

We cannot, however, agree with him in his conclusion.

His Lordship wrote mainly to expose the miserable policy of compromise. He denounced the action of Lord John Russell, who, in 1859, for the sake of the settlement of the Boundary difficulty, offered to accept the Douglas Channel as a compromise. The Douglas channel would have given to Great Britain the Island of St. Juan, and to the United States all the remainder of the Georgian Archipelago. He contended that the Rosario Channel, as claimed by us, was our unquestionable and indisputable right, and that to give up one rock or islet of the 400 square miles which intervene between the Rosario and Haro Channels would be a fatuous abandonment of great national interests. Here we take leave to differ with his Lordship. We do not feel that under the plain reading of the Treaty of 1846 we ever had the least right to the Rosario Channel, still less under that Treaty could the Haro Channel be imposed upon us. Under that Treaty the true passage or channel, if any, was the Douglas Channel, and the error committed by Lord John Russell was not so much in suggesting the Douglas Channel as a *compromise*, as in not having insisted on it as a *right*.

But the fact is that, in 1859, Lord John Russell was already hampered by the acts of his predecessors. At an earlier period England, ill-advised, had asked too much. She had thereby raised a false issue, and had been shrewdly and irreparably checkmated. So far back as 1848, under instructions to Mr. Crampton, she had officially claimed the Rosario Channel, not so much under the Treaty of 1846, as under the construction she chose to put upon it. She claimed that it was the best, if not the only, navigable channel then known and used. On the other hand, it was shown or contended that the Haro Channel was just as good, and upon the quarrel, in this shape, the contestants joined issue. Never was there a more erroneous issue raised, or a more pernicious. Neither the Rosario nor the Haro corresponds with the meaning of the Treaty; the Douglas Channel alone conforms to both letter and spirit, and, *if insisted upon from the first*, would most assuredly have given to England the great bone of contention, St. Juan Island.

The fact is that the whole fabric of argu-

ment originated in a misconception, which by force of reiteration had assumed the semblance of reality. It is incomprehensible how the plain language of the Treaty could have been so perverted. Now, what are the words of the first Article of the Treaty of 1846?—

"From the point on the forty-ninth parallel of north latitude, where the boundary laid down in existing treaties and conventions between Great Britain and the United States terminates, the line of boundary between the territories of Her Britannic Majesty and those of the United States shall be continued westward along the said forty-ninth parallel of north latitude to 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's Straits to the Pacific Ocean. *Provided*, however, that the navigation of the whole of the said channel and straits, south of the 49th parallel of north latitude, remain free and open to both parties."

Nothing can be plainer, more intelligible, or more practical, than the meaning of the first Article of the Treaty of 1846. It prescribes that the line of the water boundary, starting from a given point on the 49th parallel, *in the middle of the channel which separates the continent from Vancouver Island*, should pass thence, southerly, through the middle of the said channel and the Straits of Fuca, to the Pacific Ocean. The channel spoken of is the grand channel, *the whole space*, whether of island, rock, or water, which separates the continent from Vancouver's Island. In the Treaty no mention is made of interjacent islands or intermediate channels, simply because the negotiators, working at Washington with the aid of imperfect and untrustworthy charts, knew but little of the subject. These gentlemen, with unsafe knowledge but perfect honesty of purpose, did the best if not the only thing they could do. They had no time to pause; urged by the clamour of the hour, and by the commercial anxieties of two great nations, they brought the Treaty rapidly to a close, determining that the water boundary should be a line drawn in the middle of the channel—*the whole space or channel*—which separates the continent from Vancouver Island: and to preclude injustice or inconvenience to either of the contracting Powers, they carefully and