NORTH AMERICA. No. 6 (1873).

(D.)

NORTH-WEST AMERICAN WATER BOUNDARY.

REPLY

OF THE

UNITED STATES

TO THE

CASE OF THE GOVERNMENT OF HER BRITANNIC MAJESTY.

PRESENTED TO

HIS MAJESTY THE EMPEROR OF GERMANY,

AS ARBITRATOR,

UNDER THE PROVISIONS OF THE TREATY OF WASHINGTON,

JUNE 12, 1872.

[For Maps and Charts referred to in this Paper, see North America No. 8.]

Presented to both Houses of Parliament by Command of Her Majesty.
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LONDON:
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REPLY.

[This Reply is printed in a different form from the copy laid before the Arbitrator; it has therefore been necessary to change the *original Marginal References.*]

THE United States on the 12th of December last presented their memorial on the Canal de Haro as the boundary line of the United States of America to the Imperial Arbitrator, and to the Representative of Her Britannic Majesty's Government at Berlin. To the Case of the Government of Her Britannic Majesty, likewise submitted at that time, they now offer their reply. A formal answer to every statement in the British Case to which they take exception, would require a wearisome analysis of almost every one of its pages. They hold it sufficient, to point out a few of the allegations which they regard as erroneous; to throw light upon the argument on which the British principally rest their Case; to establish the consistency of the American Government by tracing the controversy through all its changes to its present form; and, lastly, to apply to the interpretation of the Treaty some of the principles which Her Britannic Majesty's Government itself has invoked.

I.

The argument of Her Britannic Majesty's Government has kept in the background the clear words of the Treaty describing the boundary, and has made no attempt to bring them into harmony with the British claim. On the contrary, in the statement of the question submitted for arbitration, it assumes that the Treaty of 1871 speaks "as if there were more than one channel between the Continent and Vancouver Island through which the boundary may be run." The United States are of the opinion that the Treaty of 1846 designates the Haro Channel precisely as the only channel of the boundary. The words are:—"The channel that separates the Continent from Vancouver's Island;" and there is but one such channel. The so-called Straits of Rosario touch neither the Continent nor Vancouver Island.

British Case, p. 1.

The name of the Continent of South America, as used by geographers, includes the group of islands south of the Straits of Magellan. The Continent of Asia includes Ceylon and Sumatra; the Continent of Europe includes Great Britain and Ireland, and the Hebrides. Asia Minor includes Lesbos, and Scio, and Samos, and Rhodes, and Tenedos; and so the Continent of North America includes all adjacent islands, to the great Pacific.

Were the question to be asked, "What channel separates the Continent of Europe from Candia?" the answer would not draw the line north of the greater part of the Ægean Archipelago, but, like all European diplomacy, would point to the channel south of Santorin. In like manner, when the Treaty speaks of "that channel which separates the Continent from Vancouver Island," nothing is excepted but Vancouver Island itself.

The United States assented, in 1871, to no more than that Great Britain might lay her pretensions before an impartial tribunal, all the while believing and avowing that the simple statement which has just been made is absolutely conclusive on the point submitted for arbitration.

The British Case seeks to draw an inference unfavourable to the American demand from the proviso in the Treaty of 1846 which secures to either party the free navigation of the whole of Fuca's Straits. It is quite true that the right was safe, and was known to be safe "under the public law;" yet it appears from documents printed at the time, that, as the recent assertion by the Russian Government of a claim to the exclusive navigation of a part of the northern Pacific Ocean was recollected, it was thought best to insert the superfluous clause, recognizing the Straits of Fuca as an arm of the sea.

British Case, p. 15.

Senate Documents, vol. ix, doc. 489, p. 44. Appendix to Memorial, No. 42, p. 32.

British Case, pp. 5, 15.

The British Argument seems suited to mislead by its manner of using the name "Straits of Rosario." The first channel from the Straits of Fuca to the north, that was discovered and partly examined in 1790, was the Canal de Haro. The expedition under Lieutenant Eliza explored that channel in June 1791, with the greatest industry and care, and discovered the broad water which is its continuation to the north. That water, lying altogether to the north of the northern termination of Haro Channel, was named by the expedition, El Gran Canal de Nuestra Señora del Rosaria la Marinera. Thus the Canal de Haro and the true Spanish channel of Rosario form at once the oldest historical continuous channel, as it is the one continuous boundary channel of the Treaty of 1846.

Appendix No. 62, p. 36.

The passage which the British authorities now call the Straits of Rosario, appears as early as 1791 on the map of Eliza as the channel of Fidalgo, Vancouver, coming after Eliza, transferred the name of Rosario to the strait east of the island of Texada. The British Admiralty, soon after receiving the surveys made under its orders in 1847 by Captain Kellett, suddenly removed the name of the Straits of Rosario from the narrow water between the continent and the Island of Texada, where it had remained on British maps for fifty years, to the passage which the Spaniards called the Channel of Fidalgo. And yet the Government of Her Britannic Majesty advances the assertion, that "how the name has come to be" so "applied in modern days, does not appear." For this act of the British Admiralty in February, 1849, there exists no historical justification whatever.

Map K.

Map C.

Admiralty map of Vancouver Island and the Gulf of Georgia, from the surveys of Captain G. Vancouver, R.N., 1793, Captains D. Galiano and C. Veldés, 1792, Captain H. Kellett, R.N., 1847. Published February 28, 1849.

British Case, p. 5.

The United States have obtained from the Hydrographical Bureau in Madrid a certified copy of two reports, made in 1791, of the explorations of de Eliza, and a facsimile of a map which accompanied them. On this authentic map, of which a lithographic copy is laid before the Imperial Arbitrator, the position of the Canal de Haro, of the Spanish Canal de Rosario, and of the Channel of Fidalgo may be seen at a glance, as they were determined by the expedition of Eliza in the year 1791.

Map K.

The British Case exaggerates the importance of the voyage of Captain Vancouver. So far were American fur traders from following his guidance, they were his forerunners and teachers. Their early voyages are among the most marvellous events in the history of commerce. So soon as the independence of the United States was acknowledged by Great Britain, the strict enforcement of the old, unrepealed navigation laws cut them off from their former haunts of commerce, and it became a question from what ports American ships could bring home coffee, and sugar, and spices, and tea. All British Colonies were barred against them as much as were those of Spain. So American ships sailed into eastern oceans, where trade with the natives was free. The great Asiatic commerce poured wealth into the lap of the new republic, and Americans, observing the fondness of the Chinese for furs, sailed fearlessly from the Chinese seas or round Cape Horn to the north-west coast of America in quest of peltry to exchange for the costly fabrics and products of China. They were in the waters of north-west America long before the Hudson's Bay Company. We know, alike from British and from Spanish authorities, that an American sloop, fitted out at Boston in New England, and commanded by Captain Kendrick, passed through the Straits of Fuca just at the time when the American constitution went into operation, two years before Vancouver, and even before Quimper and de Haro. Americans did not confine themselves to one passage in preference to others, but entered every channel, and inlet, and harbour, where there was a chance of trafficking with a red Indian for skins; and they handed down from one to another the results of their discoveries.

Meare's Voyage, vol. lvi, p. 235; Vancouver's Voyages, vol. i, p. 20. Quimper, MS. Journal. Documento existento en el archivo e Indias en Sevilla. Appendix No. 62, p. 36.

Appendix No. 63, p. 38.

The instruction from the British Admiralty to Captain Vaucouver was prompted by an account, which they had seen, of the voyage or Kendrick, aud the belief, derived from that account, that the waters of the Pacific might reach far into the American continent. Vancouver was therefore instructed to search for channels and rivers leading into the interior of the continent, the farther to the south the better, in the hope that water communication might be found even with the Lake of the Woods. In conformity to these instructions, founded on the voyage of Americans, he entered the Straits of Fuca, and keeping always as near as he could to the eastern shore, he vainly searched the coast to the southern limit of Puget Sound. Turning to the north, he passed through the Channel of Fidalgo, or the spurious Rosario, because his instructions required him to keep near the shore of the continent.

The inference of Her Britannic Majesty's Government, that the so-called Rosario Strait is the Channel of the Treaty because Vancouver sailed through it, is a fallacy. He never committed such a mistake as to represent the so-called Rosario, which he apparently did not even think worthy of a name, as being comparable to the Channel of Haro.

The argument of Her Britannic Majesty's Government misstates the character and exaggerates the value of the chart of Vancouver by assuming that he prepared directions

to mariners for navigation. But the chart which is produced is only one map among many, never published apart from a work, too voluminous, expensive, and rare to find a place on board the small vessels of fur-traders. The line on his map is nothing more nor less than the track of his own course while engaged in explorations under controlling instructions, and is a track which no ship has followed or is likely to follow.

The British argument frequently refers to the soundings taken by Vancouver in the Fidalgo-Rosario channel; only two such soundings appear on his map, while there are five or six on an arm of the Canal de Haro, and one on its edge showing that its waters were found to be more than 200 feet deep. The chart of these waters for mariners published by the Spaniards in 1795, exhibits many soundings to facilitate the use of the Canal de Haro. If this excellent chart contains no soundings in the great centre of the Channel of Haro, it is for a reason to which Vancouver repeatedly refers, that the usual sounding-lines of those days were not long enough to touch bottom in the deep waters where walls of igneous rock go perpendicularly down hundreds of feet, close even to the shore. "Even nearest the islands," writes de Eliza, "we could not find bottom with a line of forty fathoms." "Proximo à las Islas, no se encuentra fondo con quarenta brazas."

British Case, pp. 6, 8, 9, 14.

Map L.

Appendix No. 64, p. 38.

The British Case assigns in like manner an undue prominence to the trade in the Vancouver waters prior to the Treaty of 1846. As to general commerce, there was none. As to settlements, properly so called, there could be none; for under the British Treaty with Spain, and the Treaty of non-occupation between the United States and Great Britain, impliedly at least, there could be no grants or holdings of territory by individuals or companies of either party. The American voyages on the northwest coast were entirely broken up by the maritime orders and acts of England which preceded the war of 1812; and the American fur trade never recovered from the effects of that war. The trade became a monopoly of the Hudson's Bay Company, and that Company boasted officially that "they compelled the Americans one by one to withdraw from the contests. The United States acknowledged that the boast was true. At rare intervals of years, Americans may have entered Fuca's Straits, but a careful search fails to discover proof that even one single United States' vessel sailed into those waters between the year 1810 and the arrival of the American Exploring Expedition under Wilkes in 1841. A monopoly of the trade was maintained by the Hudson's Bay Company, not against Americans only, but against all ships but their own. What then becomes of the British argument, that trading vessels of other nations were in all that time not known to pass through the Canal de Haro?

British Case, pp. 6, 14.

Appendix No. 67, p. 39.

The Hudson's Bay Company was once a Company of commercial importance, as well as of political influence. But the hunting ground over which it ranged was enormously wide, stretching from Labrador to California and to the Russian settlements in north-western America. They could spare very little of their limited resources for the waters round San Juan Island. Their leading settlement in the west, until 1843, was at Fort Vancouver on Colombia River. Of shipping in their employ, nothing is heard for many years, except of one small steamer, the Beaver, and of one small schooner, the Cadboro. Wilkes in 1841 met only the Beaver. These vessels were accustomed twice a-year to make the trip from Fort Vancouver to the various posts, to distribute supplies and to collect furs. If in these trips they chose to pass through the Fidalgo-Rosario channel, rather than the Canal de Haro, the British Case has omitted to state the reason of the choice. In the semi-annual trip from Fort Vancouver to the trading posts, the first one that was visited was Nisqually, at the head of Puget Sound. A vessel sailing from that part of the United States to Fraser's River would naturally pass through the Fidalgo-Rosario channel. To have taken any other would have been circuitous. A geographical sketch is annexed, from which the reason will appear, why the vessels on these trips passed through the so-called Rosario Straits; not because it was the great channel from the Straits of Juan de Fuca to the north, but because it was the shortest passage between Nisqually in Puget Sound and Fort Langley on Fraser's River. The return voyage, when there was no need of touching at Nisqually, was sometimes made by the Channel of Haro.

Appendix No. 53, p. 23. No. 56, p. 25. No. 58, p. 71. No. 59, p. 28. British Case, pp. 33, 30.

Map N.

"There were no vessels engaged in those waters," writes Rear-Admiral Wilkes of his visit to them in 1841, "except the small and very inefficient steamer, called the Beaver, commanded by Captain McNeill who spoke of it (the Strait of Haro) to me as the best passage, although he was obliged to pass through the Rosario passage.

Appendix No. 53, p. 23.

Again, in narrating the survey of the Haro Channel by the United States' exploring expedition in 1841, the British Case shapes the narrative so as to give the impression that the American expedition regarded the so-called Straits of Rosario as superior to the Haro, while the opposite is the truth. Commodore Wilkes, who commanded the expedition, detached a subordinate officer in the Vincennes to survey the channels among

British Case, p. 9.

the islands of the archipelago; he reserved for himself the more important but less difficult office of surveying the Channel of Haro.

British Case, p. 12.

On the 26th page of the British Case it is asserted that the late Mr. Daniel Webster stated in the Senate of the United States, that the great aim of the United States in 1846 was to establish the 49th parallel of the north latitude as the line of boundary on the western side of the Rocky Mountains, "not to be departed from for any line further south on the Continent."

The inference drawn from this is, that Mr. Webster demanded the line of the parallel of 49° for "the continent" only, and was indifferent as to "the islands."

Mr. Webster was not at that time a member of the Government of the United States, but the leader of the political minority in the Senate, which opposed the administration of that day. The United States, therefore, may, without questioning the great authority of his name, deny that he is to be received as an interpreter of the views of the Cabinet which negotiated the Treaty of 1846. It may, however, surprise the Imperial Arbitrator to learn that Mr. Webster not only did not entertain the opinions attributed to him, but expressed himself in a sense exactly the reverse.

Some members of the Senate insisted on the parallel of 54° 40′ as the American boundary; Mr. Webster declared himself content with the parallel of 49°. But his words were absolute. The British Case puts words into his mouth which he never uttered. What Mr. Webster said was, that the of line 49° was "not to be departed from for any line further south." The words "on the Continent" are an interpolation made by the British Case. In the same debate and on the same day Mr. Webster, to guard against misrepresentation, observed with great solemnity:—

Appendix No. 65, p. 38.

"The Senate will do me the justice to allow, that I said as plainly as I could speak, or put down words in writing, that England must not expect anything south of forty-nine degrees."

British Case, Map No. 5.

The government of Her Britannic Majesty includes in the charts annexed to its Case a map of Oregon and Upper California drawn by one Preuss, and yet in its printed Case there is not one single word explaining why the map has been produced. The United States know only that on a former occasion Captain, now Admiral Prevost, the British Boundary Commissioner, wrote of it, in his official character, to the American Boundary Commissioner: "I beg you to understaud that I do not bring this map forward as any authority for the line of boundary."

Appendix No. 70, p. 41.

Forty years ago the mountain ranges and upland plains from which the water flows to the Gulf of California, or is lost in inland seas, still remained as little known as the head springs of the Congo and of the Nile. Fremont had thrice penetrated those regions, once or more with Preuss in his service as draughtsman. On the return of Fremont from his third expedition, the Senate of the United States, although he was not then in the public service, instead of leaving him to seek a publisher, on the 5th and 15th of June, 1848, at the instance of Mr. Benton, voted to print his geographical memoir on Upper California, and the map of Oregon and California, "according to the projection to be furnished by the said J. C. Fremont."

In representative governments, each branch of the legislature may order printed what it will; but the order gives no sanction to what is printed. Last winter, for example, the German Diet printed at the public cost, that the German constitution is not worth the paper it is written on. Neither Fremont or Preuss had ever been within many hundred miles of the Straits of Fuca, and Fremont himself says: "The part of the map which exhibits Oregon is chiefly copied from the works of others. The Senate never saw the map as delivered to the lithographer. The work was printed, not under the revision of officers of the Seuate, but solely "subject to the revision of its author." Except for the regions which he had himself explored, Fremont abandoned the drawing of the map to Preuss, who followed "other authorities." While Mr. Preuss was compiling his map, Mr. Bancroft, the representative of his country in London, with full authority from the President and Secretary of State of the United States, delivered to the British Government in the clearest words the declaration of his own Government that the boundary line passes through the middle of the Haro Channel. Any error of Mr. Preuss was therefore perfectly harmless.

Senate Miscellaneous Documents, No. 148; 30th Congress, 1st Session.

Appendix No. 51, p. 21.

And, under any circumstances, what authority could attach to a draught by Mr. Preuss? He was one of the many adventurers who throng to the United States, a mechanic, possessing no scientific culture, and holding his talent as a draughtman at the command of any who would employ him.

The United States are unable to inform the Imperial Arbitrator what authority served as a guide to Mr. Preuss, when he drew the Oregon boundary to suit British pretensions. Not Mr. Benton; his opinion was well known. Not the Senate, which is

the only permanent body under our constitution, and which in the twenty-five years since the Treaty was made, has inflexibly maintained the right of the United States to the Haro boundary. Not Mr. Buchanan, the Secretary of State, whose instructions on the Haro as the boundary, sanctioned by the President and his Cabinet, date from the year in which the Treaty was made. Neither could Preuss have copied the line from printed materials. No such printed materials existed at the time. A wish expressed by the British Minister at Washington slumbered in the Department of State, and was known only to the President and his Cabinet.

Mr. Preuss is no longer living to explain by whom he was misled. Mr. Fremont remembers that Mr. Preuss had among his materials a copy of a manuscript map of the north-west territory by the Hudson's Bay Company, received from one of its officers. Be this as it may, it is enough for the United States to have shown that the map never had the sanction of any branch of their government.

Analogous mistakes have been made in Great Britain, and under weightier authority. Pending the discussion between the two countries, Messrs. "Malby & Co., of London, manufacturers and publishers to the Society for the Diffusion of Useful Knowledge," sent out a large and splendid globe, on which they assigned to the United States by line and colour the whole north-western territory up to the latitude of 54° 40′.

To treat mistakes like these as important is unsuited to negotiations between great Powers. The United States do not complain that the map of Preuss is produced by Her Majesty's Government; for the production of it is a confession of the feebleness of the British Case. They might complain, that Her Britannic Majesty's Government did not state what it hoped to prove by the map. They might complain, that it produced the map without an acknowledgment of its well known worthlessness as an exposition of American opinion. And above all they might complain of the British Government for submitting the map to the Imperial Arbitrator without avowing that its own archives contain a contemporaneous, explicit, and authoritative declaration from the American Government, that the Straits of Haro are the Boundary Channel of the Treaty of 1846.

II.

Having thus drawn attention to the character of the paper which the Government of Her Britannic Majesty has presented as its Case, its allegations in support of its pretensions are next to be examined. The Government of Her Britannic Majesty presents but one argument, and that argument has two branches. The British Government admits, and even insists that the Channel of the Treaty must be a continuous Channel from the 49th parallel to the Straits of Fuca; and it argues, first, that the Strait which it now calls Rosario, but which at the time of making the Treaty of 1846, had "no distinguishing name," must have been the Channel contemplated by the Treaty, because the British, at that time, "had no assurance" that the Canal de Haro "was even navigable;" "had a firm belief that it was a dangerous Strait; and, secondly, that Fuca Straits extend from Cape Flattery to Whidbey Island. In discussing these two points their order will be reversed.

First, then, do the Straits of Fuca, as now pretended by Great Britain, reach to Whidbey Island? The answer depends in a part on the definition of the word "Strait." Her Majesty's Government forget, that the word applies only to a narrow "passage connecting one part of the sea with another." Such is is the lesson taught by all geographers, whether British, or French, or American, or German. As soon as the south-east Cape of Vancouver Island is passed, the volume of water spreads into a broad expanse, filled with numerous islands, and becomes a gulf or bay, but is no longer a strait.

Neither can it be pretended that any exception takes place in the geographical usage of the name "Straits of Fuca, as employed in all the scientific explorations and maps, previous to June 1846. On the contrary, the pretension is hazarded in the face of them all.

The first map of the strait is by the pilot Lopez de Haro; on that the mouth of the so-called Strait of Rosario is named Boca de Fidalgo, and the water to the south of it bears the name of the Gulf of Santa Rosa. Map J.

The map of Eliza, in 1791, confines the name of the Straits of Juan de Fuca to the straits that separate Vancouver Island, on the south, from the continent; and that officer in his report repeats the name of the Gulf of Santa Rosa, as the name of the interior waters. Map K.

The explorers in the Sutil and Mexicana, alike in the Spanish chart of 1795, and in the map annexed to the publication of their voyage in 1802, called the Straits "Entrada," a Spanish word that can extend to no more than an entrance. Map L.

Map C. Next came Vancouver, and the great authority of the British overthrows the British argument beyond room for cavil; for he not only, like all his predecessors, confines the name of Straits of Juan de Fuca to the passage between Vancouver Island on the south and the continent, but, alike in his narrative and on his map, expressly distinguishes those straits from "the interior sea," which he, with great solemnity, named the Gulf of Georgia.

Map E. Map F. The map of Duflot de Mofras, of 1844, and that of Wilkes, in 1845, confine the name of the Straits of Fuca strictly to the waters that really form a strait between the continent and the southern line of Vancouver Island.

The Government of Her Britannic Majesty cannot produce one single map older than 1846 in defence of its views.

The common use of language among the British in Vancouver still corresponds with the undivided testimony of the maps. Pemberton, Surveyor-General of Vancouver Island, in a work published in 1860, writes thus of a "stranger steaming for the first time eastward into the Straits of Juan de Fuca:" "On his right hand is Washington Territory, on his left is Vancouver Island; straight before him is the Gulf of Georgia."

Appendix No. 66, p. 39.

Appendix No. 66, p. 39. The statement of Commander Mayne is, if possible, still more precise. Of the Strait of Juan de Fuca, he writes in these words:—"At the Race Islands, the strait may be said to terminate, as it there opens out into a large expanse of waters." Now the Race Islands, or Race Rocks, alike on the British and American maps, lie to the south-west of the Channel of Haro. On the point in question there could be no better authority than Commander Mayne, as he is a man of science, and was employed on the surveys during the period in which Captain, now Admiral, Prevost and Captain Richards acted as the British Boundary Commissioners.

But to refute the British assumption, we need not go outside of the British Case itself. On page 27 it claims the chart of Vancouver as the chart according to which Her Majesty's Government framed the Ist Article of the Treaty, and then most correctly says:—"The name of the Gulf of Georgia is assigned on that chart to the whole of the interior sea."

British Case, p. 12.

Thus this branch of the argument offered by the British Government is in flat contradiction to the proper use of language, to nature, to the concurrent testimony of every competent witness, and is given up before the end of the very paper in which it is presented.

We now come to the other branch of the British argument: that prior to 1846 there was no assurance that the Canal de Haro was even navigable. That channel is now universally acknowledged to be the best and most convenient for the British. It forms the only line of communication regularly used by them. The mail-steamers take only that route. It is the broadest, it is the deepest, it is the shortest passage; and so it is the only one used by the Government, the traders, the immigrants, and inhabitants of British Columbia. It became the exclusive channel as soon as gold-hunting lured adventurers to that region, and the navigation of those waters was no longer confined to the vessels coasting from one to another of the trading posts of the Hudson's Bay Company. Its superiority appears alike from the chart of the British Admiralty and of the American Coast Survey. A map is annexed exhibiting in several cross sections the relative depths of its channel.

Appendix Nos. 53, 54, 55, 57, 58, 61.

Map M.

The plea of ignorance on the part of the British up to 1846 is irrevelant. The Treaty does not designate the channel which was or was not most in use, but the channel which separates the Continent from Vancouver.

In negotiating the Treaty neither side had in view the tracks of the few former fur traders whose course was run; but the great channels provided by nature for future commerce. American statesmen officially foretold at the time to the British negotiators that, under American auspices, flourishing commonwealths, such as we now see in California and Oregon, would rise up on the Pacific.

The plea of Lord Aberdeen's ignorance of the Haro waters rests not on any thing real and tangible which can be investigated, but on something purely ideal; on an unspoken, unwritten opinion attributed to him. It was not set up till after the death of Sir Robert Peel, who professed to understand "the local conformation of that country," and explained it to the House of Commons; nor till after Lord Aberdeen in 1855 had finally retired into private life. It is not pretended by any one that the opinion was well-founded; and as it is erroneous in itself, and never obtained the sanction either of Sir Robert Peel or of Lord Aberdeen, it must be classed among the dreams that come from the realm of shades through the ivory gate.

Moreover, the attention of Lord Aberdeen, two days before he sent out the Treaty to Mr. Pakenham, was specially called to the islands of the Haro Archipelago. On the

15th of May, 1846, he definitely assented, as Mr. MacLane understood him, to the Haro Channel as the boundary. On the 16th, Sir John Pelly, then Governor of the Hudson's Bay Company, the same who boasted that that Company had "compelled" the Americans to withdraw from the fur trade, waited upon Lord Aberdeen with map in hand, pointed out to him the group of islands, wholly on the south of the parallel of 49°, and described in distinct and unequivocal language, as well "as coloured red," "the water demarcation line" which would secure every one of the Haro Islands. Lord Aberdeen, after having his mind thus closely and exactly drawn to the position of those islands, like "the straightforward man" of hononr the United States took him for, rejected the "explicit" advice which would, indeed, have prevented the consummation of the Treaty; and, in his instructions and in his draught of the Treaty, stipulated only for the Channel, "leaving the whole of Vancouver's Island in the possession of Great Britain." Appendix No. 67, p. 39.

Further, this plea of ignorance in 1846 that the Channel of Haro was navigable is in itself absurd. For what is a channel? canal? "Fahrwasser?" "Seegat?" A channel means the deepest part of a river or bay, where the main current flows. The word is never used except of water that is navigable. Geographies are full of the names of channels, and the maps of Europe and Asia are studded with them, and who ever before thought of denying any one of them to be navigable? The present British suggestion is without precedent. To say that the Canal de Haro was not known to be navigable is to say that the Canal de Haro was not known to be the "Canal de Haro."

It is very unlucky for the Government of Her Britannic Majesty that its plea of ignorance relates to the waters inside of Fuca Straits. The emoluments of the fur trade; the Spanish jealousy of Russian encroachments down the Pacific coast; the lingering hope of discovering a north-west passage; the British desire of finding water communication from the Pacific to the great lakes; the French passion for knowledge; the policy of Americans to investigate their outlying possessions; all conspired to cause more frequent and more thorough examinations of these waters, even before 1846, than of any similarly situated waters in any part of the globe.

Before that epoch, the water east and south of Vancouver Island had been visited by at least six scientific expeditions, from four several nations; three from Spain, one from Great Britian, one from France, and one from the United States; and the discoveries of all the four nations had been laid before the world.

De Haro, of the Spanish exploring party of 1789, discovered, and partly sounded and surveyed, the one broad and inviting channel which then seemed, not merely the best, but the only avenue by water to the north; and he left upon it his name.

The official reports upon the expedition of Lieutenant de Eliza in 1791, and the large and excellent map which accompanied his narrative, prove that on the 31st day of May, 1791, an armed boat was ordered to enter and survey the canal of Lopez de Haro; but the survey was interrupted by the hostile appearance of six Indian canoes, filled by more than a hundred warriors. On the 14th day of June, the exploration of the Canal de Haro was resumed, and was continued till the whole line of the Canal de Haro was traced from Fuca's Straits to its continuation in the great upper channel. Appendix No. 62.

But the Imperial Arbitrator may ask if these discoveries were published to the world; and the United States answer that they were published before the end of the century, both in Spain and in England. In 1792, the Spanish vessels Sutil and Mexicana, commanded by Captains Galiano and Valdes, taking with them the map of Lieutenant de Eliza, verified and completed the exploration of the interior waters. The results of the three Spanish expeditions were published officially by Spain in 1795, in an elaborately prepared chart for mariners, of which a lithographed copy accompanies this reply. Map I.

The map of Eliza was also communicated to Vancouver in 1792, at the time when he met Galiano and Valdes, in the waters west of Vancouver Island. Thus Captain Vancouver became equally well aware of the superiority of the Channel of Haro. That he put trust in the communications made to him by the Spaniards, is proved beyond a doubt, for he incorporated them into his map. The discoveries of the Spaniards, enriched by additional surveys of Vancouver himself, were published in Great Britain in 1798, in connection with his voyage. Before the end of the 18th century therefore, the relative importance of the channels in the waters east of Vancouver Island was known to everyone who cared to inquire about it, and who could gain access either to the chart published in Cadiz, or to the account of Vancouver's voyage which was issued in London. Her Majesty's Government seem certainly to have been in possession in the surveys of Captains D. Galiano and C. Valdes, for, in the first chart drawn by the British Admiralty of Vancouver Island and the Gulf of Georgia, and published in February 1849, they are cited as equal in authority to the chart of Vancouver and as equally well-known. Appendix to Memorial No. 12, p. 19.

Appendix to Memorial No. 48, p. 36.

As to the result of the French explorations, Duflot de Mofras, in his work published in 1844 reports:

"Dans l'espace qui s'étend de la terre ferme jusqu'à la partie Est de le grande île de Quadra, il existe une foule de petites îles qui, malgré les abris sûrs qu'elles offrent aux navires, présentent à la navigation de grandes difficultés. Le passage le plus facile est par le canal de Haro, entre l'île de Quadra et Vancouver et celle de San Juan."

"In the space between the continent and the eastern part of the large island of Quadra, there is a multitude of small islands, which, in spite of the safe shelters that they offer to ships, presents great difficulties to navigation. The most easy passage is through the Canal de Haro, between the Island of Quadra and Vancouver and that of San Juan."

The testimony of Duflot de Mofras is clear and unequivocal. It is impartial, and it is authoritative, as it occurs in a formal report to his sovereign.

Commodore Wilkes himself, in 1841, made all the surveys and soundings that were necessary for the safe navigation of the Haro Channel, and, in 1845, published officially, both in London and in America, that he had done so.

The American adventurers who collected furs in those waters for the trade with China knew the relative value of the two channels. At Boston, in 1845, Mr. Sturgis, the great representative of that class, describes the Haro Channel correctly as the northernmost navigable channel, and draws the boundary line through the centre of its waters. And his pamphlet, and his map, were known and approved by Lord Aberdeen before the Treaty was framed.

Thus in Cadiz, in Paris, in Philadelphia, in Boston, and in London, the character of the Haro Channel had been publicly made known before the end of 1845.

The British claim that the Hudson's Bay Company navigated those waters from 1827, or 1828, to 1846. Is it credible that for nineteen years they should have sailed a distance of six German miles, and at the end of that time, be able to affirm that they were ignorant of the most obvious, broadest, shortest, nearest, and best channel to Fraser's River? Unless they took the Channel of Haro, they must have passed it twice on every voyage, and a sailor, from the mast-head of a vessel, or even from the deck, could have seen it in all or nearly all its extent.

Appendix No. 66, p. 39.

Governor Douglas, one of the most enterprising and inquisitive of men, famous for his "intimate acquaintance with every crevice on the coast," came, in 1842, with the knowledge and approval of Lord Aberdeen, to select the station for the Hudson's Bay Company near the south-east of Vancouver. From the hill that bears his name, his eye could have commanded the whole of the Canal de Haro, and his experience of the sea would have revealed to him at a glance the great depth of its waters. Moreover, in a good boat, with a favouring wind and tide, he could have passed through the whole channel in less than three hours. To say that he was not thoroughly well aware of its merits is, to those who know the character of the man, beyond the bounds of credibility.

The British Government has not produced one particle of evidence of an older date than 1846, that any one questioned the navigability of the Haro Channel, while all the evidence which the American Government has thus far produced to establish it, is older than the Treaty, is supported by the testimony of four different nations, and proves beyond all possibility of doubt, that before the Treaty of 1846, the superiority of the Canal de Haro was known by all who cared to know anything on the subject.

The testimony which Her Britannic Majesty's Government of to day brings forward to prove the ignorance of its predecessors, is found to be the more groundless the more it is examined. It would be difficult to state too strongly the objections which any British court of law would make to it. The declarations are taken by the one party without notice to the other. The distinguished officers of the Hudson's Bay Company, men like Governor Douglas, are passed by; for they could not be expected to stultify themselves by pleading ignorance of the merits of Haro Channel. Obscure men bear positive testimony to that about which they knew nothing. A set of written questions is presented to them, and in different places, and on different days; they answer in large part in the same words, implying that answers, as well as questions, were prepared beforehand. The testimony thus picked up is of the less value, as the witnesses were not cross-examined; and yet, without being confronted or cross-examined, they involve themselves in contradictions if not in falsehoods.

The questions are framed so as to seem to be to the point, and yet most of them are of no significance.

British Case, pp. 30, 31.

William H. McNeill pretends to have used Vancouver's charts, not knowing that Vancouver made no charts, except as an illustration of his own voyage. Then he affirms that, in coming south from Fraser's River, he went through Rosario Straits; while the

Rosario Straits on Vancouver's map lie far to the north of Fraser's River. Again, he says that the navigation of Haro Straits is much impeded by numerous small islands and rocks; whereas it may be seen by the charts of the British Admiralty, as well as those of the United States' Coast Survey, that the channel is broad and singularly deep, and where the bottom is marked rocky, the soundings show a depth of 300, 600, and even 1,000 feet. The same man puts his name to the statement that what he calls the Strait of Rosario was the only surveyed channel; whereas the Canal de Haro had been surveyed both by Spanish and American expeditions.

William Mitchell testifies twice over that the so-called Rosario Strait was the only known channel; while the Channel of Haro appears on the Spanish chart, on the French, on the American, and is given by Vancouver himself. The same William Mitchell testifies, like McNeill and equally falsely, that, in June 1846, the Straits of Rosario, so-called, were the only surveyed channel. British Case, p. 32.

But Alexander C. Anderson exceeds others in alacrity. He testifies that, as late as 1851, the passage through the Haro Strait was incompletely known. Now the large charts prepared by Wilkes and his officers had been for several years exposed for sale to anybody that chose to buy them, and it is absolutely certain that they were presented by the American Minister at London to Lord Palmerston, British Secretary of State for Foreign Affairs, and by him thankfully acknowledged, in the year 1848; so that the Government of Her Britannic Majesty happily possesses the means of correcting the rash declarations of the last named witness. British Case, p. 35. Appendix No. 51, p. 21.

The American Government cannot offer the rebutting testimony of American mariners, for their fur trade on the north-west coast had been broken up by the British before 1810, and when at a later day they attempted to renew it, they had been forcibly compelled by the officers and servants of the Hudson's Bay Company to give up the field. The American sailors, therefore, who were familiar with those regions have long since gone to slumber with their fathers.

But the British Case enables the American Government to cite the logbooks of the Hudson's Bay Company. It nowhere ventures to say that the log-books of the vessels of the Hudson's Bay Company prove that they never went through the Haro Channel, but only that they used the so-called Rosario Straits as the "leading channel." This is a confession, that the log-books of those vessels show that sometimes one channel was used by them, sometimes the other. It is admitted by the British Case that, in 1843, the "Cadboro" sailed through Haro Straits, and that once, at least, the Hudson's Bay Company's steamer "Beaver" chose the same route. Commander Mayne admits that, when the Hudson's Bay Company established their head-quarters at Victoria, the Canal de Haro became used. In corroboration of this use of the Channel of Haro, especially from the year 1842 to 1846, some affidavits and statements are offered, correcting the testimony contained in the British Case, and confirming facts which the British Case itself admits. From the want of time, no notice could be given to the other party; but among the witnesses will be found some of the highest officers in the army and navy of the United States, as well as men known by their works to the scientific world. British Case, p. 5. British Case, pp. 30, 34. Mayne's "Four Years in British Colombia," p. 39. Appendix Nos. 53, 54, 55, 57, 58, 59, 60, 61.

It is a remarkable characteristic of the British Case that, while it seems to make assertions in language of the most energetic affirmation, it qualifies them so as to make them really insignificant. It might almost be said that the British Case gives up its own theory of the ignorance of Lord Aberdeen as to the character of the Haro Channel; for it affirms not that he was ignorant about its navigability, but that he "had no assurance that it was even navigable in its upper waters." "No assurance" is a very vague expression; so is the phrase "upper waters;" and with them both nothing is asserted, while the form of the statement is an ample confession that Lord Aberdeen was at least perfectly well acquainted with the existence of the strait. When, using the same words with which they introduced their total misapprehension of Mr. Webster's opinion, they write of the Haro channel: "It is not too much to say that Her Majesty's Government had a firm belief that it was a dangerous strait," it is enough to reply that not one word has been presented to show that Lord Aberdeen believed it a dangerous strait, and without his positive testimony, which has not been produced, this is an idle and groundless assertion. British Case, p. 13.

Strange as it is for a great nation to come before a tribunal like that of the German Emperor, and complain that the Treaty which they themselves drafted contains an ambiguity due, not to bad faith, but to ignorance, the United States have avowed themselves ready to abrogate that part of the Treaty on the ground alleged by the British Government, that it might have been made under a mutual misunderstanding; and to re-arrange the boundary which was in dispute before the Treaty was concluded. When put to the Protocols 36 and 37 of Conference between the High Commissioners at Washington.

test, the British are compelled practically to acknowledge the candour and forbearance of the Americans in the formation of the Treaty, and that, if the work were to to done over again, they have no hope of a settlement so much to their advantage. The Treaty, as it is understood by the United States, made very large concessions to Great Britain; and the British Government insists upon preserving it.

Then, since Her Majesty's Government will not consent to cancel the Treaty, it must be accepted according to its plain meaning; and if its meaning is not plain, the party which drafted it must suffer the consequences of the ambiguity.

III.

The United States have always held the Treaty to be free from ambiguity, and have maintained their understanding of it with unvarying consistency. If between a channel that had a name, and one that had none, the British Government intended to take the channel without a name, it should have described it with distinctness and care; instead of which, the words of their description exclude the channel without a name, and apply exactly and alone to the Haro Channel.

British Case, pp. 14, 15.

Appendix No. 68, p. 40.

In January 1848 the British Minister at Washington, treating the "islets" of the San Juan Archipelago as of "little or no value," expressed a "wish" to the United States that the passage used by Vancouver in passing from Admiralty Inlet to the north might be mutually considered as the channel of the Treaty. No claim whatever was preferred, and the wish was excused, "because otherwise much time might be wasted in surveying the various intricate channels formed by the numerous islets which lie between Vancouver's Island and the mainland, and some difficulty might arise in deciding which of those channels ought to be adopted for the dividing boundary." The letter of Lord Palmerston, under which the British Minister at Washington expressed the wish of Her Majesty's Government, has never been communicated to the Government of the United States.

To Mr. Bancroft, who immediately after the ratification of the Treaty, was selected as the United States' Minister at London, and who on all occasions spoke and wrote of the Canal de Haro as the boundary channel, Lord Palmerston, then Secretary of State for Foreign Affairs, never presented any counter-claim; and the American Minister was persuaded that danger to the immediate peaceful execution of he Treaty arose, not from within the ministry, but from the parliamentary influence of the Hudson's Bay Company, whose desires the Ministers seemed reluctant to adopt.

Appendix No. 51, pp. 21, 22.

Mr. Bancroft did not suffer the authoritative interpretation of the Treaty on the part of his Government to rest on the uncertainty of conversations which time might obliterate, or memory pervert.

On the last day of July 1848, Lord Palmerston observed that he had no good chart of the Oregon waters; and, having asked to see a traced copy of Wilkes' chart, Mr. Bancroft immediately sent it to him with this remark:

"Unluckily this copy does not extend quite so far north as the parallel of 49°, though it contains the wide entrance into the Straits of Haro, the channel through the middle of which the boundary is to be continued. The upper part of the Straits of Haro is laid down, though not on a large scale, in Wilkes' map of the Oregon Territory."

Obtaining from Washington an early copy of Wilkes' surveys, Mr. Bancroft delivered it to Lord Palmerston with the following official note:—

My Lord, "*November*, 3, 1848.

"I DID not forget your Lordship's desire to see the United States' surveys of the waters of Puget's Sound, and those dividing Vancouver's Island from our territory.

"These surveys have been reduced, and have just been published in three parts, and I transmit for your Lordship's acceptance the first copy which I have received.

"The surveys extend to the line of 49°, and by combining two of the charts your Lordship will readily trace the whole course of the Channel of Haro, through the middle of which our boundary line passes. I think you will esteem the work done in a manner very creditable to the young navy officers concerned in it.

"I have, &c.

(Signed) "GEORGE BANCROFT.

"Viscount Palmerston, &c."

To this formal and authorized announcement of the Haro as a boundary, the answer of Lord Palmerston, written after four days, was in like manner official, and ran as follows:—

"Sir, "*Foreign Office, November* 7, 1848.

"I BEG leave to return you my best thanks for the surveys of Puget's Sound and of the Gulf of Georgia, which accompanied your letter of the 3rd instant.

"The information as to soundings contained in these charts will no doubt be of great service to the Commissioners who are to be appointed under the Treaty of the 15th of June, 1846, by assisting them in determining where the line of boundary described in the Ist Article of the Treaty ought to run.

"I have, &c.
(Signed) "PALMERSTON.

"George Bancroft, Esq., &c."

Here is no pretence of an ignorance of the Channel of Haro as affecting the interpretation of the Treaty; that theory was not started until after the death of Sir Robert Peel; but a calm wise assent to the use of the large charts of Wilkes in running the boundary. And this assent was virtually a concession that the American interpretation was just and true. Lord Palmerston declined all controversy about the Channel. He received a formal authoritative statement of the line as understood by the United States, and in his reply made no complaint and proposed no other interpretation. This note is the first and the last and the only word that the United States possess from Lord Palmerston under his own hand on the subject of the boundary. The correspondence relating to it is inserted in full in the Appendix. The American Minister of that day had very good opportunity to know what was going forward, and every motive to give the most correct information to his Government. Appendix No. 51.

In December 1852, Lord Aberdeen came to the head of affairs. The last official word of the Americans to Great Britain on the boundary had been, that it passes through the centre of the Channel of Haro. At the beginning of his ministry, in the winter of 1852-53, the territorial legislature of Oregon included the whole of the Archipelago of Haro in one of its counties. Had Lord Aberdeen been dissatisfied with the state of the question, he, who made the Treaty and now had returned to power, was bound to have taken this subject earnestly in hand. But he remained silent, made no excuses that he had draughted the Treaty in ignorance, and entered no counter pretension to the American view.

The administration which, in February 1855, succeeded that of Lord Aberdeen, was one over which the Hudson's Bay Company exercised great influence. The progress of colonization demanded a settlement of the question of jurisdiction, the more so as the British Government had made a grant of the Island of Vancouver to that Company. Accordingly, in 1856, the two Governments agreed to send out Commissioners to mark the line of boundary.

The United States, in perfect good faith, gave their Commissioner full powers, and communicated his instructions unreservedly to the British Government. The British Government gave its Commissioner ostensible instructions, which were readily communicated to the United States, but fettered him by additional ones, which were kept secret, and of which the United States repeatedly but vainly solicited a copy, until some years later Lord Malmesbury, in the Ministry of Lord Derby, became once more Secretary of State for Foreign Affairs.

Could the Hudson's Bay Company obtain possession of the Island of San Juan, they would have exclusive possession of the best channel, and of the only safe one in time of war. No British authority in Great Britain or in Vancouver expressed any desire for the so-called Rosario Channel, on which the British Case now affects to lay so much stress. The Members of Her Britannic Majesty's Government did not pretend among themselves to a right to it "as the channel indicated by the words of the Treaty;" but yielding to the importunity of the influential Government of Vancouver, they were willing to hazard an experimental attempt to gain the Island of San Juan. To accomplish this end, the British Commissioner received the following secret instruction:—

"If the Commissioner of the United States will not adopt the line along Rosario Strait, and if, on a detailed and accurate survey, and on weighing the evidence on both sides of the question, you should be of opinion that the claims of Her Majesty's Government to consider Rosario Strait as the channel indicated by the words of the Treaty cannot be substantiated, you would be at liberty to adopt any other intermediate channel which you may discover, on which the United States' Commissioner and yourself may agree as substantially in accordance with the description of the Treaty." Appendix No. 69, p. 41.

According to his commission, and according to his ostensible instructions, Captain Prevost was a Commissioner, and no more than a Commissioner to mark the boundary line according to the Treaty of 1846; but, by his secret instructions, which he resolutely

refused to communicate, he was in fact a Plenipotentiary appointed to negotiate for a channel which should take the Island of San Juan from the United States.

It must be borne in mind that Captain Prevost had authority to offer a compromise only on the condition that, after personal examination and the weighing of evidence on both sides of the question, he "should be of opinion that the claims of Her Majesty's Government to consider Rosario Strait as the channel indicated by the words of the Treaty cannot be substantiated." After having been five months within the Straits of Fuca, and after having verified and approved the accuracy of the United States' Coast Survey Chart of the channels and islands between Vancouver Island and the Continent, and after consenting to adopt it for the purpose of determining the boundary line, he proposed such a compromise, as would have left to the United States the so-called Rosario Straits and every island in the archipelago except San Juan.

Appendix No. 70, p. 41.

The Commissioner of the United States, Mr. Archibald Campbell, divined the character of the secret instructions under which Captain Prevost was acting, adhered with intelligence and uprightness to his duty as Commissioner, and "declined to accede to any compromise."

Appendix No. 72, p. 41.

Captain Prevost, the British Commissioner, who by his offer of compromise, had conceded that the British claim to the so-called Rosario Straits "cannot be substantiated," struggled hard to recover the position of a zealous champion of the right of Great Britain to that channel. But for this he had drifted too far, and he was too honest to succeed. As an intrepreter of the Treaty, Captain Prevost writes very correctly: "The channel mentioned should possess three characteristics: 1. It should separate the continent from Vancouver's Island. 2. It should admit of the boundary line being carried through the middle of it in a southerly direction. 3. It should be a navigable channel." He adds: "It is readily admitted that the Canal de Arro is a navigable channel, and therefore answers to one characteristic of the channel of the Treaty."

Appendix No. 70, p. 41.

This admission, written from on board a ship anchored within sight of the Haro Channel, is conclusive as to the first point. As to his second characteristic, a glance at the map will show the Imperial Arbitrator, that the line which is drawn due south from the middle of the channel on the parallel of 49°, strikes the Channel of Haro and leaves the so-called Rosario far to the east.

Map O.

As to Captain Prevost's remaining characteristic, the United States again cite his testimony, for he writes: "The Canal de Haro is the channel separating Vancouver's Island from the continent." To be sure, he adds: it "cannot be the channel which separates the continent from Vaucouver Island." But in that ground no anchor can hold. It is as if one were to own that, in latitude 53° 10′, St. George's Channel separates Ireland from England, and yet insist that England is separated from Ireland by the strait of Menai.

Appendix No. 70, p. 41.

In January 1848, during the administration of which Lord John Russell, now Earl Russell, was the chief, the British Minister at Washington, timidly and by way of experiment, expressed a wish that the channel through which Vancouver sailed, might be agreed upon by the two Governments as the boundary.

Appendix No. 68, p. 40.

In August 1859, when the internal commotions, which appeared to threaten the disruption of the United States, were already spreading their baleful influences, Lord John Russell, then British Secretary of State for Foreign Affairs, first ventured upon a distinct avowal of the purpose of Her Britannic Majesty's Government to obtain the island of San Juan. In pursuing this object, he sought, in an interview with the Earl of Aberdeen, to obtain the support of that Minister.

Appendix No. 73, p. 42.

The chief interest in this narrative, as far as persons are concerned, centres in Lord Aberdeen. So far as the United States know, he never consented to set his hand to any paper which they would have a right to regard as disingenuous. The United States have shown in their Memorial that Mr. McLane, after an interview with Lord Aberdeen on the 15th of May, 1846, reported to his Government that the Treaty line would pass through the Canal de Haro.

Appendix to Memorial No. 42, p. 32.

The present Agent of the United States in this arbitration resided as Minister in England during the three years following the Treaty, became well acquainted with Lord Aberdeen, conversed with him on its interpretation, and never heard from him one word that conflicted with the report of Mr. McLane. Nor did he ever hear a different interpretation of the Treaty from Sir Robert Peel. Nor during his whole residence in England did he ever hear such difference of interpretation attributed by any one to either of the two.

And, in 1859, Lord Aberdeen is appealed to by Lord John Russell for the aid of his testimony. Unhappily there exists no written answer of his own to the questions put to him; but only a very short report of the interview by Lord John Russell. According to

that report, Lord Aberdeen did not deny that he used the name of the Canal de Haro with Mr. MacLane, though he had no recollection of having done so. Now nothing is more likely than that the words uttered in conversation thirteen years before might have dropped from his memory; and against this failure of memory is to be weighed the despatch of Mr. MacLane, written at the moment of the conversation. But as to the channel which Lord Aberdeen had in view, he is represented as declaring, that he knew none other than that "described in the Treaty itself." Now the channel described in the Treaty, and in Lord Aberdeen's instructions to Mr. Pakenham, is, as we have seen, no other than the Canal de Haro. Appendix No. 73, p. 42.

Left without support by Lord Aberdeen, the British Foreign Office brought forward as its witness Sir Richard Pakenham, who, with Mr. Buchanan, signed the Boundary treaty of June 1846.

In that same year, while everything was still fresh in memory, Mr. Buchanan had recorded his interpretation of the Treaty in an instruction to Mr. Bancroft, the American Minister at London, who, as his colleague in Washington, had taken part in its negotiation, and knew every step of its progress. An instruction written under such circumstances is the portraiture of the inmost mind of its author. "It is not probable," wrote Mr. Buchanan, "that any claim will he seriously preferred on the part of Her Britannic Majesty's Government to any island lying to the eastward of the Canal of Arro, as marked in Captain Wilkes' map of the Oregon Territory. Appendix No. 51, p. 21.

Of the testimony given more than twelve years later by Sir Richard Pakenham, every word, as far as communicated to the United States, is presented in the Appendix. It has no date, but was communicated to the United States in the year 1859. Captain Prevost, in his final letter to Mr. Campbell, the American Commissioner, of November 24, 1857, had written: "I will at once frankly state how far I am willing to concede, but beyond what I now offer I can no further go. . . . . I am willing to regard the space above described [that is, the space between the continent and Vancouver island, south of 49°] as one channel, having so many different passages through it, and I will agree to a boundary line being run through the 'middle' of it, in so far as islands will permit." This is the lead which Sir Richard Pakenham followed. He who signed the Treaty on the British side declared positively as his interpretation of it, that the so-called Straits of Rosario are not the channel intended by the Treaty; and we must hold the British government to this confession, as it received its official approbation. Appendix No. 73, p. 42. Appendix No. 70, p. 41.

It is true he also denied the Straits of Haro to be the channel of the Treaty, using these words: "The Earl of Aberdeen, in his final instructions dated 18th May, 1846, says nothing whatever about the Canal de Haro, but, on the contrary, desires that the line might be drawn "in a southerly direction through the centre of King George's Sound and the Straits of Fuca to the Pacific Ocean."

Now, why was Sir Richard Pakenham introduced to give testimony as to the instruction which he received from Lord Aberdeen? The instruction itself was in the Foreign Office, and was the best authority on the subject, and would have given the whole truth. Sir Richard Pakenham in his testimony leaves out the most important words of his final instructions. Lord Aberdeen, it is true, did not name in them the Channel of Haro by name, but so far from writing anything to "the contrary," he defined it exactly, when, in those same "final instructions," he describes the channel of the Treaty as the channel "leaving the whole of Vancouver Island, with its ports and harbours, in the possession of Great Britain." Appendix to Memorial No. 43, p. 33.

The final interpretation of the Treaty by Sir Richard Pakenham runs as follows:—

"The conditions of the Treaty, according to their liberal tenor, would require the line to be traced along the middle of the Channel, meaning, I presume, the whole intervening space, which separates the Continent from Vancouver Island."

Thus, Mr. Pakenham, the British signer of the Treaty, adopting the theory first communicated to the United States by Captain Prevost eleven years after the Treaty was ratified, rejects entirely the Channel of the so-called Rosario as the Channel of the Treaty. The question now is not between the so-called Rosario and some channel intermediate between it and that of Haro. It is whether the claims of the United States to the Haro, or those of Great Britain to the so-called Rosario, are more in accordance with the true interpretation of the Treaty. The instructions to Captain Prevost show that the British Government had no confidence in the so-called Rosario as being the Treaty Channel; the testimony of Sir Richard Pakenham is that the British Government, at the time of negotiating the Treaty, did not intend the so-called Rosario as the channel, while the words which he suppressed from Lord Aberdeen's final instructions prove the channel of the Treaty to be the Canal de Haro. Adopting the theory of Captain Prevost and Sir Richard Pakenham, Lord John Russell somewhat peremptorily

demanded of the United States the acceptance of that theory, and in an instruction which the British Minister at Washington was directed to communicate to the United States, he wrote :

Appendix No. 73, p, 42.

"The adoption of the central channel would give to Great Britain the Island of San Juan, which is believed to be of little or no value to the United States, while much importance is attached by British colonial authorities, and by Her Majesty's Government, to its retention as a dependency of the Colony of Vancouver's Island.

"Her Majesty's Government must, therefore, under any circumstances, maintain the right of the British Crown to the Island of San Juan. The interests at stake in connection with the retention of that island are too important to admit of compromise, and your Lordship will consequently bear in mind that whatever arrangement as to the boundary line is finally arrived at, no settlement of the question will be accepted by Her Majesty's Government which does not provide for the Island of San Juan being reserved for the British Crown."

To this naked and even menacing demand the American Government made the only fitting reply; and certainly the Imperial Arbitrator will not give an award to Great Britain, because the Vancouver colonial authorities and Her Majesty's Government covet the possession of San Juan.

Appendix No. 75, p. 44.

When the attention of the British Secretary of State was called to the absoluteness and to the motives of this communication, he answered : "Her Majesty's Government were, by implication, abandoning a large part of the territory they had claimed, and were merely insisting on the retention of an island, which, from the peculiarity of its situation, it was impossible for Her Majesty's Government to cede, without compromising interests of the gravest importance."

Appendix No. 75, p. 44.

Lord John Russell acknowledged the necessity of supporting his pretensions by bringing them into agreement with the words of the Treaty; and therefore, giving up the channel of the so-called Rosario, he entered into an argument in favour of the channel called on the United States' Coast Survey "the San Juan Channel," on the British Admiralty chart "Douglas Channel," as the channel of the Treaty.

In other words, he interpreted the Treaty simply as giving the Island of San Juan to the British, by which they would gain the exclusive possession of the Haro Channel.

A conclusion is thus made very easy. Captain Prevost, Sir Richard Pakenham, and Lord John Russell unite in renouncing any Treaty right to the so-called Rosario Channel, and unite in the opinion that the Douglas Channel has a better right to be regarded as the channel of the Treaty than the so-called Rosario. There is no escape from this culminated evidence thus furnished by the British Government: first, in the instructions of Lord Aberdeen to Mr. Pakenham; second, in Mr. Pakenham's declaration of the meaning of the British Government at the time the Treaty was negotiated; third, in the instructions to Captain Prevost; and, fourth, in the statements of Lord John Russell, that the so-called Rosario Strait was not the channel through which, in the interpretation of the British Government, the boundary line was to be run. It further shows that, up to the date of the instructions to Captain Prevost in 1856, the British Government had never suggested any other than the Haro and the so-called Rosario Channel. Their own evidence, excluding the Rosario Straits from their contemplation at the date of the Treaty, leaves the Haro as the only possible channel within the contemplation of either party, and the only one in accordance with the true interpretation of the Treaty.

36th Protocol of Conference between the High Commissioners at Washington.

One more effort was made for the settlement of the question by the two Governments. On the 15th day of March, 1871, the Commissioners on the part of the United States and the Commissioners on the part of Great Britain, in a Conference at Washington took up the North-Western Boundary Question, and when no agreement could be arrived at respecting the proper interpretation of the Treaty of June, 1846, the American Commissioners expressed their readiness to abrogate the whole of that part of the Treaty of 1846, and rearrange the boundary line which was in dispute before that Treaty was concluded. At the Conference on the 20th of March, 1871, the British Commissioners declined the proposal.

On the 19th of April the British Commissioners, willing to renounce all claim to the so-called Rosario, renewed the offer of the line which had before been pressed by Captain Prevost, and maintained as the line of the Treaty by Sir Richard Pakenham and by Lord John Russell. The American Commissioners on the instant declined to entertain the proposal, and the British Commissioners could not consent to regard the Channel of Haro as the boundary "except after a fair decision by an impartial arbitrator."

IV.

The United States have already asked your Majesty's attention to rules of international law applicable to the interpretation of the Treaty submitted for arbitration.

They agree with the British Government, that "the words of a Treaty are to be taken to be used in the sense in which they were commonly used at the time when the Treaty was entered into," and ask your Majesty to interpret the words "Fuca's Straits" according to the usage established by all the maps and reports prior to 1846. British Case, p. 6.

They further agree, that "Treaties are to be interpreted in a favourable rather than an odious sense;" but they did not in their Memorial invoke this rule, though it so decisively confirms their rights, because they had no fear that the German Emperor could give to the Convention an odious interpretation. Since, however this rule of interpretation has been brought forward by the Government of Her Britannic Majesty, the United States must explain the immeasurably odious nature of the interpretation which the British Government desires your Majesty to adopt. British Case, p. 13.

The United States, in signing the Treaty of 1846, had in view permanent relations of amity with Great Britain, and therefore dealt with it generously in the Treaty, that there might remain to that Power no motive for discontent or cupidity. When they consented that Great Britain should hold the southern cape of Vancouver Island, they knew that the harbour of that cape was the very best on the Pacific, from San Francisco to the far north. The United States took also into consideration that Great Britian needed to share, and had a right to expect to share in the best line of communication with its possessions to the north.

A ship using the so-called Rosario Strait may be exposed to cannon-shot, not only as it enters that strait, but nearly all the way as it sails through it. One British Ministry after another has shown, that it set no value upon it whatever, and has represented that it was not contemplated by Treaty as a boundary, and has used the claim to it only as a means of driving the United States into a surrender of the Island of San Juan.

A ship, as both parties agree, can enter the Channel of Haro and not be under any necessity of passing within territorial waters on either side of the central line.

This passage by the Haro Channel to the British possessions north of 49°, is the shortest, the most convenient, the best, and the only perfectly safe one, alike in peace and in war. Of this channel, the United States by the Treaty of 1846 conceded the joint possession to the British, but they concede it with circumstances of peculiar generosity, or rather magnanimity. In passing from the lower part of the Haro Channel to the upper interior waters, they allow to Great Britain equal right with themselves to pass through the Haro Channel to the true Rosario of the Spaniards, the British Gulf of Georgia. Thus far the United States reserve to themselves no advantage over the English. They go farther. There are two other channels connecting the Straits of Haro with the upper waters: one of them a little above 49°, at the Portier Pass; the other below 49°, through Swanson Channel and Active Pass. As to both of these, the United States leave to the British the exclusive possession of the islands on each side. This is a great concession, far outweighing in value any advantage the Americans may gain in the so-called Rosario Straits. The regular track of the British steamers between south Vancouver and Fraser's River is through the Channel of Swanson and Active Pass, a wide sheltered channel, to them the shortest and most convenient, never freezing in winter, with water nowhere less than 90 feet deep, as easy of navigation as any part of the broadest and most magnificent river in Europe. Map O.

To keep all these advantages and to acquire exclusive possession of the Channel of Haro became the uncontrollable desire, first of the Hudson's Bay Company, then of the politicians of Vancouver Island. The conduct of the United States merited a better requital.

The demand of the Government of Her Britannic Majesty is as contrary to every principal of convenience, equity, and comity, as it is to the intention and the language of the Treaty of 1846. To ask the United States to give up their equal right in the Canal de Haro is to ask them to shut themselves out of their own house. They own the continent east of these waters to the Lake of the Woods, a distance of twenty-eight degrees of longitude. It is within the bounds of belief that they should have given up to Great Britain the exclusive possession of the best channel, and the only safe channel, by which they could approach their own vast dominions on the north? Grant the English demand, draw the line of boundary through the so-called Rosario Channel, and the Americans would have access to their own immense territory from the Pacific, only by the good-will of the English. Such an interpretation of the Treaty is so unequal, so

partial to Great Britain, so opposite to the natural rights of the United States, so inconsistent with the words of the Treaty, that the American Government holds itself deeply aggrieved by the British persistence in demanding an interpretation in so "odious a sense."

The United States, it may once more be said, had not the intention to present the subject in this light to the Imperial Arbitrator, for they confide entirely in his justice. But since Her Majesty's government apparently assumes that an award in favour of the American Government would be "odious," the United States must not neglect to invite attention to the true aspect of the case.

The American Government is the more surprised at this manner of presenting the subject by the Government of Her Britannic Majesty, inasmuch as Captain Prevost, after months employed in exploring the waters, conceded that the British claim to the so-called Rosario Strait "could not be substantiated," and this opinion was formally adopted by Sir Richard Pakenham and by Lord John Russell; the latter of whom himself declares, that he abandoned by implication all but the Island of San Juan.

Another reason why an award in favour of the so-called Rosario as the channel would be odious, is, that it would transfer to the foreign allegiance of Great Britain islands east of San Juan, which have long been and are now in the undisputed possession of the United States. The United States have likewise been virtually in possessisn of the Island of San Juan; though each party maintains in it a small garrison. The civil population on that island is thoroughly American. Out of 96 resident males of 21 years of age and upwards, the number of American citizens is 56; the number of those born in Great Britain and Ireland is but 26. Of both sexes and all ages, there are 179 Americans and but 52 of British nationality on the Island of San Juan. In the whole archipelago, the American population numbers 314, the British but 90. How unsuitable it would be then, to assign to Great Britain islands which have never been out of the possession of the United States, and which are occupied almost exclusively by their citizens!

Appendix No. 76, p. 45.

The United States do not understand how a controversy could have arisen on the meaning of the Boundary Treaty of June 15, 1846. It will be remembered that it was they who, in the administration of Sir Robert Peel, recalled the intimation of Mr. Huskisson in 1826, and suggested that the disputed boundary might be arranged by just so much deflection from the forty-ninth parallel, as would leave the whole of Vancouver Island to Great Britain. For more than two years, through two successive envoys, they continued to propose this settlement. At length Lord Aberdeen consented to it. The language of the Treaty for carrying out the arrangement came from him. The United States accepted it in the sense in which they had suggested it; and by all rules for the equitable construction of contracts, Great Britain ought not now to attach to it a sense, different from that in which Lord Aberdeen must have known that the United States accepted it. Moreover, before the Treaty of June 1846 was signed, Lord Aberdeen, well knowing by the experience of more than two years that the United States had proposed as their ultimatissimum, not to divide Vancouver Island, instructed the British Minister at Washington, that what England was to obtain was the channel "leaving the whole of Vancouver's Island in the possession of Great Britain." Thus both Parties had the same object in view; both Parties intended the same thing and expressed in writing their intentions before the Treaty was signed. The Government of the United States of that day assented to the Treaty of 1846, with the understanding, communicated in advance to the British Government, that the boundary line was to deflect from the 49th parallel for the sole purpose of giving the south of Vancouver Island to Great Britain, so that it was necessarily to pass through the Canal de Haro. The American Senate accepted it in that sense and only in that sense. After it had been accepted, and before the ratifications were exchanged, Sir Robert Peel in the House of Commons announced in memorable words, that Her Majesty's government had made the contract in the same sense. Not long afterwards the present Agent of the United States in this arbitration, then the Plenipotentiary of the United States near the Court of St. James, officially called the official attention of Lord Palmerston to this construction; and from Lord Palmerston, then the British Secretary of Foreign Affairs, who, on the 29th of June, 1846, had, as a member of the House of Commons, listened to Sir Robert Peel's interpretation of the Treaty, and, with the knowledge of this interpretation, had on the same evening welcomed it as honorable to both countries, the note of the American plenipotentiary received the acquiescence of silence.

Appendix to Memorial, Nos. 10 and 19, pp. 18, 21.

Appendix to Memorial. No. 46, p. 34.

The broad and deep Channel of Haro, in its ceaseless ebb and flow, is the ever faithful and unimpeachable interpreter of the Treaty. Time out of mind, it formed the pathway

for the canoe fleets of the Red Men. It is the first channel discovered by Anglo-Americans or Europeans within the Strait of Fuca; it is the first that was explored and surveyed from side to side; it is the first through which Europeans sailed from the Fuca Strait to the waters above the parallel of 49. And now, in the increase of emigration and trade, it approves itself as "the channel" of commerce by the unanimous choice of the ships of all nations.

Everything favours a peaceful adjudication. The influential and active Hudson's Bay Company has ceased to exist. The United States have paid them, and all other British companies or citizens, for their possessory rights large indemnities, which they themselves and the British Government acknowledge to be most ample. The generation of Britons who reluctantly assumed the unwelcome task of keeping the fruitful region of North-West America in a wilderness condition, has passed away. Under the genial influence of the United States, cities rise on the stations of fur-traders, and agriculture supersedes hunting and trapping. This condition of the country facilitates the final recognition of the rights of the United States; and encourages the belief than an award favourable to them will be accepted without an emotion of surprise or discontent.

APPENDIX TO THE REPLY.

Appendix to the Reply.

No. 51.

Correspondence between Mr. Bancroft, Mr. Buchanan, and Lord Palmerston.

Mr. Bancroft to Mr. Buchanan.

Sir, *London, November* 3, 1846.

* * * * * *

WHILE in the Navy Department, I caused a traced copy of Wilkes's chart of the Straits of Haro to be made. If not needed in the Navy Department, I request that the President will direct it to be sent to this Legation. It is intimated to me that questions may arise with regard to the islands east of that strait. I ask your authority to meet any such claim at the threshold by the assertion of the central channel of the Straits of Haro as the main channel intended by the recent Treaty of Washington. Some of the islands, I am well informed, are of value.

The Straits of Haro the Treaty boundary.

Very respecfully, &c.
(Signed) GEORGE BANCROFT.

Hon. James Buchanan,
Secretary of State.

Mr. Buchanan to Mr. Bancroft.

Sir, *Department of State, Washington, December* 28, 1846.

I HAVE obtained from the Navy Department, and now transmit to you, in accordance with the request contained in your despatch No. 1 (November 3rd), the traced copy of Wilkes's chart of the Straits of Haro. This will enable you to act understandingly upon any question which may hereafter arise between the two Governments in respect to the sovereignty of the islands situate between the continent and Vancouver's Island. It is not probable, however, that any claim of this character will be seriously preferred, on the part of Her Britannic Majesty's Government, to any island lying to the eastward of the Canal of Arro, as marked in Captain Wilkes's "Map of the Oregon Territory." This, I have no doubt, is the channel which Lord Aberdeen had in view, when, in a conversation with Mr. McLane, about the middle of May last, on the subject of the resumption of the negotiation for an amicable settlement of the Oregon Question, his Lordship explained the character of the proposition he intended to submit through Mr. Pakenham. As understood by Mr. MacLane, and by him communicated to this Department, in his despatch of the 18th of the same month, it was—"First, to divide the territory by the extension of the line on the parallel of 49° to the sea, that is to say, to the arm of the sea, called Birch's Bay; thence by the Canal de Haro and Straits of Fuca to the ocean," &c.

Mr. Buchanan instructs Mr. Bancroft that Haro is the boundary channel.

I am, &c.
(Signed) JAMES BUCHANAN.

George Bancroft, Esq.,
&c. &c. &c.

[Inclosure: Chart of the Straits of Juan de Fuca, Puget Sound, &c. By the United States' Exploring Expedition, 1841.]

Mr. Bancroft to Mr. Buchanan.

Sir, *Legation of the United States, London, March* 29, 1847.

* * * * * *

WHILE on this point, I ought to add that my attention has again been called to the probable wishes of the Hudson's Bay Company to get some of the islands on our side of the line in the Straits of Fuca. I speak only from my own judgment and inductions from what I observe and hear; but it would not surprise me if a formal proposition should be made on the part of the British Government to run the line between the two countries at the west from the point where it first meets the water through the straits to the Pacific Ocean.

Mr. Bancroft warns Mr. Buchanan of the designs of the Hudson's Bay Company.

Such a proposition is in itself very proper, if there be no ulterior motive to raise unnecessary doubts and to claim islands that are properly ours. The Ministry, I believe, has no such design. Some of its members would be the first to frown on it. But I am not so well assured that the Hudson's Bay

Company is equally reasonable; or that, on the British side, a Boundary Commissioner might not be appointed favouring the encroaching propensities of that Company. * * * *

I am, &c.

James Buchanan, Esq., (Signed) GEORGE BANCROFT.
&c. &c. &c.,
Washington City.

Mr. Bancroft to Mr. Buchanan.

Sir, *United States' Legation, London, August* 4, 1848.

* * * * * *

Mr. Bancroft's interview with Lord Palmerston.

THE Hudson's Bay Company have been trying to get a grant of Vancouver's Island. I inquired, from mere curiosity, about it. Lord Palmerston replied that it was an affair that belonged exclusively to the Colonial Office, and he did not know the intentions of Lord Grey. He then told me what I had not known before, that he had made a proposition at Washington for marking the boundaries in the north-west by setting up a landmark on the point of land where the 49th parallel touches the sea, and for ascertaining the division line in the channel by noting the bearings of certain objects. I observed that on the mainland a few simple astronomical observations were all that were requisite; that the water in the Channel of Haro did not require to be divided, since the navigation was free to both parties; though, of course, the islands east of the centre of the channel of Haro were ours. He had no good chart of the Oregon waters, and asked me to let him see the traced copy of Wilkes' chart. He spoke of the propriety of settling definitively the ownership of the several islands, in order that settlements might not be begun by one party on what properly belongs to the other. On returning home I sent him my traced copy of Wilkes' chart, with the note of which I inclose a copy.

I am, &c.

James Buchanan, Esq., (Signed) GEORGE BANCROFT.
Secretary of State, Washington, D. C.

Mr. Bancroft to Lord Palmerston.

My dear Lord, 90, *Eaton Square, July* 31, 1848.

Mr. Bancroft writes to Lord Palmerston that Haro is the boundary.

AS your Lordship desired, I send for your inspection the traced copy made for me at the Navy Department of Wilkes' chart of the Straits of Juan de Fuca, Paget's Sound, &c., &c. Unluckily this copy does not extend quite so far north as the parallel of 49°, though it contains the wide entrance into the Straits of Haro, the channel through the middle of which the boundary is to be continued. The upper part of the Straits of Haro is laid down, though not on a large scale, in Wilkes' map of the Oregon Territory of which, I am sorry to say, I have not a copy, but which may be found in the atlas to the narrative of the United States Exploring Expedition.

I remain, &c.

Viscount Palmerston, (Signed) GEORGE BANCROFT.
&c. &c. &c.

Mr. Bancroft to Mr. Buchanan.

Sir, *United States' Legation, London, October* 19, 1848.

Mr. Bancroft continues the suggestion that unjust claims may be made.

I SEND you a map of Vancouver's Island, recently published by James Wyld, geographer to the Queen. It purports to mark by a dotted line the boundary between the United States and Great Britain. You will see that this map suggests an encroachment on our rights by adopting a line far to the east of the Straits of Haro. You may remember that Mr. Boyd, more than two years ago, suggested to you that a design of preferring some such claims existed. I inferred, from what I could learn at that time, that this design grew up with the Hudson's Bay Company, and I had no reason to suppose it favoured by the Colonial Secretary * * * *

I am, &c.

James Buchanan, Esq., (Signed) GEORGE BANCROFT.
Secretary of State, Washington, D. C.

Mr. Bancroft to Lord Palmerston.

My Lord, 108, *Eaton Square, November* 3, 1848.

Mr. Bancroft officially informs Lord Palmerston that the boundary runs through the middle of the Channel of Haro.

I DID not forget your Lordship's desire to see the United States' surveys of the waters of Puget's Sound and those dividing Vancouver's Island from our territory.

These surveys have been reduced, and have just been published in three parts, and I transmit for your Lordship's acceptance the first copy which I have received.

The surveys extend to the line of 49°, and by combining two of the charts your Lordship will readily trace the whole course of the Channel of Haro, through the middle of which our boundary line passes. I think you will esteem the work done in a manner very creditable to the young navy officers concerned in it.

I have, &c.

Viscount Palmerston, (Signed) GEORGE BANCROFT.
&c. &c. &c.

Lord Palmerston to Mr. Bancroft.

Sir, *Foreign Office, November* 7, 1848.

I BEG leave to return you my best thanks for the surveys of Puget's Sound, and of the Gulf of Georgia, which accompanied your letter of the 3rd instant.

Lord Palmerston gives the acquiescence of silence to the Haro Channel as the boundary.

The information as to soundings contained in these charts will, no doubt, be of great service to the Commissioners who are to be appointed under the Treaty of the 15th of June, 1846, by assisting them in determining where the line of boundary described in the Ist Article of that Treaty ought to run.

I have, &c.
(Signed) PALMERSTON.

George Bancroft, Esq.,
&c. &c. &c.

No. 52.

Mr. Bancroft to Mr. Campbell.

Sir, *New York, June* 15, 1858.

YOUR letter of May 27 has but just reached me, in consequence of my absence from home on a long journey.

Mr. Bancroft refers Mr. Campbell to his correspondence with Lord Palmerston.

I was in the administration of Mr. Polk at the time when Mr. Buchanan perfected the Treaty for settling the boundary of Oregon. The basis of the settlement was the parallel of 49°, with the concession to Britain of that part of Vancouver's Island which lies south of 49°. The United States held that both parties had a right to the free navigation of the waters round Vancouver's Island, and therefore consented that the British boundary should extend to the centre of the Channel of Haro. Such was the understanding of everybody at the time of consummating the Treaty in England and at Washington. The Hudson's Bay Company may naturally enough covet the group of islands east of that channel, but the desire, which never can amount to a claim, should not be listened to for a moment.

While I was in England no Minister was preposterous enough to lend the authority of the British Government to the cupidity of the Hudson's Bay Company in this particular. I think you must find in the Department of State a copy of a very short letter of mine to Lord Palmerston, inclosing him a chart of those waters as drawn by our own Coast Survey. I think in that letter I mentioned the centre of the Straits of Haro as the boundary. That chart would show, by the depths of the soundings, that the Straits of Haro are the channel intended in the Treaty, even if there had not been a distinct understanding on the part of the British Government, as well as the American, at the time of the signing of the Treaty. Lord Palmerston, in his reply acknowledging the receipt of the chart, made no pretence of adopting the wishes of the Hudson's Bay Company, and he never did so, even in conversation. I never had occasion in England to make any peremptory statement on the subject, because nothing was ever said or hinted there which required it; but whenever conversation turned upon the subject, whether with Lord Palmerston or with the Under-Secretary of the Colonial Office, I always spoke of the Straits of Haro as undeniably the channel of the Treaty, and no member of the British Government ever took issue with me. In running the line through the centre of the Straits of Haro there may be one or two small islands about which a question might be raised, but as to the important group that the Hudson's Bay Company covet, the demand, if made, should be met at the outset as one too preposterous to be entertained as a question.

Yours sincerely,
(Signed) GEORGE BANCROFT.

Archibald Campbell, Esq.,
Commissioner, &c.

No. 53.

Declaration of Rear-Admiral Wilkes.

Washington City, February 16, 1872.

IN answer to the Memorandum on the Haro question, I have to state that I have a full knowledge of the islands and waters lying between the Straits of Fuca and the Gulf of Georgia, having surveyed the whole whilst I was in command of the United States Exploring Expedition, and I state of my own knowledge that the Canal de Haro is the best and shortest route between the same. The depth of water is very great, and all obstructions to the navigation of the Canal de Haro are visible. Indeed it may be said to be an arm of the sea, passing from the Straits of Fuca to the Gulf of Georgia, and separating the Island of Vancouver from the main or continent of America, comprising now the territory of Washington, and it is the natural communication between the Gulf of Georgia and Fuca Straits, leading or tending north and south, and has now become the great highway of commerce, between Victoria on the Island of Vancouver and the Fraser's River, a few miles north of the 49th parallel, the boundary of the United States and the north-west British America. The Strait of Haro may be navigated at all times, day or night, with perfect safety, and nature has conferred upon it all that could be desired to be a well-defined national highway, between the Island of Vancouver and the smaller and intricate passages through the small archipelago lying on its eastern side, which all are more or less intricate, narrow in places to a few hundred yards, and with very rapid tides. One of

Rear-Admiral Wilkes on the Channel of Haro.

these passages, lying on the east of this small archipelago, was named by me as Ringgold Channel, but at times called the Rosario Strait; its width does not entitle it to the name of a strait, and, with its many and dangerous islets, rocks, and shoals, it is a very unsafe and difficult channel to navigate, even in the day time, and impossible, with any assurance of safety, in the night time. It cannot be compared with the Strait of Haro in any point of view, and can only be used by small vessels seeking anchorage in the event of disaster and bad or boisterous weather. While the Strait of Haro affords like facilities for anchorage under the islands on the east side, it may be safely navigated, and affords ample protection in its sea-room for the largest class of vessels.

The Strait of Haro, though known at the time of my survey in 1841, it was not visited, as there were no vessels engaged in those waters, except the small and very inefficient steamer called the "Beaver," commanded by Captain McNeil, who spoke of it to me as the best passage, although he was obliged to pass through the Rosario passage on account of the necessity of seeking the small coves at night, in passing along the east shore towards Fraser's River, to supply the Post of the Hudson's Bay Company, and this was only achieved twice a year.

All the vessels now engaged in the trade from Victoria to Fraser's River and the Gulf of Georgia invariably pass through the Haro Straits, which verifies my opinion, when I first surveyed it, that it would become the great and only highway between the Straits of Fuca and the Gulf of Georgia, and such it has now become. I consider that, in the Treaty between the British Government and the United States, there is no other passage that could be considered as adapted to the terms of the Treaty. and both parties to that instrument must have been of like views in relation to it. All the charts used as information show the same broad channel and superiority of the Gulf of Haro over any other line to the sea, and there can scarcely be a doubt that it was so understood by the Commissioners of both sides.

(Signed) CHARLES WILKES,
Rear-Admiral of the United States' Navy.

No. 54.

Commodore Case to the Secretary to the Navy.

Sir, *Bureau of Ordnance, Navy Department, February* 13, 1872.

* * * * * *

Statement of Commodore Case on the Canal de Haro.

I WAS a Lieutenant on board of the sloop of war "Vincennes" attached to the United States Expedition commanded by Lieutenant Charles Wilkes, and one of the surveying party in July 1841, which surveyed the Canal de Haro, the main ship channel for vessels bound from the sea northward inside of Vancouver's Island, for the Strait of Georgia, Fraser's River, &c.

The canal is deep, clear, and navigable for vessels of all sizes or draught.

While we were engaged in the survey of the Straits of Juan de Fuca and its adjacent waters, the only vessel then navigating them was the Hudson's Bay Company's steamer "Beaver," which was employed by it supplying stores to, and collecting peltry from, its trading ports on the coast, and which, I am of the opinion, used either the Canal de Haro, or Straits of Rosario channels according as to where she was coming from and bound to.

When coming from the sea and bound north for the Straits of Georgia, Fraser's River, or any place inside of and adjacent to Vancouver's Island, the main ship channel is the Canal de Haro, it being the nearest and most direct. But when coasting along the main land and bound north—from any of the ports in Puget's Sound, Hood's Canal, &c., for the Strait of Georgia, Fraser's River, &c., the Straits of Rosario would be the nearest and most direct. * * *

(Signed) H. LUDLOW CASE, U.S.N.,
Commodore and Chief of Bureau.

No. 55.

Mr. Gibbs to the Secretary of State.

Sir, 77, *Wall Street, New Haven, February* 20, 1872.

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Statement of Mr. George Gibbs on the Canal de Haro.

THE superior depth and width of the Canal de Haro are fully exhibited not only on Wilkes' charts, but on those of our own coast survey, and I presume on those of the British Commission on the boundary. It would be therefore useless too add any merely verbal statement as to that fact. The reason for Vancouver's not surveying it was, that his object being to find a passage to the eastward, he hugged the main shore on returning from the examination of Admiralty Inlet and Puget's Sound, and thus went northward through what is now called Rosario Strait; but that it was known to him from the charts of Quadra, is evident from his having laid it down on his chart by the name of the Canal de "Arro" and his delineation of the whole group of the disputed islands. The reason that Governor Simpson in his voyage from Nisqually to Sitka (overland journey round the world, during the years 1841 and 1842, by Sir George Simpson), took the same passage, was doubtless because, however roundabout from the Strait of Fuca, it is the most direct from Admiralty Inlet. The pretence that the Hudson's Bay Company was unaware of the existence of the Canal de Haro is as absurd as it would be, were the inhabitants of Brooklyn to ignore the passage between Long and Staten Islands, and claim the Kill van Kull as the outlet of the Sound and Hudson River to the sea. * * *

It appears from Mr. R. M. Martin's work on "the Hudson's Bay Territories and Vancouver Island, London, 1849," page 35, that "the Chief Factor" [since Governor Sir James Douglas] "surveyed the south coast of Vancouver's Island in 1842, and, after a careful survey, fixed on the port of Camosack" [now Victoria] "as the most eligible site for the Hudson's Bay Company's factory within the Straits of de "Fuca," and further, "Mr. Douglas, after investigating the south coast of the island, says, Camosack is a pleasant and convenient site for the establishment, within 50 yards of the anchorage, on the border of a large tract of clear land, which extends eastward to Point Gonzalez at the south-east end of the island," &c. No man who knows Governor Douglas will charge him with stupidity, negligence, or want of knowledge of his own interests, and it is drawing too much on human credulity to suppose that his examinations did not lead to a knowledge of the Strait, if he was not aware of it before. At any rate the Indians who frequented the new trading post, coming not only from the Gulf of Georgia, Johnston's Straits, and the northern end of Vancouver Island, but from Queen Charlotte's Islands and the whole northwest coast as far as the Russian possessions, knew and pursued the passage of the Canal de Haro and that only, and do so still.

With regard to the channel actually in use at present, I can positively state that the Rosario Strait is not followed at present at all, by vessels of the Hudson Bay Company; nor is the Strait of Haro in its entire length. Vessels bound northward from Victoria follow the latter as far as Stuart Island, and thence take the channel between Salt Spring Island on the east and the Saturna group on the west, going out into the Gulf of Georgia by Active Passage, between that group and Galiano Island, thus cutting off the detour round Java Head, and taking an almost straight line from the southern entrance of the Canal de Haro, to the middle of the Gulf of Georgia on the 49th parallel, and to the mouth of Fraser River. This interior passage is perfectly navigable for large vessels, as in fact it is beyond the 49th parallel, Captain Prevost himself having gone through Virago Passage in Her British Majesty's ship of that name long before the Boundary Commission was organized.

There seems to exist a general misapprehension of the amount of trade carried on by the Hudson's Bay Company's or other British vessels in these waters. Prior to the Treaty of 1846, Fort Vancouver, on the Columbia River, was the great depôt for the receipt and distribution of goods for the north-west coast, as well as the interior, and the annual ship from London delivered its cargo there. All furs were likewise received and packed there for transportation. Fort Langley, on Fraser River, was the nearest post of any magnitude. Fort Nisqually, on Puget's Sound, belonged to the Puget's Sound Agricultural Company, and according to the testimony in the case of the Hudson's Bay and Puget's Sound Agricultural Company's Claims, the goods received there were purchased of and accounted for to the Hudson's Bay Company. It never was a distributing post of the latter. * * * *

(Signed) GEORGE GIBBS,
Late United States' Geologist, North-West Boundary Survey.

No. 56.

Extract from Letter of Messrs. Campbell and Parke to the Secretary of State.

Sir, *Washington, February* 3, 1872.

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A MAP should be examined showing the relative position of the Hudson's Bay Company's Establishment at Victoria, on Vancouver's Island; Nisqually, on Puget's Sound; and Fort Langley, on Frazer River; and the position of the Canal de Haro and Rosario Straits as avenues of communication between the three points. It would be well also to consider the relative importance of these three establishments in those waters. * * * *

Why the vessels of the Hudson's Bay Company used the so-called Rosario Straits.

It is not at all probable that any vessel from foreign parts or from the Columbia River ever did communicate directly with Fort Langley (on Fraser River) without touching at the other posts on the lower waters, Victoria and Nisqually. It is well known, on the contrary, that these trips of the Hudson's Bay Company's vessels were made periodically for the purpose of distributing the regular supplies of food and merchandise for trading purposes, and receiving in return the furs collected at the several posts. Now, by referring to the map, it will be seen that a vessel leaving the Columbia River for the foregoing purpose, would first touch at Victoria, then at Nisqually, and then at Fort Langley on Fraser River. In making this trip no navigator would dream of taking the Canal de Haro in sailing from Nisqually to Fort Langley, when the more direct and much shorter route lay through Rosario Straits. * * Although Rosario Strait was generally used (and good reasons have been given herein for this general use), the Canal de Haro was not only known by these very Hudson's Bay Company's employés to be navigable, but by their own affidavits it is shown that two of their own vessels made successful passages through this channel prior to the date of the Treaty. * * * *

(Signed) ARCHIBALD CAMPBELL, *Late United States' Boundary Commissioner.*
JNO. G. PARKE, *Major of Engineers, Brevet Major-General.*

No. 57.

Mr. Campbell to the Secretary of State.

Sir, *Washington, January* 19, 1872.

* * * * * *

The Haro Channel the usual channel.

I CAN say from my own knowledge that after the discovery of gold on Fraser River in 1858, the Canal de Haro was the ordinary channel of communication between Victoria and British Columbia, and doubtless now is, and ever will be.

(Signed) ARCHIBALD CAMPBELL,
Late United States' Boundary Commissioner.

No. 58.

The Attorney-General to the Secretary of State.

Sir, *Department of Justice, Washington, April* 6, 1872.

I HAVE the honour to inclose for your consideration and use * * a statement prepared and addressed to me by Henry R. Crosby, Esq., for whose reliability I am willing to vouch. * * * *

(Signed) GEO. H. WILLIAMS, *Attorney-General.*

Hon. Hamilton Fish,
Secretary of State.

Mr. Crosby to the Attorney-General.

Sir, *Washington, D. C., April* 2, 1872.

IN compliance with your request that I would furnish you with any information which I may possess with regard to the navigation of Rosario Straits by British and other vessels previous to 1846, and whether this or the Canal de Haro was the channel most frequently used up to that period and since, these being the channels now in dispute, as to which is the true boundary line on the north-west coast, between the United States and Great Britain, I have the honour to make the following statement, prefacing it with a brief account of my opportunities for acquiring this information, and the sources from which it was derived.

I was a resident of Washington Territory from 1853 to 1860. I was for several terms a member of the Territorial Legislature, and, in the discharge of my official duties, had occasion to thoroughly investigate the subject of the claims of the Hudson's Bay Company, and its branch organization, the Puget Sound Agricultural Company, which foreign corporations at that time, and for several years afterward, retained their trading posts and establishments in different portions of the territory. This was a source of much complaint, as they claimed large tracts of unoccupied land, and thus materially interfered with the settlement of the country,

The searching for the foundation of these extensive claims necessarily involved the history of all the region west of the Rocky Mountains and north of the Columbia River to the 49th parallel.

My information, other than the facts of which I was personally cognizant during my seven years' residence, was derived from statements made me by persons who had been in the country many years. Among these were the earlier missionaries, both Protestant and Catholic, the first settlers, old trappers, and, in many instances, the chief factors and traders of the Hudson's Bay Company. One of the topics of frequent conversation was the early navigation of Puget Sound and the adjacent waters. I gleaned from corroborating evidence the following facts:—At the time of the Treaty of 1846, the vessels employed between Victoria, the trading post at Nisqually, near the head of the Sound, Fort Langley on Fraser River, and the other posts on the northern coast, were the Hudson's Bay Company's steamer "Beaver" and the schooner "Cadboro." The Company owned two or three small brigs, which were principally used in the trade with California and the Sandwich Islands. Each year two ships were dispatched from England, bringing out trading goods and other supplies, and returning with the furs collected at the depôts of Victoria and Fort Vancouver, on the Columbia River, from the various trading posts on the coast and in the interior, west of the Rocky Mountains. On the arrival of these ships, all of the posts, both of the interior and the coast, were fitted out with what was estimated as a supply sufficient to answer for trading purposes and the support of the employés for a year a-head.

The usual course for the two vessels especially assigned to this duty on the Sound and northern coast was in the spring of each year, which was the time of the arrival and distribution, to take supplies up to Nisqually, for that post and the station at Cowlitz Plains, some fifty miles south. The extensive farm at this latter place was started for the purpose of raising grain, potatoes, and other vegetables, for the supply both of the northern posts and the Russian possessions at Sitka and the Aleutian Islands. For their breadstuffs the Russian Americans were entirely dependent upon this farm, and the Puget Sound Agricultural Company had therefore with them a large and lucrative trade. At Nisqually were large herds of cattle, which were slaughtered as required, and salted down. These provisions were taken on board the "Beaver" and "Cadboro," and, with other supplies, delivered at the posts on Fraser River and up the coast.

Coming down from Nisqually, the masters of the vessels naturally, in their trips to Fraser

River, turned into Rosario Straits. From up the Sound it was the first channel which led off to the north.

I have mentioned this customary manner of delivering the annual supplies, because it is the principal reason why the Rosario Straits, at that time, was generally used by the Fur Company's vessels. Another cause may be found in the fact that the Canal de Haro is a broad, deep arm of the sea, being, in fact, but a continuation of the Straits of Fuca, sweeping in with a rushing tide, and meeting the waters of the Gulf of Georgia at its northern end. Its extreme depth made it difficult to find good anchorage.

Why the so-called Rosario Strait was used.

Rosario Straits is a very much narrower channel. It is not, comparatively, deep, is well sheltered, and affords everywhere secure anchorage. Of late years it has been found to be dangerous for large ships, on account of sunken rocks; but the vessels then navigating it were small, and therefore of light draught, and ran little or no risk on that account.

The Canal de Haro used by the vessels of the Hudson's Bay Company before 1846.

The statement that the Canal de Haro is a channel but recently known is absurd. The steamer "Beaver" went through it years before the Treaty; and that the schooner "Cadboro" did so is established by the fact that one of the passages leading into the Canal de Haro is known by the name of the "Cadboro Pass." All the Northern Indians, who came to Victoria to trade, passed through the Canal de Haro, as did also the Indians from Fraser River and the Company's factors and traders on the posts on that river, who frequently visited Victoria between the trips of the supply vessels. In 1853, Admiral (then Lieutenant) Alden passed through the Canal de Haro in the United States' Coast Survey steamer "Active." Governor Douglas, of Vancouver's Island, gave him much valuable information concerning it, and evinced a thorough and complete knowledge of its tides and depth of water. Douglas was the Governor by virtue of being the senior chief factor of the Hudson's Bay Company. He had selected the site and established the post at Victoria in 1842. A man of great energy, he made himself acquainted with everything relating to the interests of the Company he represented, and this involved not only a knowledge of the fur trade and the character of the Indians, but also that of the surrounding country and its adjacent waters.

Canal de Haro the passage to the north.

In the spring of 1854, on a visit to Victoria, I was a witness to the fact that Canal de Haro was the channel used by the English vessels. At that time quite a considerable trade had sprung up with Nanaimo, in consequence of the working of the extensive coal-mines at that place, which is on the eastern side of Vancouver's Island, near the 50th parallel. I was standing, with several other persons, watching a large barque, which had just left the harbour, and under full sail was heading up the passage, when one of the party (an old Hudson's Bay Company's shipmaster) remarked:—"If the breeze holds she will go through Haro Straits flying; but if she fails, she will drift a long way before finding anchorage. The channel is so broad, and the straits so deep, that it is like being out at sea."

From 1854 to 1860, I was frequently at Vancouver's Island, and know personally that Canal de Haro was the usual route to Fraser River, the Nanaimo coal-mines, and the saw-mills at Burrard's Inlet.

In 1857, the British steam corvette "Satellite" and the surveying steamer "Plumper" arrived at Vancouver's Island. Captains Prevost and Richards, commading these vessels, were the British Commissioners to settle the boundary line. When they went to Nanaimo, for coal, they passed through Canal de Haro.

In 1858 occurred what is known as the River Fraser excitement, consequent upon the discovery of gold in that river and its tributaries. During that year, I made frequent visits to Victoria, and was also up the Fraser River. Victoria wes the disembarking point for the ocean steamers from San Francisco. Steamers to be used between Victoria and Fraser River were brought up from California: others were hastily built on the Sound for that purpose; some of these smaller steamers also plied between the American towns and the river. In the great rush of gold miners, the steamers, though crowded to their utmost capacity, could not convey all seeking passage. Every other means, therefore, of water conveyance was, in addition, brought into service—schooners, sloops, boats, and canoes. The route at first adopted was entirely through the Canal de Haro; but the steamers eventually went by a still nearer passage. After going part of the way up the Canal de Haro, they turned into the channel on the western side of Saturna Island, passing into the Gulf of Georgia by what is known as the "Active Pass."

In 1859, I was for several months on San Juan Island, and frequently saw the steamers and other vessels passing between Victoria and Fraser River. The Canal de Haro and the nenrer route inside of Saturna Island were the only routes used; nor did I ever see or hear of any steamer or sailing vessel during the gold excitement going from Victoria to Fraser River by the way of Rosario Straits. In the hurry of those stirring times, the master of any vessel who took such a roundabout route to reach his destination, would have been not only severely ridiculed, but, in all probability, would have lost his carrying trade, both of passengers and of goods.

Worthlessness of the middle channel.

The "Middle Channel," which was proposed by Captain Prevost as a compromise, at its entrance, between the Islands of San Juan and Lopez, is so narrow that it cannot be seen until you are quite near. A vessel approaching it has to run in by the landmarks. It is but a few hundred yards across, and is only used by vessels going into San Juan Harbour, which is on the inner side of the island, a short distance from the entrance. The avowed object of this proposal, was to obtain San Juan Island, the most valuable of the islands in the archipelago. The channel designated passes into the Canal de Haro, near its northern end, and would present the anomaly of the Canal de Haro being adopted as the boundary for a portion of its course in its direct passage to the ocean, and then diverged from, thus conflicting with the clause in the Treaty, which expressly stipulates the course of the waterline shall be through a continuous channel.

The assertion that San Juan is essential for the protection of Vancouver's Island, is as absurd as the pretended ignarance of the navigability of the Canal de Haro. The nearest portion of San Juan is eighteen miles from the entrance to Victoria Harbour, and, owing to the immense width of the channel,

there is no point at which fortifications could be established, which could interfere with the passage of vessels to the settlements of British Columbia.

Difference between Haro and Rosario Straits.

The Canal de Haro is the only one of the channels which is over a cannon-shot across. The difference in width and depth of water between it and Rosario Straits is so great, that it appears like contrasting an inland sea with a river.

With the growing commerce of that section, Rosario Straits has completely fallen into disuse, and the Canal de Haro is now, and has been for many years, the route exclusively used between Victoria and British Columbia.

Very respectfully,
(Signed) HENRY R. CROSBY.

Hon. Geo. H. Williams,
Attorney-General.

No. 59.

Brigadier-General Canby to the Assistant Adjutant-General at San Francisco.

(Extract.)

Head-Quarters, Department of the Columbia, Portland, Oregon, April 2, 1872.

Sir,

* * * * * *

Why the so-called Rosario Strait was used.

I AM informed that the vessels of the Hudson's Bay Company on their upward bound trips usually passed through Rosario Straits, because their business required them to touch at the inshore stations of the Company, but almost invariably through the Canal de Haro in returning to Vancouver.

(Signed) ED. R. S. CANBY, *Brigadier-General Commanding.*

No. 60.

Report of Captain G. H. Richards, October 23, 1858, *in Papers relating to British Columbia, presented to both Houses of Parliament by command af Her Majesty, August* 12, 1859, *Part II, page* 14.

Description of Haro Channel by Captain Richards, British Boundary Commissioner.

THE Haro Strait lies between Vancouver Island and the principal islands composing the Archipelago. * * In the Haro Strait, Cordova Bay, on the western or Vancouver shore, offers good anchorage. On Stewart Island, which helps to form the eastern side of the Strait, there are snug and land-locked harbours, easily accessible to steamers; and among the Saturna group—the western boundary of the Strait, where it enters the Gulf of Georgia—there is good shelter for a fleet, accessible either to sailing vessels or steamers.

No. 61.

Affidavits concerning the Navigation of the Canal de Haro.

Statements of Remington F. Pickett, made before the United States' Consul at Victoria, Vancouver Island, on this 12*th day of March,* A.D. 1872, *touching the Navigation of the Canal de Haro and Rosario Straits.*

Affidavits on the Canal de Haro.

ON this twelfth day of March A.D. one thousand eight hundred and seventy-two, personally appeared before me, David Eckstein, Consul of the United States of America, for the Province of British Columbia, Dominion of Canada, residing at Victoria, Vancouver Island, Bemington F. Pickett, who being first duly sworn, states as follows:—

My age is thirty-seven years. My occupation that of merchant and shipping agent. My place of residence is Victoria, Vancouver Island, and have resided here most of the time since eighteen hundred and fifty-nine.

For the last ten years I have been agent for a line of sail vessels, running between San Francisco and ports in British Columbia.

During all the time since eighteen hundred and fifty-nine, vessels, both sail and steam, in making trips from Victoria to the Gulf of Georgia and Fraser River, have invariably used the Canal de Haro as a passage.

I have also heard masters of steamers and sail vessels invariably speak of the Canal de Haro as the channel used by them, and of its superiority, for purposes of navigation, over any other channel between the continent and Vancouver Island.

All English steamers have used the Canal de Haro as a passage in making trips from Victoria to Fraser River, since my residence at this place, and continue to do so at this time.

American steamers have done the same, and do now.

In fact the Canal de Haro is the only channel used by steam and sail vessels at the present time, and has been the only one used for years.

(Signed) REMINGTON F. PICKETT.

Consulate of the United States of America, Victoria,
Vancouver Island, British Columbia.

I, David Eckstein, Consul of the United States of America, residing at Victoria, Vancouver Island, do hereby certify that Remington F. Pickett personally appeared before me, and made oath and

subscribed to the truth of the foregoing statements, on this twelfth day of March, A.D. one thousand eight hundred and seventy-two; I further certify that the said Remington F. Pickett is personally known to me, that he is a respectable and credible person, to whose representations full faith and credit can be given.

In witness whereof I have hereunto subscribed my name, and affixed the seal of my office, this twelfth day of March, A.D. one thousand eight hundred and seventy-two.

(Signed) DAVID ECKSTEIN, *United States' Consul.*

(Seal.)

Statement of George Thomas Seymour, made before the United States' Consul, residing at Victoria, Vancouver Island, March 13, A.D. 1872, *touching upon the Navigation of the Canal de Haro and Rosario Straits.*

ON this thirteenth day of March, A.D. one thousand eight hundred and seventy-two, personally appeared before me, David Eckstein, Consul of the United States of America for the Province of British Columbia, Dominion of Canada, residing at the Port of Victoria, Vancouver Island, George Thomas Seymour, who, being first duly sworn, states as follows—My age is forty-nine years; and I have resided at Victoria, Vancouver Island, since eighteen hundred and fifty-eight. My occupation is that of merchant. I have been acquainted with the routes of travel by water, between Victoria and points on the Gulf of Georgia and Fraser River, since the year eighteen hundred and fifty-eight. The Canal de Haro has been the channel used by steamers and sail vessels, British and others, since eighteen hundred and fifty-eight, and is the one now generally, if not exclusively used in making trips to and from the above-named points, both night and day. It is, in fact, the main channel, and the only one regarded as really safe by masters of steamers and sail vessels who are acquainted with the waters between the continent and Vancouver Island.

Ever since my residence at Victoria, in eighteen hundred and fifty-eight, the Canal de Haro has been the channel invariably used by navigators in going from Victoria to points on the Gulf of Georgia and Fraser River. No navigator would ever think of using any other channel unless he had some special reason for it.

(Signed) GEORGE THOMAS SEYMOUR.

Consulate of the United States of America, Victoria,
Vancouver Island, British Columbia.

I, David Eckstein, Consul of the United States of America residing at Victoria, Vancouver Island, do hereby certify that, on this thirteenth day of March, A.D. one thousand eight hundred and seventy-two, personally appeared before me George Thomas Seymour, and made oath and subscribed to the truth of the foregoing statesments; I further certify that the said George Thomas Seymour is personally known to me, and that he is a respectable and credible person, to whose representation full faith and credit can be given.

In witness whereof, I have hereunto set my hand and affixed the seal of my office this thirteenth day of March, A.D. one thousand eight hundred and seventy-two.

(Signed) DAVID ECKSTEIN, *United States' Consul.*

(L.S.)

Statements of Albert Henry Guild, made before the United States' Consul, residing at the Port of Victoria, Vancouver Island, March 16, 1872, *touching the Navigation of the Canal de Haro and Rosario Straits.*

ON this sixteenth day of March, A.D. one thousand eight hundred and seventy-two, before me, David Eckstein, Consul of the United States of America, for the Province of British Columbia, dominion of Canada, residing at the Port of Victoria, Vancouver Island, personally appeared Albert Henry Guild, who, being first duly sworn, states as follows:—

My age is fifty-eight years, my residence Victoria, Vancouver Island, and have resided here since the year eighteen hundred and fifty-eight. My occupation is that of merchant.

I am familiar with the route of travel, by water, by steamers and sail vessels, British and American, from Victoria to points on the Gulf of Georgia and Fraser River.

The Canal de Haro is the channel now exclusively used, by all classes of vessels, British and others, carrying pilot or no pilot, in making trips between the abovenamed points; and has been so used, to the best of my knowledge, since eighteen hundred and fifty-eight.

During my residence at Victoria I have frequently passed through the Canal de Haro, as passenger, in Hudson Bay Company's steamers; and, in fact, I never knew them to use any other channel in making trips to and from the abovenamed points.

Vessels coming into the Straits of Juan de Fuca, from the Ocean, bound for ports or places on the Gulf of Georgia or Fraser River, invariably pass through the Canal de Haro, whether touching at Victoria or not, and have done so since my residence here in eighteen hundred and fifty-eight.

(Signed) ALBERT HENRY GUILD.

Consulate of the United States of America at Victoria,
Vancouver Island, British Columbia.

I, David Eckstein, Consul of the United States of America, residing at Victoria, Vancouver Islan do hereby certify that, on this sixteenth day of March, A.D. one thousand eight hundred and seventy-tw

Affidavits on the Canal de Haro.

Personally appeared before me Albert Henry Guild, and made oath and subscribed to the truth of the foregoing statements; I further certify that the said Albert Henry Guild is personally known to me, and that he is a respectable and credible person, to whose representation full faith and credit can be given.

In witness whereof I have hereunto subscribed my name and affixed the seal of my office the day and year first above written.

(Signed) DAVID ECKSTEIN, *United States' Consul.*
(Seal.)

Extracts from the Affidavit of William J. Waitt.

United States of America, Territory of Washington, ss.

I, William J. Waitt, of the City of Olympia, county of Thurston, and territory aforesaid, do solemnly declare upon oath, that I am a master mariner of the age of thirty-two years. That I came to Victoria, Vancouver's Island, in the spring of 1858, and for the next four years was engaged in steamboating, between said City of Victoria, and Fraser's River, in British Columbia; fifteen months of that period I was master, the remainder pilot and mate. In 1862, I commenced running between Victoria and Olympia with occasional trips from Victoria to New Westminster. During all this time the Canal de Haro has been the only channel used in going from Victoria or the Straits of Fuca, northward into the Gulf of Georgia, and places on the northern coast. I know both Haro Canal and Rosario Straits. The first is the only one ever used in the large trade between Puget Sound and the British Columbia mines; between Victoria and the said mines; between San Francisco and the main land of British Columbia. It is the only one, by which the heavy coal trade of Nanaimo mines is carried on. It is straighter, shorter, deeper, fewer rocks, less currents, and is much the safest route, particularly going through at night or in a fog.

I am intimately acquainted with Captains McNeil, Swanson, Ella, and Lewis. I knew Captain Morrat in his life time. They are old captains who were in the service of the Hudson's Bay Company as early as 1840. I have talked with each and all of them on these matters, as it was my business to learn. * * * *

Haro Channel used exclusively for northern trade since establishment of Fort Victoria in 1842.

All their statements to me justify my declaration upon oath, that since Fort Victoria was established on Vancouver Island, this channel was exclusively used in all trips of their steamers between said Fort Victoria and their trading posts north on the Gulf of Georgia, and on the upper Fraser's River. No other channel but this was talked about by either of them. None other had ever been used in their regular trade since Fort Victoria was established, which, I believe, on information, was in 1842. Captain McNeil told me he had been through here in his own vessel, which he brought from Boston, before he was bought out by the Hudson's Bay Company and employed in the Company's service. He also spoke of going through in the steamer "Beaver," of which he was master, when Captain Wilkes was here. * * * *

The Northern Indians always came and went by the same channel in their trips to Victoria and over to Washington Territory, since I have been here, and from information, and knowledge of the Indian customs, I state the opinion they always did use such Canal de Haro in their trips to and from Victoria and their northern residences. They always used the same channel when coming to the American side of the Straits of Fuca, and the settlement on Puget Sound.

(Signed) Captain W. J. WAITT.

Territory of Washington, County of Thurston, ss.

Before me, Joseph H. Houghton, Clerk of the Supreme Court of said Territory, came William J. Waitt, who, being first duly sworn, did depose and say that he had carefully read the foregoing statement, and knew the contents thereof, that the same had been dictated by him. And that so much thereof as was stated from his own knowledge was true, and so much thereof as was stated on information he verily believes to be true.

In testimony whereof I have hereunto set my hand and affixed the seal of said Court, this sixteenth day of March, A.D. 1872.

(Signed) JOSEPH H. HOUGHTON, *Clerk Supreme Court, Washington Territory.*
(Seal of the Supreme Court.)

Extracts from the Affidavit of Francis Tarbell.

United States of America, Territory of Washington, ss.

I, FRANCIS TARBELL, of the City of Olympia, County of Thurston, and Territory aforesaid, do solemnly declare upon oath, that I am a native born citizen of the United States, aged forty-one years. I went to Victoria, Vancouver's Island, on the 14th July, 1858, and continued to reside there, doing business as a wholesale merchant up to 1866. In 1862 I became a director in the Victoria and British Columbia Steamboat Company, and from my connection with said Company and my business, I became thoroughly acquainted with the vessels, steamboats, routes, &c., used by the steam and other vessels, to and from said city of Victoria. From that knowledge I declare positively, and without reserve, that the Canal de Haro was the only channel used by vessels going to the Gulf of Georgia from Victoria, or from sea voyages viâ Straits of Juan de Fuca. In the last fourteen years I have probably been five hundred times to New Westminster at the mouth of Fraser's River, in British Columbia. In these trips or voyages, no other channel but the Haro Canal, was ever used. * *

I am well and intimately acquainted with Captain McNeil, Captain Swanston, Captain Lewis, and

Captain Ella. I was well acquainted with Captain William A. Morratt in his lifetime. These were all old captains formerly in the employ of the Hudson's Bay Company. From their statements to me and from other sources, several of them were here, if not all, before 1840. In my eight years' residence in Victoria I was in company with these gentlemen a great deal, conversing very freely on the subject of steamboats, routes up the coast, trade of the coast, &c. It was in the direct line of my business to learn these matters. I freely inquired as to their knowledge, and they freely communicated with me. I have been told frequently by all those gentlemen that the channel now used to reach the Gulf of Georgia in going from Victoria to Nanaimo, Fraser's River, or to the Northern coast, or in returning from the same to Victoria, has been invariably used by the vessels of the Hudson's Bay Company since Fort Victoria was established. * * *

Affidavits on the Canal de Haro.

Haro Channel used Hudson's Bay Company since establishment of Fort Victoria.

I am also positive that Captain McNeil has told me on several occasions that he used the same channel when sailing a vessel for the Hudson's Bay Company long prior to 1846. And I have heard him make the same statement in regard to the vessel he brought out from Boston, before he went into the Company's service. I am also positive that he has told me that, after going into the Company's employ, long anterior to 1846, he passed through this channel in the steamer "Beaver," of which he was captain, about the time Captain Wilkes made his survey of these waters. * *

Hudson's Bay Company used Haro Channel before 1846.

(Signed) FRANCIS TARBELL.

Territory of Washington, County of Thurston, ss.

Before me, Joseph H. Houghton, Clerk of the Supreme Court of said territory, came Francis Tarbell, who being first duly sworn, did depose and say that he had carefully read the foregoing statement and knew the contents thereof, that the same had been dictated by him; and that so much thereof as was stated from his own knowledge was true, and so much thereof as was stated on information he verily believes to be true.

Witness my hand and the seal of the said Court this 16th day of March, A.D. 1872.

(Signed) JOSEPH H. HOUGHTON, *Clerk of Supreme Court, Washington Territory.*

(Seal of the Supreme Court.)

Extracts from the Affidavit of Charles Willoughby.

United States of America, Territory of Washington, ss.

I, Charles Willoughby, of the city of Port Townsend, county of Jefferson, in said territory, do solemnly swear that I am a native-born American citizen, aged forty-one years, a master mariner, and have since December 1850 been master of a vessel. * * *

In 1861 I made another voyage in barque "Naramisse" to Nanaimo for coal. Took a pilot at Victoria, who was recommended to me by the Harbour Master as an old and experienced Hudson's Bay Company pilot; his name I have forgotten. We were again piloted as before through Haro Canal. In the latter voyage we encountered a gale from south-east veering to south, which struck the ship at 6 A.M. and lasted eight hours. Ship under close reef main topsails and blowing very heavy all the time. The position of the ship at the time we took the gale was off Chatham Island with ebb tide. The pilot as well as myself entertained no fears for the safety of the ship, as the shores were bold, the water deep, currents so regular and plenty of sea room, and we had no fears of the result. I would not like to be caught in Rosario Straits in the same manner. When the gale broke we were up by Sidney Island nearly up to the Active Pass. From my experience then and knowledge now, I pronounce the Haro Channel the best channel or passage between any of the islands or between the mainland and islands north of the Straits of Fuca. * * *

(Signed) CHAS. WILLOUGHBY.

Territory of Washington, County of Thurston, ss.

Before me, Joseph H. Houghton, Clerk of the Supreme Court of said territory, came Charles Willoughby, who, being first duly sworn, did depose and say that he had carefully read the foregoing statement and knew the contents thereof, that the same had been dictated by him; and that so much thereof as was stated from his own knowledge was true; and so much thereof as was stated on information he verily believes to be true.

In testimony whereof I have hereunto set my hand and affixed the seal of the Court this 16th day of March, A.D. 1872.

(Signed) JOSEPH H. HOUGHTON, *Clerk of Supreme Court, Washington Territory.*

(Seal of the Supreme Court.)

Extracts from the Affidavit of James S. Lawson.

United States of America, Territory of Washington, ss.

I, James S. Lawson, Assistant United States' Coast Survey, and at present a resident of Olympia, county of Thurston, and Territory of Washington, do solemnly declare upon oath that I am a native-born citizen of the United States, aged forty-four years. That I came to the western coast of the United States in June 1850, in the coast survey, and have been engaged in the same from that time to the present in all capacities, from aid to assistant in charge of a party. From 1852 to 1859, both inclusive, I spent each working season in the survey of Straits of Juan de Fuca, Canal de Haro, Rosario Straits, Gulf of Georgia to 49th parallel of north latitude, and Admiralty Inlet, and since 1866 I have been permanently located in this section, with a residence at Olympia. * * *

* * * * * *

Affidavits on the Canal de Haro.

From several years of such experience and service I assert the great superiority of the Canal de Haro over the Rosario Strait as a ship channel, or channel of any character, depth of water, width, directness, and freedom from obstructions, rocks, &c. The currents are strong in both, but as a ship channel the Canal de Haro is decidedly superior.

While working in the Gulf of Georgia in 1858 and 1859, vessels bound from Victoria to Fraser's River, Nanaimo, or farther north, invariably made use of Canal de Haro; in fact I have never heard of a single instance of a vessel sailing from Victoria since 1852, when I came to this section, and bound for any of the above-mentioned places, making use of Rosario Strait. My experience has shown that the Indians of the north-west coast always made use of the Canal de Haro, on their visits to Victoria and returning.

* * * * * *

(Signed) JAS. S. LAWSON.

Territory of Washington, County of Thurston, ss.

Before me, Joseph H. Houghton, Clerk of the Supreme Court of said Territory, came James S. Lawson, who, being first duly sworn, did depose and say, that he had carefully read the foregoing statement, and knew the contents thereof, that the same had been dictated by him; and that so much thereof as was stated from his own knowledge was true, and so much thereof as was stated on information, he verily believes to be true.

In testimony whereof I have hereunto set my hand and affixed the seal of the said Court this 16th day of March, A.D. 1872.

(Signed) JOSEPH H. HOUGHTON, *Clerk of Supreme Court, Washington Territory.*
(Seal of the Supreme Court.)

Affidavit of Thomas Mc Manus.

United States of America, Territory of Washington, ss.

I, Thomas McManus, of the city of Townsend, county of Jefferson, and Territory of Washington, do solemnly declare that I am a citizen of the United States, of the age of fifty-one years.

Wilkes surveys Canal de Haro in 1841.

On the 2nd day of May, 1841, I was serving as an ordinary seaman on board the United States' ship "Vincennes," in the United States' exploring expedition, Charles Wilkes, United States' Navy, commanding expedition, and we entered these waters about the above date. I was in the boat expedition, surveying both Canal de Haro and Rosario Straits. I served during the whole cruise of the expedition.

In 1858 I returned to Washington Territory, and since that time I have been constantly sailing in these waters. I know both channels well, and have been frequently in them, but never in Rosario Straits in a ship. From my knowledge of said Rosario Straits I do not think it a safe passage for sailing vessels. From uncertainty of winds during summer months and adversity of currents, the passage is unsafe without the use of towing, and in my knowledge it is not, nor has it ever been used by vessels going to or coming from the Gulf of Georgia. The Canal de Haro is the natural route for vessels from Victoria to the Gulf of Georgia and the northern coast. It is a safe and good channel, broad, deep, and plenty of sea room, and less danger from hidden rocks, than in Rosario Straits. For heavy draft vessels it is the only channel which can be used.

Since I have been here (1588) the Canal de Haro is the channel invariably used by vessels, American and English, steam and other vessels, going into the Gulf of Georgia from Victoria or the Straits of Fuca.

(Signed) THOMAS Mc MANUS.

Territory of Washington, County of Thurston, ss.

Before me, Joseph H. Houghton, Clerk of the Supreme Court of said territory, came Thomas McManus, who, being first duly sworn, did depose and say that he had carefully read the foregoing statement and knew the contents thereof, that the same had been dictated by him, and that so much thereof as was stated from his own knowledge was true; and so much thereof as was stated on information he verily believes to be true.

Witness my hand and seal of said Court this 20th day of March A.D. 1872.

(Signed) JOSEPH H. HOUGHTON, *Clerk of Supreme Court, Washington Territory.*
(Seal.)

Affidavit of Adam Benson.

United States of America, Territory of Washington, ss.

I, Adam Benson, of Pierce County, Washington Territory, do solemnly declare upon oath that I am a citizen of the United States of the age of fifty-six years, and a native of the north of Scotland. I came to this territory, then Oregon, in the serivce of the Hudson's Bay Company in 1836, and stopped at Fort Nisqually, in what is now Pierce County. I was a shepherd and herder of the Company's sheep, after Fort Victoria was established in 1842. I made a trip in charge of the Company's sheep from Fort Nisqually to Fort Victoria, in the spring of 1845 just before potato planting. From thence the steamer "Beaver" towed the ship "Columbia" to the mouth of Fraser's River. We went through the channel between Vancouver's Island and San Juan Island. Captain Dodd was the master of the steamer "Beaver." I fix the year 1845 because it was the year that Colonel Simmons came and settled

The steamer "Beaver" towed the ship "Columbia" through Haro Channel in 1845.

at New Market. I remember that Fort Victoria had only been established two or three years, and all the buildings were not up when I was there.

Affidavits on the Canal de Haro.

(Signed) ADAM BENSON.

Territory of Washington, County of Thurston, ss.

Before me, Joseph H. Houghton, Clerk of the Supreme Court of said territory came Adam Benson, who, being first duly sworn, did depose and say that he had carefully read the foregoing statement and knew the contents thereof, that the same had been dictated by him and was true.

In testimony whereof I have hereunto set my hand, and affixed the seal of said Court this 27th day of March, A.D. 1872.

(Signed) JOSEPH H. HOUGHTON, *Clerk of Supreme Court, Washington Territory.*
(Seal.)

Affidavit of William N. Horton.

United States of America, Territory of Washington, ss.

I, William N. Norton, now of the City of Olympia, county of Thurston, and territory aforesaid, do solemnly declare upon oath, that I am a native born citizen of the United States of the age of 42 years —and am a steamboat engineer by profession—I came to Portland, Oregon, in June 1850. I came to Puget Sound in May or June 1854, since which time Olympia has been my residence when upon shore. Early after coming to the Sound, I made a trip in the sloop "Sarah Stone," Captain Thomas Slater, to all of the Sound ports, extending our voyage to Fort Victoria, and Nanaimo, upon Vancouver's Island. We went and returned through the Canal de Haro,—at that time it was the only channel used by all coal vessels going to and from Nanaimo, by the Hudson's Bay Company's steamers "Beaver" and "Otter" in their trips north from Fort Victoria to the trading posts on the northern coast. Indeed it is the only channel which can be profitably or safely used in going from the Straits of Fuca into the Gulf of Georgia, and the inland waters to the north. It was then used by those steamers, for on that trip or shortly after, I have seen both of those steamers, either going from or returning to the then Fort Victoria, now the City of Victoria on Vancouver's Island.

From the spring of 1855 up to 1858, I was running a steamer on the Sound, and made numerous trips to Victoria, and saw steam and other vessels in the Canal de Haro. I never saw or heard of any vessel ever using the Rosario Straits to get into the Gulf of Georgia. In 1858 I was employed on various steamers, running to Fraser's River, and continued in that business until 1861. The whole trade between Victoria and Fraser's River, in all classes of vessels, was entirely and exclusively done in the Canal de Haro.

I know both channels, having run in both as pilot and engineer. Haro Channel for all vessels is infinitely superior to Rosario Straits. It is broader, deeper, more direct, less sunken rocks; and the Canal de Haro is perfectly safe at night or in a fog, which I cannot say of the Rosario Straits. The currents are strong in both, but that in the Canal de Haro much the more regular.

I have very frequently seen the Northern Indians coming and going through Haro Channel, and, from my information, I believe that such channel has always been used by them in their trading trips from the North to Fort Victoria. Indians follow customs tenaciously, and do not change their routes; and as this was their custom in 1854, I am positive it was previous thereto.

(Signed) W. N. HORTON.

Territory of Washington, County of Thurston, ss.

Before me, Joseph H. Houghton, Clerk of the Supreme Court of said territory, came William N. Horton, who, being first duly sworn, did depose and say, that he had carefully read the foregoing statement, and knew the contents thereof, that the same had been dictated by him; and that so much thereof as was stated from his own knowledge was true, and so much thereof as was stated upon information he verily believes to be true.

In testimony whereof I have hereunto set my hand and affixed the Seal of said Court, this 30th day of March, A.D. 1872.

(Signed) JOSEPH H. HOUGHTON, *Clerk of Supreme Court, Washington Territory.*
(Seal.)

Affidavit of John McLeod.

United States of America, Territory of Washington, ss.

I, John McLeod, of Pierce County, Washington Territory, do solemnly declare upon oath that I am a naturalized citizen of the United States, of the age of fifty-six years, and was born in Lewes Island, north of Scotland. I arrived in this territory, then Oregon, in the service of the Hudson's Bay Company, in the fall of 1838, at Fort Nisqually on Puget Sound, and immediately was put on board of the Company's steamer "Beaver." Captain McNeil was then master. While I was on board she was also commanded by Captain Brotchie and Captain Duncan. My duty was that of stoker. Up to 1842, when Fort Victoria was established on Vancouver's Island, she made two trips up north from Fort Nisqually, annually, in collecting furs. I continued on board until the spring of 1844 (April, I think), since which time I have lived in Pierce County, near Fort Nisqually. I know San Juan Island, and the channel between it and Vancouver's Island. I made in the steamer "Beaver," after 1842 and till I was discharged, at least two trips to the North each year, that is to say, in 1842 and 1843. While building the Fort at Victoria, till the buildings were well up, we stayed in

Canal de Haro regularly navigated by vessels of Hudson's Bay Company since 1842.

Affidavits on the Canal de Haro.

the harbour as a guard against the Indians, and while thus delayed, the "Beaver" towed the schooner "Cadboro" two or three times to the mouth of Fraser's River. In all her trips north, from Fort Victoria to Fort Simpson and back, and in towing the "Cadboro" to Fraser's River, we always went through the channel between Vancouver's Island and San Juan Island. After 1842 the steamer "Beaver" only came to Fort Nisqually on particular business. Her regular trips, twice a year, were made between Fort Victoria, on the Island of Vancouver, and the trading posts north of the Gulf of Georgia. I can remember, at least, eight or nine trips through the channel between Vancouver's Island and San Juan Island, while I was engaged as stoker on the steamer "Beaver."

(Signed) JOHN McLEOD, his ⋊ mark.

Territory of Washington, County of Thurston, ss.

Before me, Joseph H. Houghton, Clerk of the Supreme Court of said territory, personally came John McLeod, who, being by me first duly sworn, did declare and say that he knew the contents of the foregoing affidavit; that the same had been dictated by him and carefully read to him, and that the same was true.

In testimony whereof I have hereunto set my hand and the Seal of said Court, this 3rd day of April, A.D. 1872.

(Signed) JOSEPH H. HOUGHTON, *Clerk of Supreme Court, Washington Territory.*
(Seal.)

Affidavit of W. H. Gray.

Astoria, April 8, 1872.

THE undersigned was in Fort Vancouver on the Columbia River Oregon in the month of January, 1837. During my stay at that port of the Hudson's Bay Company, news came that one of the Company's vessels—I think it was the steamer "Beaver"—had passed Haro Straits, and found it a shorter, deeper, and better channel from the Gulf of Georgia to Victoria than that nearer the main land.

I was informed by the masters of the Hudson's Bay Company's vessels, several of whom I have been well acquainted with since the winter of 1837, that the Haro Channel was the safest and the one they preferred to any other.

From 1858 and onward I have frequently and invariably passed through the Haro Channel in American and the Company's steamers, and been assured by all the masters that it was preferable to any other.

As to the question of the Company or British ignorance of the Haro Channel, I verily believe it wholly fictitious, and that it was well known to them as early as 1837, and that the steamer "Beaver" had passed and repassed it from Victoria on Vancouver's Island to Fort Langley on Fraser's River,

I, W. H. Gray, do solemnly swear that the foregoing statements are true to the best of my knowledge and belief. So help me God.

(Signed) W. H. GRAY.

Subscribed and sworn before me this 8th day of April, 1872.

(Signed) A. VAN DUSEN, *Notary Public for Clatsop County, State of Oregon.*
(L.S.)

Affidavit of J. A. Gardiner.

THE undersigned was one or the seamen on the exploring squadron of Captain Wilkes, of the United States, on the American coast in 1840-41, and knows that the Channel de Haro, or Belview Channel, was explored during the continuance of the surveying expedition upon the coast, in 1841, and knows that it has been for the last thirteen years universally used by both British and Americans, and is the preferable channel to any other.

(Signed) J. A. GARDINER, *First Officer steam-ship "California."*

State of Oregon, County of Clatsop, ss.

On this 16th day of April, A.D. 1872, personally appeared before me the above-named J. A. Gardiner, and to me personally known, who subscribed his name in my presence and swore according to law to the truth of the above statement.

(Signed) A. VAN DUSEN, *Notary Public.*
(Notarial Seal.)

Statements of William H. Oliver, made before the Consul of the United States of America, residing at Victoria, Vancouver Island, March 13, A.D. 1872, *touching upon the Navigation of the Canal de Haro and Rosario Straits.*

ON this thirteenth day of March, A.D. one thousand eight hundred and seventy-two, personally appeared before me, David Eckstein, Consul of the United States of America for the Province of British Columbia, Dominion of Canada, residing at the Port of Victoria, Vancouver Island, William H. Oliver, who, being first duly sworn, states as follows:—

Affidavits on the Canal de Haro.

My age is forty-eight years; my residence is Victoria, Vancouver Island.

I have resided here most of the time since eighteen hundred and fifty-eight.

I am a retired merchant.

I am acquainted with the route of travel by water, by steamers and sail vessels, British and American, in making trips from Victoria to the Gulf of Georgia and Fraser River, since the year eighteen hundred and fifty-eight.

So far as my knowledge extends, the Canal de Haro has been and now is universally used by all classes of vessels.

In eighteen hundred and fifty-eight, in December, or in January, eighteen hundred and fifty-nine, I went as a passenger on the Hudson's Bay Company's steamer "Beaver," from Victoria to Derby, or Old Langley, as it was called, on Fraser River, and passed through the Canal de Haro in going and returning. At that time, and since, the Canal de Haro is the channel generally, and I think exclusively used by British steamers and others in going to and returning from Fraser River and Gulf of Georgia to Victoria. Masters of vessels, and navigators generally, have expressed the opinion to me repeatedly, that the Canal de Haro was not only a superior channel to any other between the continent and Vancouver Island, but was the only one used by mariners in passing from Victoria to the Gulf of Georgia and the Fraser River.

I have been acquainted with William H. McNeil, formerly chief factor in the Hudson's Bay Company, personally since 1864, and by reputation since 1858. Since the 6th of the present month I have had a conversation with William H. McNeil, in which I asked him to state at what time the Hudson's Bay Company commenced using the Canal de Haro, by steamers and other vessels employed in carrying their fur trade, and the reasons why they had not used it an earlier day. He stated to me that the Hudson's Bay Company commenced using the Canal de Haro, for the above purpose, soon after they established their trading-post on Vancouver Island, which was, as he said, in eighteen hundred and forty-two, or eighteen hundred and forty-three; and that the Company continued to use it, more or less, from that time on.

And further that the Hudson's Bay Company ascertained the value of the Canal de Haro for purposes of navigation, at the time of their commencing to use it as above stated. He further stated that the reason why the Hudson's Bay Company had not used the Canal de Haro previous to establishing their trading-post on Vancouver Island, was their want of knowledge of its real value for purposes of navigation.

Canal de Haro regularly navigated by vessels of Hudson's Bay Company since 1842.

On pressing my inquiries further upon the subject, the said William H. McNeil stated to me distinctly and positively that the Hudson's Bay Company navigated the Canal de Haro with their steamers as early as 1842, and continued to navigate the said Canal de Haro thereafter exclusively in carrying on their trade between Victoria and points on the Gulf of Georgia and Fraser River. William H. MacNeil has been in the Hudson's Bay Company's service since 1837.

(Signed) W. H. OLIVER.

Consulate of the United States of America, Victoria,
Vancouver Island, British Columbia.

I, David Eckstein, Consul of the United States of America, residing at Victoria, Vancouver Island, do hereby certify that, on this 13th day of March, A.D. 1872, personally appeared before me, William H. Oliver, and made oath and subscribed to the truth of the foregoing statements; I further certify that the said William H. Oliver is personally known to me, and that he is a respectable and credible person, to whose representations full faith and credit can be given.

In witness whereof I have hereunto set my name and affixed the seal of my office, this 13th day of March, A.D. 1872.

(Signed) DAVID ECKSTEIN, *United States' Consul.*
(L.S.)

Affidavit of Charles M. Bradshaw.

United States of America, Territory of Washington, ss.

I, Charles M. Bradshaw of the city of Port Townsend, county of Jefferson, in said Territory, do solemnly declare upon oath that I am a native-born citizen of the United States, aged forty years; that I came to Washington Territory, then included in the Territory of Oregon, in November 1852. In March 1853 I went to Dungeness, on the south side of the Straits of Fuca, in Clallam county, Washington Territory, and took up a donation claim, fronting upon the harbour, which is but an indentation in said Straits of Juan de Fuca, where I continued to reside until some time in 1867.

From my house, without the weather was very hazy or foggy, I had an unobstructed view to the entrance of Victoria Harbour, the shore of Vancouver Island, the entrance to Canal de Haro, the shore of San Juan Island, and the entrance of Rosario Straits. Between 1853 and 1855 there were no steamers in those localities, except those belonging to the Hudson's Bay Company, at Victoria, Vancouver Island, or British vessels of war, and the sight of a vessel propelled by steam was a novelty, and always attracted my attention. It was not an unfrequent occurrence to see a steamer leaving Victoria Harbour, passing around Trial Island, and disappear up De Haro Straits, on its way to the Gulf of Georgia, and the trading posts to the north, The steamers referred to by me were without any doubt the Hudson's Bay Company's steamers "Beaver" and "Otter," and I have no hesitancy in declaring at this time to have been one or the other or both of those vessels. I have yet to see the first steamer or sailing-vessel come out of Victoria Harbour and go into Rosario Straits. After 1855 at times there were American steamers making trips between Olympia, Washington Territory, and Victoria.

In the spring and summer of 1858, I made a number of trips to Fraser's River from Victoria, and returned from there to Victoria, each time going through Haro Channel and returning the same way.

Affidavits on the Canal de Haro.

On two of those trips to Fraser's River, I was accompanied by from forty to fifty small boats and canoes, many of which boats piloted by Indians, and old Hudson's Bay Company bargemen and discharged servants. In every one of those trips no other route was proposed than through Haro Straits. At that time, and ever since, the Haro Channel was the recognized route of travel from Victoria to the Gulf of Georgia, and to the mainland of British Columbia at and above the mouth of the Fraser's River. All the steamers to and from Victoria used that channel, and none other was spoken of or used either for sailing vessels or steamers.

Since 1858, I speak from positive knowledge, the Canal de Haro has been exclusively used in the navigation and commerce between Victoria on Vancouver's Island, and British Columbia, and the northern coast.

(Signed) CHARLES M. BRADSHAW.

Territory of Washington, County of Thurston, ss.

Before me, Joseph N. Houghton, Clerk of the Supreme Court of said territory, came Charles M. Bradshaw, who, being first duly sworn, did depose and say that he had carefully read the foregoing statement, and knew the contents thereof that the same had been dictated by him; and that so much thereof as was stated from his own knowledge was true, and so much thereof as was stated on information be verily believes to be true.

Witness my hand and the seal of said Court this 16th day of March, A.D. 1872.

(Signed) JOSEPH N. HOUGHTON, *Clerk of Supreme Court, Washington Territory.*
(Seal.)

Extract from the Statement of Uriah Nelson, made before the United States' Consul, residing at the Port of Victoria, Vancouver Island, March 18, 1872, *touching the Navigation of the Canal de Haro and Rosario Straits.*

ON this eighteenth day of March, A.D. one thousand eight hundred and seventy-two, personally appeared before me, David Eckstein, Consul of the United States of America, for the Province of British Columbia, dominion of Canada, residing at the Port of Victoria, Vancouver Island, Uriah Nelson, who, being first duly sworn, states as follows:—

My age is forty-five years; my residence Victoria, Vancouver Island. Since eighteen hundred and fifty-nine, I have resided here part of the time, and the rest of the time at Yale and Clinton, on the mainland of British Columbia.

My occupation is that of merchant and forwarding agent.

I am acquainted, since the year one thousand eight hundred and fifty-nine, with the course pursued by all classes of vessels, British and American, plying between Victoria and ports or places on the Gulf of Georgia and Fraser River. The Canal de Haro has been since one thousand eight hundred and fifty-nine, and is now universally used as the channel by all steamers and sail vessels, British and others, in making trips between the above-named points.

Since the year one thousand eight hundred and fifty-nine I have made about one hundred trips between Victoria and New Westminster on the Fraser River, as passenger, in Hudson's Bay Company steamers and others, and every time passed through the Canal de Haro, in going and returning.

The Canal de Haro is in fact the main channel, and the only one regarded as safe by masters of steamers and sail vessels, who are acquainted with the waters between the continent and Vancouver Island.

(Signed) URIAH NELSON.

Consulate of the United States of America at Victoria,
Vancouver Island, British Columbia.

I, David Eckstein, Consul of the United States of America, residing at the Port of Victoria, Vancouver Island, do hereby certify that, on this eighteenth day of March, A.D. one thousand eight hundred and seventy-two, personally appeared before me Uriah Nelson, and made oath and subscribed to the truth of the foregoing statements; I further certify that the said Uriah Nelson is personally known to me, and that he is a respectable and credible person, to whose representations full faith and credit can be given.

In witness whereof I have hereunto set my hand and affixed the seal of my office, the day and year first above written.

(Signed) DAVID ECKSTEIN, *United States' Consul.*
(Seal.)

No. 62.

Extracts from the Report of the Voyage of the "Eliza," forwarded December 29, 1791, *from San Blas, by Juan Pantoja y Arriaga. From a certified copy of the original Report in the Hydrographical Bureau at Madrid.*

Survey of the Canal de Haro by the Spaniards in 1791.

El 31 del mismo, como á las cinco de la mañana, salió la lancha armada en guerra, á las órdenes del segundo piloto Don José Verdia con el fin de explorar la boca é interiores del Canal de Lopez de Aro, y á las 10½ regresó con toda diligencia y dió parte al Comandante de que no podia continuar la comision al que lo habia destinado por haberse visto sorprendido desde que entró por el Canal por

muchas canoas de Indios, á quienes se vió precisado á hacer fuego y que de haber seguido consideraba se exponia á perderse con la gente y lancha, pues ademas de la mucha Indiada que habia concurrido, veia concurrir mucha mas en tierra, echando canoas al aqua y al mismo tiempo oyeron en ella estruendo como de tambor, y en las canoas andaba uno muy solícito, animando y repartiendo zurrones de flechas, con cuya noticia y atrevimiento nos hemos asegurado ser cierto lo que sus mismos paisanos nos han significado, y en la retirada echaron á pique una canoa grande, y mataron algunos naturales de los que mas se empeñaban en atracar la lancha por todas partes con gruesas lanzas, y los puntos de hierro arponadas. En visto de lo acaceido determinó el Comandante esperar la goleta para seguir el expresado reconocimiento, la que fondeó próxima á nosotros el 11 de Junio, y su capitan communicó al Comandante ser la entrada ó boca de Carrasco, un grande archipiélago de islas pequeñas que tiene de E^te.^ á O^te.^ 6 leguas y de N. á S. 4 leguas, y tiene en lo interior de la tierra dos brazos de mar de media legua de ancho que se internan mucho, demorando el uno en el 1er cuadrante y el otro en el 4°, los cuales no pudo explorar mas que tres leguas por haberselo impedido los fuertes temporales con copiosa lluvia que tuvo por espacio de doce dias, y que hallándose sin víveres se vió precisado á dejar la comision sin concluir y durante el dicho tiempo lo insultaron los Indios por tres ocasiones, á quienes rechazó con la artilleria, tirando varios canoñazos al viento para separarlos de la goleta, lo que en breve conseguia pues de haberlos dejado que se empeñasen en la accion miraba la destruccion tan grande que haria en ellos con la metralla de los cañones por venir numerosa Indiada en muchas canoas juntas, demostrando ser muy guerreros y atrevidos y en lo que anduvo vió cuatro grandes rancherias y todas visten lo mismo que los de Noca, con alguna diferencia en el idioma.

El 14 de dicho Junio mandó el Comandante armar la lancha en guerra, proveer la goleta de 29 tiros para el cañon y pedreros que lleva montados que son seis, y tripuló una y otra con treinta hombres de mar y ocho soldados hábiles y de espíritu de los voluntarios de Cataluña, y me entregó el mando de la comision, con el objeto de examinar prolijamente cuanto comprenda el Canal de Lopez de Aro, y castigar á los Indios siempre que vuelvan ó quieran insultarnos como lo hicieron con Don José Verdia, y á las nueve de la mañana nos largamos con toda fuerza de vela y con viento fresco de S^o.^ con el cual navegamos la vuelta del 1er cuadrante haciendo los rumbos convenientes para entrar por el Canal de Lopez de Aro, lo que conseguimos á las 10½ por entre varias tiletas y algunas piedras que tiene próximas á la costa, y en toda encontramos muy recia corriente la que hacia remolinos tan grandes que parecia navegabamos por un rio muy caudaloso, y hallándonos á las 11 rebasados enteramente, seguimos en vuelta del cuarto cuadrante por ser la direccion que lleva este canal, por el cual navegamos con viento fresco del tercer cuadrante hasta las 12¼ que refrescó algo mas, por cuya razon no me era posible seguir á la vela por lo mucho que me sotaventeaba de la goleta (que se habia mandado tender la base) y por lo mismo los aferré, y echando abajo los palos seguí al remo en su demanda, haciendo mucha agua que me entraba por la borda por estar la mar picada. La goleta, notándome que nada podia grangear, se puso á la capa, y habiendo á la 1½ llegado á su bordo, mandé arbolar los palos, y largando las velas seguí por la popa de remolque de cuya conformidad seguimos hasta las 8 de la tarde que viendo se estaba poniendo el sol y no teniamos ya mas que ventolinas y que por este motivo no podiamos llegar á un fronton de tierra que habiamos demarcado en donde nos parecia se concluia este brazo del 4° cuadrante me largué al remo en la demanda, y habiendo reconocido eran dos bocas que sus direcciones iban la una al 1er cuadrante y la otra al 3°, retrocedí y llegué á la goleta á las 10½, la cual estaba fondeada próxima á tierra en 20 brazas de agua fondo lama, donde paramos la noche, sin haber visto en todo el dia mas que un Indio y varias humaredas en el grande bosque que hay á orillas de la playa de todo el pedazo de costa, en donde hicieron sus naturales retroceder al piloto Don José Verdia.

Nota: Que el haber determinado el Comandante saliese con la lancha en conserva con la goleta ha sido con el fin de que tomasemos con las dos embarcaciones las dos costas de este canal, por haber concebido todos seria mucho mas angosto que el Estrecho, y siendolo pudieramos con mas prontitud concluir su reconocimiento, y por este concepto me dió cuatro dias de término, pero ha sucedido todo muy al contrario, pues nos hallamos en un imponderable archipiélago de islas, con rocas y bocanas, por cuya razon hemos determinado no separarnos, tanto por que no serian capaces de encontrarnos en muchos dias, cuanto por que la lancha no es apropósito para semejante comision en brazos tan anchos por ser muy pequeña y no tener buque para acomodar los necesarios correspondientes al efecto, y asi hemos dispuesto siga la lancha por la popa de la goleta al remolque y que se ayude con sus velas cuando haya viento y cuando este se calme pase á proa de la goleta á darle remolque, y esto dispuesto me pasé à la goleta à ayudar à mis compañeros, á hacer las muchas marcaciones, enfilaciones y rectificacionesque hay que hacer, y en la tarde hemos dejado por la parte del O^te.^ varias bocanas y brazos formados al parecer de muchas islas que sus direcciones prometen alguna estension por ser tierras quebradas y rasas y sin verse por detras serrania alguna, los canales no hemos seguido por haber comprendido con bastante fundamento ser necesarios muchos dias, y traer nosotros muy pocos dias de término, y tambien por que en la navegacion que hemos hecho esta tarde avistamos por la banda del E^te.^ un brazo de mucha mas estension que las bocas que hemos rebasado, y promediando á primera vista se^r^ mucho mas útil seguir este por su estension, lo hemos acordado asi para que luego que principie el crepúsculo del dia seguir su demanda.

El 15 del dicho amaneció el tiempo claro y el terralito bonancible del Levante, por lo que á las tres de la mañana nos levamos y seguimos con el remolque á la lancha y los ocho remos á la goleta de la vuelta del E^te.^ con el fin de irnos aproximando al brazo expresado en cuya distancia hemos reconocido varios promontorios de tierra, segun sus estremos demuestran ser grandes islas. A las 6 nos vimos precisados á dar fondo por haber refrescado el terral del E^te.^ y lo ejecutamos en 11 brazos de agua fondo canajo, proximo á una punta que parecia tener una pequena entrada, y habiendome largado con la lancha, reconocí un buen puerto aunque pequeño pues lo mas largo de él tiene una y media millas, y lo mas ancho una, pero resguardada de todo viento y su fondo es de 13 hasta 2 brazos arena fina y se halla situado en lo mas sur de la isla de Sayas, y le puse puerto de San Antonio. A las 9½ calmó el terral, y habiendo llegado á la goleta como á las diez de la mañana, nos levamos y seguimos con los

remos de ella y el remolque de la lancha la vuelta del 1er cuadrante hasta el medio dia que atravesando por la boca de una profunda ensenada, dimos fondo en ella en 18 brazos de agua cascagillo, y luego salí con la lancha á reconocerla, la cual tiene de largo de N°. SE. 7 millas (y en su fondo dos bocas en el 1° y 4° cuadrante, siendo esta del 4°, la que ayer tarde reconocé giraba para el 1°) y de ancho 2½, y habiendo á las 3 de la tarde concluido el mismo exámen que en tan corto tiempo sepodia hacer nos levamos y luego que la montamos. se nos quedó el viente calma y seguimos con el remolque de la lancha y los remos de la goleta á atracar una punta saliente que nos demoraba en el primer cuadrante, lo que conseguimos á las siete y luego que la rebasamos, vimos por el cuarto cuadrante un muy grande y dilatado canal, pues segun lo claro del horizonte se alcanzaba á ver mucha distancia, y en el medio de él se distinguia como á perder de vista un pequeño cerro, á modo de Pan de Azucar, siendo advertencia que los estremos ó puntas de tierra que forman este canal es serrania muy elevada, cubierta de nieve, al cual le puse, en honor de nuestra Patrona, por ser el punto de mas consideracion que hasta lo presente hemos descubierto El Gran Canal de Nuestra Señora del Rosario, la marinera. * *

Discovery of the broad upper Channel of Rosario.

Voyage of Kendrick in 1789.

El 12 de Julio entró en este puerto y pasó por nuestro castillo con las mechas encendidas y gente armada, el Capitan Juan Kendrique Bostones, con bandera de su nacion, en la balandra Wasinton aperajada de bergantin, y se fué á fondear al invernadero que llaman de Malbinas que se halla tres leguas al Nte. de esta entrada, y grande puerto de Noca: siendo este individuo el que encontró Don Esteban Martinez el ano de 89 en este mismo invernadero, mandando la espresada balandra y la fragata Columbia, que ya tien remitida desde Macao al Nte. de América, á Provincias Unidas. Al pasar por el castillo se le preguntó con la bocina, quien era y de donde venia, y respondió no entender, por cuya razon, y sin pérdida de tiempo le pasé officio el Comandante interno de est establicimiento Don Ramon Saavedra, que hasta la presente pertenecia esta tierra al dominio de nuestro Soberano y que por lo mismo no podia entrar, ni comerciar sin el debido permiso, y que dijese de donde venia y la causa de entrar en este puerto, á que respondió: de Macao con destino de comerciar de toda la costa en pieles de nútrias, y que luego que concluyese su comision pensaba largarse, lo que verificó el dia 2°, saliendo á la mar sin pasar por el castillo, pues lo ejecutó por el brazo de agua salada que va por dentro de este puerto á la Bahia de Buena Esperanza, que se halla 10 leguas al Nte. de esta entrada de Noca, que tiene su entrada ó boca al mar sobre la misma costa, siendo toda ella una gran isla, como en el adjunto plano se manifiesta, del mismo modo que todo lo que se ha descubierto, pues para ello el espresado plano va en Carta Esférica y comprende solo desde la punta de Bosse hasta lo mas sur del Estrecho, con todos los interiores de la costa que se han reconocido.

No. 63.

Extract from the Instructions to Commander George Vancouver, by the Commissioners for Executing the Office of Lord High Admiral of Great Britain and Ireland, &c.

["Vancouver's Voyage," vol. i, Introduction, p, 22.]

Vancouver followed the lead of Americans. His instructions.

THE particular course of the survey must depend on the different circumstances which may arise in the execution of a service of this nature; it is, however, proper that you should, and you are therefore hereby required and directed to pay a particular attention to the examination of the supposed Straits of Juan de Fuca, said to be situated between 48° and 49° north latitude, and to lead to an opening through which the sloop "Washington" is reported to have passed in 1789, and to have come out again to the northward of Nootka. The discovery of a near communication between any such sea or strait, and any river running into, or from the Lake of the Woods, would be particularly useful.

If you should fail of discovering any such inlet, as is above mentioned, to the southward of Cook's River, there is the greatest probability that it will be found that the said river rises in some of the lakes already known to the Canadian traders, and to the servants of the Hudson's Bay Company; which point it would, in that case, be material to ascertain; and you are, therefore, to endeavour to ascertain accordingly, with as much precision as the circumstances existing at the time may allow: but the discovery of any similar communication more to the southward (should any such exist) would be much more advantageous for the purposes of commerce, and should, therefore, be preferably attended to, and you are, therefore, to give it a preferable attention accordingly.

No. 64.

Extract of Voyage of Captain Vancouver.

No soundings appear on Vancouver's map where the water is of great depth.

SOUNDINGS in some places only could be gained close to the shore; and in the middle no bottom had anywhere been found with 100 fathoms of line, although the shores were in general low, and not half a league asunder. (Vol. 1, p. 240.)

As we stood to the westward, our depth soon increased to fifteen fathoms, after which we gained no bottom till we reached the western shore of the gulf. (Vol. 1, p. 299.)

No. 65.

Extracts from the Remarks of Mr. Daniel Webster in the Senate of the United States, March 30, 1846.

THE Government of the United States has never offered any line south of forty-nine (with the navigation of the Columbia), and it never will. It behoves all concerned to regard this as a settled

point. As to navigation of the Columbia, permanently or for a term of years, that is all matter for just, reasonable, and friendly negotiation. But the 49th parallel must be regarded as the general line of boundary, and not to be departed from for any line further south. As to all straits, and sounds, and islands in the neighbouring sea, all these are fair subjects for Treaty stipulation. If the general basis be agreed to, all the rest, it may be presumed, may be accomplished by the exercise of a spirit of fairness and amity. * * * What I meant, and what I said, was, that if 49° should be agreed on as a general basis, I was satisfied to negotiate about all the rest. But the gentleman from Ohio and the Senate will do me the justice to allow that I said, as plainly as I could speak or put down words in writing, that England must not expect anything south of forty-nine degrees. I said so in so many words.

No. 66.

"Four Years in British Columbia and Vancouver Island." By Commander R. C. Mayne, R.N., F.R.G.S. London, 1862.

THE breadth of the Strait of Juan de Fuca, at its entrance between Cape Flattery, its southern point upon American territory, and Bonilla Point in Vancouver Island, is thirteen miles. It narrows soon, however, to eleven miles, carrying this breadth in an east and north-east direction some fifty miles to the Race Islands.—(Page 20.)

Where Fuca's Strait end.

At the Race Islands the Strait may be said to terminate, as it there opens out into a large expanse of water, which forms a playground for the tides and currents, hitherto pent up among the islands in the comparatively narrow limits of the Gulf of Georgia, to frolic in.—(Pages 21, 22.)

"Facts and Figures relating to Vancouver Island and British Columbia." By J. Despard Pemberton, Surveyor-General, Vancouver Island. London, 1860.

Limited extent of Fuca's Straits.

STEAMING for the first time eastward into the Straits of Juan de Fuca, the scene which presents itself to a stranger is exceedingly novel and interesting. On his right hand is Washington Territory, with its snowy mountain range stretching parallel to his course for sixty miles; flanked with Mount Ranier and culminating in the centre with Mount Olympus. Of these mountains the base is in some places at the coast, in others many miles from it. This range is occasionally intersected with deep and gloomy valleys, of which the Valley of Angels is the gloomiest and most remarkable; and every succession of cloud and sunshine changes the panorama. On his left is Vancouver Island, in contrast looking low, although even there as late as June some specks of snow may be detected on distant mountain tops. Straight before him is the Gulf of Georgia, studded with innumerable islands.—(Page 8.)

Victoria was selected by Governor Douglas, whose intimate acquaintance with every crevice in the coast ought to carry considerable weight, as "the site, in 1842, when he expressed his confidence that there was no sea-port north of the Columbia, where so many advantages could be combined;" an opinion which was confirmed by Sir George Simpson in his despatch of June 21, 1844, in which he states, "The situation of Victoria is peculiarly eligible, the country and climate remarkable fine, and the harbour excellent." And again: "June, 1846.—Fort Victoria promises to become a very important place."—(Page 50.)

No. 67.

Extract from a Letter of Sir J. Pelly, Governor of the Hudson's Bay Company, to the Lords of the Committee of Privy Council for Trade.

Hudson's Bay House, February 7, 1838.

The Hudson's Bay Company expel Americans from the fur trade.

FOR many years previous to the grant of exclusive trade to the Hudson's Bay Company, the trade of that coast was engrossed by the subjects of the United States of America and Russia, the only establishment occupied by British traders being "Astoria," afterwards named "Fort George," at the mouth of the Columbia River, while no attempt was made, through the means of shipping, to obtain any part of the trade of the coast: and so unprofitable was it in the years 1818, 1819, 1820, 1821, and 1822, and so difficult of management, that several of the leading and most intelligent persons in the country strongly recommended that the Company should abandon it altogether. The Company, however, felt that the honour of the concern would, in a certain degree, be compromised were they to adopt that recommendation, holding as they did under Government the license in question, and with a degree of energy and enterprise, which I feel assured your Lordships will admit reflects much credit on themselves and on their officers and servants in the country, they directed their efforts so vigorously to that branch of the business, that they compelled the American adventurers, one by one, to withdraw from the contest.

The outlay and expense attending this competition in trade are so heavy that the profits are yet but in perspective, none worthy of notice having been realized, the result showing some years a trifling loss, and in others a small gain, fluctuating according to the degree of activity with which the contest is maintained.

Affidavit of W. H. Gray.

IN a conversation had with Dr. John McLaughlin while he was in charge of the affairs of the Hudson's Bay Company (time I cannot state, except I am confident it was before the news of the Treaty of 1846 reached us), Dr. McLaughlin said to me, in relation to Captain N. Wyeth, who left this country in 1836, "that if he (Captain Wyeth) had not accepted his proposition for the purchase of his goods and forts, the Company would have insisted on other means to get rid of his (Captain Wyeth's) competition in the fur trade." I have always understood this intimation to mean that the Company would insist upon letting loose their Indian or aboriginal allies upon Captain Wyeth or any other American fur trader that might presume to compete with them in the fur trade, the same as I am fully satisfied they did in the case of a Mr. G. Smith, the partner of Sublit and Jackson, in 1828. The Indians were informed that, in case they robbed or killed the Americans, the Company would not punish them or take any notice of it. (Smith's party were eleven of them killed, his furs received by the Company, who paid a nominal price for them, as per testimony of G. L. Meak, Hudson's Bay Company, V. S. U. S.)

I solemnly swear that the first part of the foregoing statement is true, and that I believe the latter part to be true. So help me God.

(Signed) W. H. GRAY.

Subscribed and sworn to before me this 8th day of April, 1872.
(Signed) A. VAN DUSEN, *Notary Public for Clatsop County, State of Oregon.*
(L.S.)

Extract from a Letter of Sir J. Pelly, Governor of the Hudson's Bay Company, to the Earl of Aberdeen.

(Precise date not stated, but from internal evidence certainly later than May 16, 1846.)

The Hudson's Bay Company suggest to Lord Aberdeen to draw the boundary line through the channel used by Vancouver.

I HAVE been considering the subject on which I had the honour of conversing with your Lordship on Saturday last (May 16, 1846), and feeling that, in the multiplicity of business which comes before your Lordship, some parts may have been overlooked, or that I may not have been sufficiently explicit, I have thought it advisable to trouble you with a few lines.

In the first place, I assume that the 49th degree of latitude, from its present terminus, will be continued across the continent to the waters known as the Gulf of Georgia, and be the line of demarcation of the continent between Great Britain and the United States.

The next question on which the Governments of the two countries will have to decide will be as to the islands abutting on and in the Gulf of Georgia, viz.: one, Vancouver Island, intersected by the parallel of 49°, and others which are wholly on the south of that parallel. With respect to the former, I think, upon the principle of mutual convenience, and which, I think, should form the foundation of the Treaty, Great Britain is entitled to the harbour on its south-east end, being the only good one, those in Puget Sound being given up to the United States; that with respect to the other islands, the water demarcation line should be from the centre of the water in the Gulf of Georgia in the 49th degree along the line coloured red, as navigable in the chart made by Vancouver, till it reaches a line drawn through the centre of the Straits of Juan de Fuca.

No. 68.

Mr. Crampton to Mr. Buchanan.

(Extract.) *Washington, January* 13, 1848.

The British Government wishes the American to agree on the channel used by Vancouver as the boundary.

BUT in regard to this portion of the boundary line a preliminary question arises, which turns upon the interpretation of the Treaty, rather than upon the result of local observation and survey.

The Convention of the 15th June, 1846, declares that the line shall be drawn through the middle of the "channel" which separates the continent from Vancouver's Island. And upon this it may be asked what the word "channel" was intended to mean.

Generally speaking, the word, "channel," when employed in Treaties, means a deep and navigable channel. In the present case it is believed that only one channel—that, namely, which was laid down by Vancouver in his chart—has in this part of the gulf been hitherto surveyed and used; and it seems natural to suppose that the negotiators of the Oregon Convention, in employing the word "channel," had that particular channel in view.

If this construction be mutually adopted, no preliminary difficulty will exist, and the Commissioners will only have to ascertain the course of the line along the middle of that channel, and along the middle of the Straits of Fuca down to the sea.

It is, indeed, on all accounts, to be wished that this arrangement should be agreed upon by the two governments, because otherwise much time might be wasted in surveying the various intricate channels formed by the numerous islets which lie between Vancouver's Island and the mainland, and some difficulty might arise in deciding which of those channels ought to be adopted for the dividing boundary.

The main channel marked in Vancouver's chart is, indeed, somewhat nearer to the continent than to Vancouver's Island, and its adoption would leave on the British side of the line rather more of those small islets with which that part of the gulf is studded, than would remain on the American side. But these islets are of little or no value.

(Signed) JOHN F. CRAMPTON.

Hon. James Buchanan.

No. 69.

Extract from Additional Instructions to Captain Prevost.

Foreign Office, December 20, 1856.

IF, however, the Commissioner of the United States will not adopt the line along Rosario Strait, and if, on a detailed and accurate survey, and on weighing the evidence on both sides of the question, you should be of opinion that the claims of Her Majesty's Government to consider Rosario Strait as the channel indicated by the words of the Treaty cannot be substituted, you would be at liberty to adopt any other intermediate channel which you may discover, on which the United States Commissioner and yourself may agree as substantially in accordance with the description of the Treaty.

The British Government in 1856 does not claim the so-called Rosario as the boundary.

Captain Prevost.

No. 70.

Captain Prevost to Mr. Campbell.

"Satellite," Simiahmoo Bay, Gulf of Georgia, October 28, 1857.

(Extracts.)

BY a careful consideration of the wording of the Treaty, it would seem distinctly to provide that the channel mentioned should possess three characteristics: 1st. It should separate the continent from Vancouver's Island. 2nd. It should admit of the boundary line being carried through the middle of it in a southerly direction. 3rd. It should be a navigable channel. To these three peculiar conditions the channel known as the Rosario Strait most entirely answers.

Admiral Prevost on the channel of the Treaty.

It is readily admitted that the Canal de Arro is also a navigable channel, and therefore answers to one characteristic of the channel of the Treaty.

November 9, 1857.

The Canal de Haro, or Arro, is undoubtedly the navigable channel which, at its position, separates Vancouver's Island from the continent, and therefore, while other channels exist more adjacent to the continent, cannot be the channel which separates the continent from Vancouver's Island.

November 24, 1857.

With reference to your remarks upon the map drawn by Charles Preuss, * * * I beg you to understand me that I do not bring this map forward as any authority for the line of boundary. * * *

I will at once frankly state how far I am willing to concede, but beyond what I now offer I can no further go. In contemplating your view that all the channels between the continent and Vancouver's Island, from the termination of the Gulf of Georgia to the eastern termination of the Straits of Fuca, are but a continuation of the channel of the Gulf of Georgia, I see a way by which I can in part meet your views without any gross violation of the terms of the Treaty. I am willing to regard the space above described as one channel, having so many different passages through it, and I will agree to a boundary line being run through the "middle" of it, in so far as islands will permit.

No. 71.

Mr. Edward Everett to Mr. Campbell.

(Extract.) *Boston, May* 29, 1858.

AS the radical principle of the boundary is the 49th degree of latitude, and the only reason for departing from it was to give the whole of Vancouver's Island to the party acquiring the largest part of it; the deflection from the 49th degree southward should be limited to that object, and the nearest channel adopted which fulfils the above conditions.

Mr. Everett on the channel of the Treaty.

(Signed) EDWARD EVERETT.

Archibald Campbell, Esq.

No. 72.

Mr. Campbell to Mr. Cass.

(Extracts.) *Washington City, D. C., February* 10, 1858.

CAPTAIN PREVOST finally proposed such a compromise as would throw within the territory of the United States all the islands but San Juan, the largest and most valuable of the group. Being fully satisfied, from my own observation, that the Canal de Haro is the main channel, and consequently "the channel" intended by the Treaty, and being supported in this opinion by indisputable contemporaneous evidence of the highest official character, I declined to accede to any compromise.

Lucid statement of Mr. Campbell on the channel of the Treaty.

United States' North-west Boundary Commission Camp,
Simiahmoo, 49th parallel, September 25, 1858.

PRACTICALLY it can make no difference whether the main channel be adopted as "the channel" intended by the Treaty upon the "generally admitted principle" recognized by Mr. Crampton, and assented to by Her Majesty's Government in 1848; or whether the Canal de Haro be adopted on the proof of contemporaneous evidence that it was proposed by the British Government, and in good faith accepted by the United States as the boundary channel. In either case the Canal de Haro would be the boundary channel. In advocating it with Captain Prevost, I did not confine myself singly to either of these sufficient grounds, but maintained both, with others equally forcible and tenable.

Under the mere letter of the Treaty, without any mere knowledge of, or reference to, the motives which induced the adoption of the water boundary, "the channel which separates the continent from Vancouver's Island" may fairly be construed as follows:

1. As "the channel;" that is, the main channel, if there be more than one. And this is the view taken by nautical men generally, including officers of our navy whom I have consulted in reference to the language of the Treaty.

2. The channel nearest to Vancouver's Island, without regard to its size, so that it is navigable; the proviso to the Ist Article requiring that the navigation of said channel shall be free and open to both parties. If it had been intended to mean any other channel than that nearest Vancouver's Island, that island need not have been mentioned at all, or, if referred to "the channel which separates the continent from the archipelago east of Vancouver's Island," or "the channel nearest the continent," would have been the proper description of the channel now claimed by the British Commissioner under "the peculiarly precise and clear" language of the Treaty.

3. Upon the international ground that islands are natural appendages to the continent, and that, unless otherwise agreed, all the islands between the continent and Vancouver's Island east of the nearest navigable channel to Vancouver's Island pertain to the continent.

The Canal de Haro would be the channel under either of the above legitimate readings of the Treaty.

But leaving the mere letter of the Treaty, and referring to the history of the negotiation to ascertain the cause which prevented the United States and the British Government from agreeing upon the prolongation of the forty-ninth parallel to the ocean, it will be found that the southern end of Vancouver's Island was alone the stumbling-block. The British Government refused to concede it to the United States, four-fifths of the island being north of the forty-ninth parallel; and the southern end, with its harbours, being the most valuable portion. The United States, considering the disadvantages of a divided jurisdiction of the island, and the probabilities of difficulties arising therefrom, reluctantly yielded it. This was the sole object in deviating from the forty-ninth parallel, and reduces the water boundary to a very simple question. It was a second compromise line. Divested of all quibbles, the meaning of the Treaty is that the 49th parallel shall be the dividing line between the territories of the United States and the British possessions until it reaches "the middle" of the nearest natural boundary to Vancouver's Island; aud thence the line shall be run to the ocean by the nearest natural boundary, in such a direction as will give the whole of Vancouver's Island to that power upon whose side the greatest portion wouid fall by the prolongation of the parallel to the ocean.

(Signed) ARCHIBALD CAMPBELL.
Commissioner of the North-West Boundary Survey.

Hon. Lewis Cass,
Secretary of State.

No, 73.

Lord John Russell to Lord Lyons.

(Extract.) *Foreign Office, August* 24, 1859.

The British Government announces its intention of obtaining the Island of San Juan.

THE Earl of Aberdeen, to whom I have referred, informs me that he distinctly remembers the general tenor of his conversations with Mr. MacLane on the subject of the Oregon boundary, and it is certain that it was the intention of the Treaty to adopt the mid-channel of the straits as the line of demarcation, without any reference to islands, the position, and, indeed, the very existence of which had hardly, at that time, been accurately ascertained; and he has 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.

I also inclose a memorandum,drawn up by Sir Richard Pakenham, the negotiator of the Treaty of 1846. * * *

The adoption of the central channel would give to Great Britain the Island of San Juan, which is believed to be of little or no value to the United States, while much importance is attached by British Colonial Authorities, and by Her Majesty's Government, to its retention as a dependency of the Colony of Vancouver's Island.

Her Majesty's Government must, therefore, under any circumstances, maintain the right of the British Crown to the Island of San Juan. The interests at stake, in connection with the retention of that island, are too important to admit of compromise, and your Lordship will consequently bear in mind that, whatever arrangement as to the boundary line is finally arrived at, no settlement of the question will be accepted by Her Majesty's Government which does not provide for the Island of San Juan being reserved to the British Crown.

(Signed) J. RUSSELL.

Lord Lyons,
&c., &c., &c.

Sir Richard Pakenham on the Water Boundary under the Oregon Treaty of 1846.

I HAVE examined the papers put into my hands by Mr. Hammond, relating to the line of boundary to be established between the British and the United States' possessions on the north-west coast of America, and I have endeavoured to call to mind any circumstance which might have occurred at the time when the Oregon Treaty was concluded (15th June, 1846) of a nature either to strengthen or invalidate the pretension now put forward by the United States' Commissioner, to the effect that the boundary contemplated by the Treaty would be a line passing down the middle of the channel called Canal de Haro, and not, as suggested on the part of Great Britain, along the middle of the channel called Vancouver's or Rosario Strait, neither of which two lines could, as I conceive, exactly fulfil the conditions of the Treaty, which, according to their literal tenor, would require the line to be traced along the middle of the channel (meaning, I presume, the whole intervening space) which separates the continent from Vancouver's Island. And I think I can safely assert, that the Treaty of 15th June, 1846, was signed and ratified without any intimation to us whatever, on the part of the United States' Government, as to the particular direction to be given to the line of boundary contemplated by Article I of that Treaty.

Sir R. Pakenham, in 1859, denies the Rosario to be the channel of the Treaty.

All that we knew about it was that it was to run "through the middle of the channel which separates the continent from Vancouver's Island, and thence southerly through the middle of the said channel and of Fuca's Straits to the Pacific Ocean."

It is true that, in a despatch from Mr. MacLane, then United States' Minister in London, to the Secretary of State, Mr. Buchanan, dated 18th May, 1846, which despatch, however, was not made public until after the ratification of the Treaty by the Senate, Mr. MacLane informs his Government that the line of boundary about to be proposed by Her Majesty Government would "probably be substantially to divide the territory by the extension of the line in the parallel of 49° to the sea, that is to say, to the arm of the sea called Birch's Bay, thence by the Canal de Haro and Straits of Fuca to the ocean."

It is also true that Mr. Senator Benton, one of the ablest and most zealous advocates for the ratification of the Treaty (relying, no doubt, on the statement furnished by Mr. MacLane), did, in his speech on the subject, describe the intended line of boundary to be one passing along the middle of the Haro Channel.

But, on the other hand, the Earl of Aberdeen, in his final instructions, dated 18th May, 1846, says nothing whatever about the Canal de Haro, but, on the contrary, desires that the line might be drawn "in a southerly direction through the centre of King George's Sound and the Straits of Fuca to the Pacific Ocean."

Sir R. Pakenham misstates Lord Aberdeen's instruction by suppressing his description of the channel of the Treaty.

It is my belief that neither Lord Aberdeen, nor Mr. McLane, nor Mr. Buchanan, possessed at that time a sufficiently accurate knowledge of the geography or hydrography of the region in question to enable them to define more accurately what was the intended line of boundary than is expressed in the words of the Treaty, and it is certain that Mr. Buchanan signed the Treaty with Mr. MacLane's despatch before him, and yet that he made no mention whatever of the "Canal de Haro" as that "through which the line of boundary would run, as understood by the United States' Government."

My own despatch of that period contains no observation whatever of a tendency contrary to what I thus state from memory, and they, therefore, so far, plead in favour of the accuracy of my recollection.

No. 74.

Mr. Cass to Mr. Dallas.

Sir, *Department of State, Washington, October* 20, 1859,

* * * * * * *

The words of the Treaty are: "through the middle of said channel and of Fuca's Straits to the Pacific Ocean. Ordinarily, and in the absence of any other controlling circumstances, the way which would be selected from one given point to another would be the shortest and the best way. In the present case this is the Canal de Haro, which is, undoubtedly, the broadest, the deepest, and the shortest route by which the Straits of Fuca can be reached from the point of deflection. This pre-eminence was given to it by De Mofras as long ago as 1841, and it has been fully confirmed by subsequent surveys. The Canal de Haro may, therefore, be fairly regarded, from its own intrinsic merits merely, as the main channel down the middle of which the Treaty boundary is to pass to the Straits of Fuca.

Mr. Cass on the channel of the Treaty.

It is the only channel, moreover, which is consistent with the purpose of those who negotiated the Treaty, for it is the only channel which separates Vancouver's Island from the continent without leaving something more to Great Britain south of the forty-ninth parallel than the southern cape of that island. The Rosario Channel claimed by Captain Prevost would surrender to Great Britain not only Vancouver's Island, but the whole archipelago between that island and itself; while the middle channel, which is proposed as a compromise by Lord John Russell, would in like manner concede the important Island of San Juan.

These considerations seem to be almost conclusive in favour of the Haro Channel. But they are abundantly confirmed by evidence contemporaneous with the negotiation of the Treaty. The description given by Mr. MacLane, immediately after he had an interview on the subject with Lord Aberdeen, of what the British proposal would be, has already been mentioned, and carries the line in so many words down the Canal de Haro. Equally clear is the statement of Senator Benton as to what the proposition was. Colonel Benton was one of the most earnest members of the Senate in his support of the Treaty; and he was better acquainted, perhaps, than any other member with the geography of the region in

dispute. His construction, therefore, of the Treaty, at the very time it was before the Senate for ratification, is entitled to no inconsiderable weight. On that occasion he said: "The Ist Article is in the very words which I myself would have used, * * * and that Article constitutes the Treaty. With me, it is the Treaty. * * * The great question was that of boundary. * * * When the line reaches the channel which separates Vancouver's Island from the Continent * * * it proceeds to the middle of the channel, and thence turning south through the Channel de Haro (wrongly written *Arro* in the maps) to the Straits of Fuca." Mr. Buchanan, who signed the Treaty, was equally explicit in his understanding of this part of it.

On the 28th December, 1846, Mr. Bancroft having written to him on the subject from London, he inclosed to him a traced copy of Wilkes' Chart of the Straits of Arro, and added in his letter: "It is not probable, however, that any claim of this character will be seriously preferred by Her Britannic Majesty's Government to any island lying to the eastward of the Canal de Arro, as marked in Captain Wilkes' map of the Oregon Territory." Mr. Bancroft, who was a member of President Polk's Cabinet when the Treaty was concluded, wrote repeatedly to Lord Palmerston after receiving this chart, and uniformly described the Straits of Arro "as the channel through the middle of which the boundary is to be continued." * * * The Canal de Haro, then, as being the best channel leading from the point of deflection to the Straits of Fuca, as answering completely the purpose for which the deflection was made, as being the only channel between the island and the main land which does answer this purpose, and as being supported also by a large amount of personal testimony contemporaneous with the Treaty, must fairly be regarded, in my judgment, as the Treaty channel.

Nor are there any important difficulties which seem to me to be necessarily in conflict with this conclusion. Lord John Russell indeed says, that it is beyond dispute that the intentions of the British Government were that the line of boundary should be drawn through Vaucouver's Channel. But this assumption is wholly inconsistent, not only with the Treaty itself, but with the statements both of the Earl of Aberdeen and of Sir Richard Pakenham. Lord Aberdeen declares that it was the intention of the Treaty to adopt the mid channel of the Straits at the time of demarcation, without reference to islands, the position of which, and indeed the very existence of which, had hardly at that time been accurately ascertained; "and he has no recollection of any mention having been made during the discussion of any other channel than those described in the Treaty itself." Sir Richard Pakenham is still more explicit: "Neither the Canal de Haro nor the Channel of Vancouver," he says, "could, as I conceive, exactly fulfil the conditions of the Treaty, which, according to their literal tenor, would require the line to be traced along the middle of the channel, meaning, I presume, the whole intervening space which separates the Continent from Vancouver's Island." He adds further, that he has no recollection whatever that any other channel was designated in the discussions than that described in the language of the Treaty. Surely there is nothing in this testimony which supports the statement of Lord John Russell, that the Channel of Vancouver was the channel intended by the Treaty; but, on the contrary, another and entirely different channel is suggested as that which the Convention requires. After these statements of Lord Aberdeen and Sir Richard Pakenham, the Rosario Channel can no longer, it seems to me, be placed in competition with the Canal de Haro. Whether the latter is the true channel or not in the opinion of the British negotiation, it is quite certain, by the concurrent testimony of both the American and British negotiators, that the former channel is not. In respect, moreover, to the Canal de Haro, the other considerations to which I have referred appear to me to quite outweigh the mere want of recollection of Lord Aberdeen and Sir Richard Pakenham, or their general impression at this time as to what is required by the literal language of the Treaty.

There is one allusion in Sir Richard Pakenham's Memorandum to which I think it right to call your special attention. It is the reference which he makes to his final instructions from Lord Aberdeen, dated May 18, 1846, and describing the boundary line which he was authorized to propose to Mr. Buchanan. These instructions were shown by Lord Napier to Mr. Campbell, and according to his clear recollection, the description quoted by Sir Richard Pakenham was followed in the despatch by these words: "thus giving to Great Britain the whole of Vancouver's Island and its harbours." This places beyond controversy the object which was intended by deflecting the Treaty boundary south of the parallel of 49°, and ought to have great weight, undoubtedly, in determining the true channel from the point of deflection to the Straits of Fuca. * * *

(Signed) LEWIS CASS.

George M. Dallas, Esq.

No. 75.

Lord John Russell to Lord Lyons.

My Lord, *Foreign Office, December* 16, 1859.

The British Government, in 1859, does not claim the so-called Rosario as the boundary.

IN pointing out, therefore, to your Lordship that in whatever manner the question was ultimately settled, Her Majesty's Government could not yield the island of San Juan, Her Majesty's Government were, by implication, abandoning a large part of the territory they had claimed, and were merely insisting on the retention of an island, which, from the peculiarity of its situation, it was impossible for Her Majesty's Government to cede without compromising interests of the gravest importance.

* * * The fact is that, by the instructions with which Captain Prevost was furnished, he was authorized, in case he should be of opinion that the claims of Her Majesty's Government, to consider the Rosario Strait as the channel of the Treaty, could not be sustained, to adopt any other intermediate channel on which he and the United States' Commissioner might agree.

* * * Sir R. Pakenham seems to think that the conditions of the Treaty would obtain their most exact fulfilment if the line were carried through the Douglas Channel.

* * * Or, again, if it would be inconvenient to both nations to have five or six islands partially divided between them, would it not be fair and expedient to look for a channel which shall be the nearest approximation to that line, midway between the continent and the island of Vancouver, which is designated by the Treaty? And if Douglas's Channel fulfils this condition, it is not the line most in accordance with the Treaty, as well as with general policy and convenience?

* * * If I notice General Cass's allusion to the letters which he says Mr. Bancroft repeatedly wrote to Lord Palmerston in 1848, it is only for the purpose of placing on record what, no doubt, Mr. Bancroft duly reported his Government at the time, viz., that Lord Palmerston gave Mr. Bancroft distinctly to understand that the British Government did not acquiesce in the pretentions of the United States that the boundary line should be run down to the Haro Channel. * * *

Lord J. Russell does injustice to the moderation of his own administration in 1848. Lord Palmerston gave the acquiescence of silence.

(Signed) J. RUSSELL,

Lord Lyons.

No. 76.

United States of America, Department of State.

To all to whom these presents shall come, Greeting:

I CERTIFY that the paper hereto annexed is a correct copy of the statement furnished by the Acting Superintendant of the census, of the returns of the ninth census, from the "disputed" islands in the County of Whatcom, Territory of Washington. In testimony whereof, I Hamilton Fish, Secretary of State of the United States, have hereunto subscribed my name and caused the seal of the Department of State to be affixed. Done at the City of Washington this 29th day of March, A.D. 1862, and of the independence of the United States of America the 96th.

(Signed) HAMILTON FISH.

ABSTRACT of the Returns at the Ninth Census, from the "Disputed' Islands in the County of Whatcom, Territory of Washington.

The population of the Haro Archipelago more than two-thirds American.

Names of Islands.	Aggregate Number of Males, 21 Years of Age and upwards.	Males, 21 Years of Age and upwards, born in the United States.	Males, 21 Years of Age and upwards, born in Foreign Countries but claiming to be Citizens of the United States.	Males, 21 Years of Age and upwards, born in Great Britain and Ireland, not claiming to be Citizens of the United States.	Males, 21 Years of Age and upwards, born in Foreign Countries other than Great Britain and Ireland, not claiming to be Citizens of the United States.
Blakeley	1	1	..	..	..
Decatur	4	2	2	..	..
Henry	1	1	..	..	..
Lopee	23	5	12	4	2
Orcas	52	26	9	16	1
San Juan, excluding the English and American garrisons ..	96*	21	35	26	14*
Shaw's	1†	1†	..	..	..
Speidan	1	..	..	1	..
Stewart's	1†	1†	..	..	..
Waldron	4	4	..	..	..
	184	62	58	47	17

* Including 2 Chinese. † Indian.

Charts and Maps to Memorial and Reply.

A. Photograph of Map of de Haro. 1790.
B. Photograph of Map of Eliza. 1791.
C. Photograph of Map of Vancouver. 1798.
D. Photograph of Map of Galiano and Valdes. 1802.
E. Photograph of Map of Duflot de Mofras. 1844.
F. Photograph of Map of Wilkes. 1845.
G. Photograph of Map of W. Sturgis. 1845.
H. Lithograph of U. S. Coast Survey Map of Washington Sound and Approaches.
J. Lithograph of Map of de Haro. 1790.
K. Lithograph of Map of Eliza. 1791.
L. Lithograph of Spanish Chart published in 1795.
M. Cross Sections of Haro and Rosario Channels.
N. Sketch to illustrate the rout of the vessels of the Hudson's Bay Company.
O. Copy of Map H, with a blue line drawn southerly from the centre of the Gulf of Georgia in latitude 49°; with red lines to show the channels through Haro northwards; and a yellow line to show the so-called Rosario Channel.

NORTH AMERICA. No. 6 (1873).

(D.)

NORTH-WEST AMERICAN WATER BOUNDARY.

REPLY

OF THE

UNITED STATES

TO THE

CASE OF THE GOVERNMENT OF HER BRITANNIC MAJESTY.

PRESENTED TO

HIS MAJESTY THE EMPEROR OF GERMANY,

AS ARBITRATOR,

UNDER THE PROVISIONS OF THE TREATY OF WASHINGTON,

JUNE 12, 1872.

[For Maps and Charts referred to in this Paper, see North America No. 8.]

Presented to both Houses of Parliament by Command of Her Majesty.
1873.

LONDON:
PRINTED BY HARRISON AND SONS.