and sought to carry out the intentions of the negotiators of the treaty by consulting all the evidence that could be found for his guidance, determined to carry the treaty into effect by running the line through the channel intended by them, wherever that channel was to be found.

The instructions to the British commissioner, however, were in substance the same as those proposed by Mr. Crampton for the two governments to the joint commission, to run the line through the Rosario Strait, allowing him the discretionary power to adopt an intermediate channel, provided that the United States commissioner could not be induced to accept the channel claimed by the British government. Under no circumstances, however, does he appear to have had the power to accept any channel that would not give his government the island of San Juan. This is clearly ascertained from his instructions, and the British commissioner leaves no doubt on the subject when he writes in his letter offering a compromise channel, "beyond what I now offer I can no further go."

From the correspondence which took place between Mr. Cass, Secretary of State, and Lord John Russell, the British Secretary of State for foreign affairs, after the discussion between the joint commissioners had closed, it appears that the British government renewed the proposition for compromise made by their commissioner, but it was declined. Mr. Cass, as will be seen by the accompanying copy of a note of the 25th of June, 1860, to Lord Lyons, then called upon the British government to make a proposition for the adjustment of the difference