

Statement.

"Mr. MacLane, in tracing on the map the 49th parallel 'to the sea, that is to say, *the arm of the sea* called Birch's Bay,' evidently supposed that the space between the Continent and Vancouver's Island at the 49th parallel was designated as Birch Bay. And from the conspicuous position given to the name of Birch Bay on Wilkes's map, and even on Vancouver's chart, such an error might very naturally occur. In reality, however, Birch Bay is only the small indentation on the mainland at the extreme right of the name, and is a few miles south of the 49th parallel. The name of the *Gulf of Georgia* is intended by Wilkes to extend from the parallel of 50° as far south as the northern extremity of the Canal de Haro, including the space supposed by Mr. MacLane to be Birch Bay."

This explanation is simple and reasonable. And it strongly confirms the suggestion of Her Majesty's Government that Mr. MacLane was merely interpreting, according to his own lights, the words of the project which Lord Aberdeen had shewn him, and was not reporting to his Government Lord Aberdeen's interpretation, or an agreed interpretation. There is no suggestion, and no ground for a suggestion, that Lord Aberdeen ever spoke of Birch Bay. If, then, it is probable that Mr. MacLane did not derive from Lord Aberdeen his mention of Birch Bay, in just the same degree is it probable that he did not derive from Lord Aberdeen his mention of the Canal de Haro.*

(iii.) The use by Mr. MacLane of Wilkes's map (which is thus made almost certain) goes far to account for his mention of the Canal de Haro (or Arro, as it is written on Wilkes's map, and by Mr. MacLane): for that passage is so conspicuously marked on Wilkes's map as to seem to be the only direct channel between the Continent and Vancouver's Island leading into the Straits of Fuca. But however it is to be accounted for, there is no ground whatever for the suggestion that Mr. MacLane's mention of the Canal de Haro was authorized by anything said to him by Lord Aberdeen.

(iv.) In 1859, Lord Aberdeen, on being referred to by Lord John Russell, then Her Majesty's Principal Secretary of State for Foreign Affairs, informed Lord John Russell that he (Lord Aberdeen) distinctly remembered the general tenour of his conversations with Mr. MacLane on the subject of the Oregon boundary, and he had no recollection of any mention having been made, during the discussion, of the Canal de Haro, or, indeed, any other channel than those described in the Treaty itself.†

(v.) Mr. MacLane was not negotiating with Lord Aberdeen. His connection with the question was (as he himself says) "in a great degree informal."‡ The negotiations were being carried on at Washington by Mr. Pakenham (acting immediately under Lord Aberdeen's instructions) on the one hand, and Mr. Buchanan on the other hand.§ Lord Aberdeen was at liberty to inform Mr. MacLane of his views and intentions; he was at liberty to refrain from doing so. Anything that passed between Lord Aberdeen and Mr. MacLane was not negotiation in a proper sense; and no binding compact can be extracted from it, taken alone.

(vi.) Mr. MacLane perfectly understood this position. Lord Aberdeen's project of Treaty was so far from being the result of a bargain made between him and Mr. MacLane, that Mr. MacLane in reporting it to his Government disapproved of it, and (it would appear) tried to induce his Government to reject it.|| He says (among other things):—¶

"It is scarcely necessary for me to state that the proposition as now submitted has not received my countenance. Although it has been no easy task, under all the circumstances, to lead to a reopening of the negotiations by any proposition from this Government, and to induce it to adopt the parallel of 49 as the basis of a boundary, nevertheless I hoped it would have been in my power to give the present proposition a less objectionable shape, and I most deeply lament my inability to accomplish it. I have, therefore, felt it my duty to discourage any expectation that it would be accepted by the President; or, if submitted to that body, approved by the Senate."

(vii.) If Mr. MacLane had been in a position to enter into a contract with Lord Aberdeen it is plain he never would have used the qualification "most probably." Mr. Bancroft, seeing the force of this consideration, endeavours to get over the difficulty by alleging that the phrase "most probably" applies, not to the boundary, but to the

* There is nothing in the explanation here given of Mr. MacLane's words inconsistent with the character of him drawn by Mr. Bancroft (page 7):—"Mr. MacLane was a calm and experienced statesman, trained in business, exact in his use of words, careful especially in reporting what was said by others."

† Lord John Russell to Lord Lyons, 24th August, 1859; read, and copy given, to United States' Secretary of State. Extract, Appendix, No. 1.

‡ Appendix No. 32 to Mr. Bancroft's Memorial.

§ Mr. Bancroft correctly says (page 5), with reference to the time just before the Treaty:—"Meantime the negotiation on the Oregon question had been transferred to the new British Minister at Washington." And again (page 5):—"Lord Aberdeen confessed that it now fell to him to propose a peaceful solution of the long controversy."

|| The character of the letter in this respect is brought out by Mr. Pakenham's comments in his despatch of the 29th July, 1846, Historical Note, p. xvi.

¶ Historical Note, p. xi.