

"After a few hours' deliberation on each of the three days, Wednesday, Thursday, and Friday, the Senate, by a majority of 38 votes to 12, adopted yesterday evening a resolution advising the President to accept the terms proposed by Her Majesty's Government."

It is clear, therefore, that Sir Robert Peel had not at the time of speaking (if he ever had) any knowledge of what was said by Mr. Benton in the Senate. If this is not the point of Mr. Bancroft's reference to the debate in the Senate, Her Majesty's Government do not know why the reference is made.

III.

18. The third division of Mr. Bancroft's arguments comprises his endeavours to shew that there is evidence, contemporaneous with the making of the Treaty, in support of the contention of the United States. Mr. Bancroft says (page 7):—

"With this knowledge of Mr. MacLane's character, and of the confidence reposed in him by Lord Aberdeen, I request the Imperial Arbitrator to take in hand the map of the Oregon Territory by Wilkes, which had been published in England as well as in America in 1845, and which was the latest, most authentic, and best map of the territory, as well as the only one recognized by the American Senate, and, with this map in hand, to read the following extract from Mr. MacLane's official report of the interview, made on the 18th of May, 1846:—

"I have now to state that instructions will be transmitted to Mr. Pakenham by the steamer of to-morrow to submit a new and further proposition on the part of this Government, for a partition of the territory in dispute.

"The proposition, most probably, will offer substantially:

"First. To divide the territory by the extension of the line on the parallel of forty-nine to the sea, that is to say, to the arm of the sea called Birch's Bay, thence *by the Canal de Arro and Straits of Fuca to the ocean.*"

"Here follow other clauses, conceding to the Hudson's Bay Company a temporary use of the Oregon River for navigation, with other advantages, and protection to British subjects who would suddenly come under the jurisdiction of the United States. To these clauses the phrase 'most probably' applies, for they were not precisely ascertained; but not to the boundary: on that point the further statement of Mr. MacLane in the same despatch leaves no room for a doubt. His words are: 'During the preceding Administration of our Government, the extension of the line on the 49th parallel to the Straits of Fuca, *as now proposed by Lord Aberdeen, was actually suggested by my immediate predecessor (Mr. Everett)* as one he thought his Government might accept.'

"Now what the proposal of Mr. Everett had been we know from the citations which I have made from his despatches; and I have actually referred to the fact that he had drawn the line of demarcation upon the map, and specially directed the attention of Lord Aberdeen to it."

19. In this passage Mr. Bancroft puts forward prominently Mr. MacLane's letter, but he nowhere deduces distinctly the inference he wishes the Arbitrator to draw from it. In whatever light, however, the letter is regarded, it will appear that, when all the circumstances are candidly considered, the letter furnishes no ground for any inference favourable to the United States in the present discussion.

(i.) Mr. MacLane does not profess in his letter to report the words of the contemplated Treaty. He had seen the words, and knew that the Canal de Haro was not specified. He must then (it would seem) have considered the words he saw as amounting substantially (according to his own expression) to the proposal of a line by the Canal de Haro. He applied (whether accurately or not is not the question) his geographical information to the words shewn to him, and inferred, in his own mind, that a line such as he saw described would run through the Canal de Haro. Under this impression he wrote to his Government. If this is the true explanation of the facts (and no other explanation is apparent), his statement is of no weight on the question, what is the channel of the Treaty? That question, which is the question now under arbitration, remains unaffected by his letter.

(ii.) One circumstance in Mr. MacLane's letter tends to support this explanation, that is, his mention of Birch Bay (incorrectly called by him Birch's Bay), which he treats as being on the 49th parallel. This geographical error (which is peculiar in this controversy to Mr. MacLane) has been accounted for thus, by Mr. Archibald Campbell:—*

* Mr. Archibald Campbell was Commissioner on behalf of the United States, when Commissioners were appointed (as mentioned in the preamble of Article XXXIV of the Treaty of Washington of 1871) on behalf of the two Governments in 1856, to determine the water boundary under the Treaty of 1846. The document of Mr. Campbell's quoted or referred to here and elsewhere in this Statement is a report made by him to Mr. Cass, the United States' Secretary of State, dated 20th January, 1859.