

Statement.

that passage; while in the Canal de Haro, on the contrary, the currents are irregular, the waters flowing into it being broken and dispersed by the islands in and near its northern entrance.

(x.) Mr. Bancroft labours the point (page 28) that the name Rosario Straits was not given till of late to the channel through which Vancouver sailed. Her Majesty's Government are not concerned to dispute this. But they have not invented the name of Rosario Straits (as Mr. Bancroft seems to think) for the purposes of the present discussion. Mr. Archibald Campbell gives a history of the names borne at different times by the channel, ending thus:—"It is now [1859] universally called Rosario Straits." It is, in fact, called so over and over again in United States' official documents, and it had been named Rosario Strait on the map of the United States' Coast Survey (by Lieut. Alden, U.S.N.), published in 1854.

(xi.) Lastly, Mr. Bancroft says (page 29):—

"Now the so-called straits of Rosario lead only to a Sound, which Spanish voyagers called the bay of Santa Rosa; they do not connect with Fuca's straits, which cease at the south-eastern promontory of Vancouver Island."

Her Majesty's Government submit that it is plain that Fuca's Straits, even in the more modern and restricted sense of that name, extend to the western coast of Whidbey Island. Formerly, they used to be considered, at least by many persons, including Mr. Greenhow, as sweeping round to the north and north-west, through the archipelago which lies between the Canal de Haro and Rosario Straits, and as including in their waters both those passages. On Quimper's map, indeed, the easternmost part of the Straits is marked Seno de Santa Rosa. But that map (the earliest extant) is a very imperfect representation of the land and water of the district, and the name of the Bay of Santa Rosa never appears again on any map known to Her Majesty's Government.

34. In connection with this branch of the subject Her Majesty's Government desire to guard against an error that might be caused by the map attached to Mr. Bancroft's Memorial (which may be taken as a sample of the most modern maps). This map represents a state of geographical and hydrographical knowledge, very different from that which existed at the date of the Treaty. In one respect this consideration is of great importance. The islands shewn on this map, forming a chain along the eastern coast of Vancouver's Island, named Galiano Island, Mayne Island, Samuel Island, and Saturna Island, were at the date of the Treaty supposed by both the Contracting Parties to be parts of Vancouver's Island. A comparison of maps of the date of the Treaty with maps of the present day will shew this conclusively. Her Majesty's Government adopt the words of Mr. Archibald Campbell:—

"None of the maps extant at that day [the date of the Treaty] present a perfectly correct idea of the space between the continent and Vancouver's Island, at, and immediately south of, the 49th parallel. The Straits of Fuca and the Archipelago east of the Canal de Haro are fairly enough represented; but between the Haro Archipelago and the 49th parallel, the space is inaccurately represented as free from islands, and, consequently, with but a single channel between the continent and Vancouver's Island. The surveys made subsequently to the conclusion of the Treaty shew that what was laid down by the early Spanish navigators, by Vancouver, and by Wilkes, as the eastern coast of Vancouver's Island, is in fact the coast of an extensive archipelago skirting the shore of the main island between latitude 48° 47' and 49° 10'."

Now Her Majesty's Government submit it to the Arbitrator as a clear proposition that the Treaty is to be interpreted according to the common knowledge and under-

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