

to any part of that territory, only by an equitable partition of the whole between the two powers.

It is, for obvious reasons, desirable that such a partition should take place as soon as possible; and the difficulty appears to be in devising a line of demarcation which shall leave to each party that precise portion of the territory best suited to its interest and convenience.

According to the arrangement therein contemplated the northern boundary of the United States west of the Rocky Mountains would for a considerable distance be carried along the same parallel of latitude which forms their northern boundary on the eastern side of these mountains—thus uniting the present eastern boundary of the Oregon Territory with the western boundary of the United States from the 49th parallel downwards.

From the point where the 49th degree of latitude intersects the northeastern branch of the Columbia river, (called, in that part of its course, M'Gilivray's river,) the proposed line of boundary would be along the middle of that river till it joins the Columbia; then along the middle of the Columbia to the ocean—the navigation of the river remaining perpetually free to both parties.

In addition, Great Britain offers a separate territory on the Pacific, possessing an excellent harbour, with a further understanding that any port or ports, whether on Vancouver's island or on the continent south of the 49th parallel, to which the United States might desire to have access, shall be made free ports.

It is believed that by this arrangement ample justice would be done to the claims of the United States, on whatever ground advanced, with relation to the Oregon Territory.

As regards extent of territory, they would obtain acre for acre, nearly half of the entire territory to be divided.

As relates to the navigation of the principal river, they would enjoy a perfect equality of right with Great Britain, and, with respect to harbours, it will be seen that Great Britain shows every disposition to consult their convenience in that particular. On the other hand, were Great Britain to abandon the line of the Columbia as a frontier, and to surrender her right to the navigation of that river, the prejudice occasioned to her by such an arrangement would, beyond all proportion, exceed the advantage accruing to the United States from the possession of a few more square miles of territory.

It must be obvious to every partial investigator of the subject, that in adhering to the line of the Columbia, Great Britain is not influenced by motives of ambition with reference to extent of territory, but by considerations of utility, not to say necessity, which cannot be lost sight of, and for which allowance ought to be made, in an arrangement professing to be based on considerations of mutual convenience and advantage.

The undersigned believes that he has now noticed all the arrangements advanced by the American Plenipotentiary in order to show that the United States are fairly entitled to the region drained by the Columbia river. He sincerely regrets that their views on this subject should differ in so many essential respects.

It remains for him to request that, as the American Plenipotentiary declines the proposal offered on the part of Great Britain, he will have the goodness to state what arrangement he is, on the part of the United States, prepared to propose for an equitable adjustment of the question; and more especially that he will have the goodness to define the nature and extent of the claims which the United States may have to other portions of the territory, to which allusion is made in the concluding part of his statement; as it is obvious that no arrangement can be made with respect to a portion of the territory in dispute while a claim is reserved to any proportion of the remainder.

The undersigned, British Plenipotentiary, has the honour to renew to the American Plenipotentiary the assurances of his high consideration.

R. PAKENHAM.

(B)

Washington, Sept. 20, 1844.

The undersigned, American Plenipotentiary, has read with attention the counter-statement of the British Plenipotentiary, but without weakening his confidence in the validity of the title of the United States to the territory, as set forth in his statement, (marked A.) As therein set forth, it rests, in the first place, on priority of discovery, sustained by their own proper claims, and those derived from Spain through the treaty of Florida.

The undersigned does not understand the counter-statement as denying that the Spanish navigators were the first to discover and explore the entire coasts of the Oregon territory; nor that Heceta was the first who discovered the mouth of the Columbia river; nor that Captain Gray was the first to pass its bar, enter its mouth, and sail up its stream; nor that these, if jointly held by the United States, would give them the priority of discovery which they claim. On the contrary, it would seem that the counter-statement, from the ground it takes, admits that such would be the case on that supposition; for it assumes that Spain, by the Nootka Sound convention in 1790, divested herself of all claims to the territory, founded on the prior discovery and explorations of her navigators—and that she could consequently transfer none to the United States by the Treaty of Florida. Having put aside the claims of Spain by this assumption, the counter-statement next attempts to oppose the claims of the United States by those founded on the voyages of Captains Cook and Meares, and to supersede the discovery of Captain Gray on the ground that Vancouver sailed farther up the Columbia river than he did, although he effected it by the aid of his discoveries and charts.

It will not be expected of the undersigned that he should seriously undertake to repel what he is constrained to regard as a mere assumption, unsustained by any reason. It is sufficient on his part, to say that, in his opinion, there is nothing in the Nootka Sound convention, or in the transactions which led to it, or in the circumstances attending it, to warrant the assumption. The convention relates wholly to other subjects, and contains not a word in reference to the claims of Spain. It is on this assumption that the counter-statement rests its objection to the well founded American claims to priority of discovery. Without it there would not be a plausible objection left to them.

The two next claims on which the United States rest their title to the territory, as set forth in statement A, are founded on their own proper right—and cannot possibly be affected by the assumed claims of Great Britain, derived from the Nootka convention.

The first of these is priority of discovery and exploration of the head waters, and upper portions of the Columbia river, by Lewis and Clarke; by which that great stream was first brought to the knowledge of the world, with the exception of a small portion near the ocean, including its mouth.—This the counter-statement admits; but attempts to set off against it the prior discovery of Mackenzie of the head waters of Fraser's river—quite an inferior stream, which drains the northern portion of the territory. It is clear, that, whatever right Great Britain may derive from his discovery, it can, in no degree, affect the right of the United States to the region drained by the Columbia, which may be emphatically called the river of the territory.

The next of these, founded on their own proper right, is priority of settlement. It is not denied by the counter-statement, that we formed the first settlements in the portion of the territory drained by the Columbia river; nor does it deny that Astoria, the most considerable of them, was restored, under the third article of the treaty of Ghent, by agents on the part of Great Britain duly authorised to make the restoration, to an agent on the part of the United States duly authorised