

from claiming the whole territory before the arbitrator; and this, too, the Secretary of State goes on to observe, in the face of his note to the undersigned of the 30th of August, by which the President had asserted in the most solemn form the title of the United States to the whole territory.

It is not the purpose of the undersigned in the present note to renew the discussion as to the title of either party, Great Britain or the United States, to the whole or to any part of the Oregon Territory. He must, however, beg leave with reference to the observation which he has just quoted, to remind the United States Secretary of State, that if the Government of the United States have formerly advanced a claim to the whole of the Oregon Territory, it is no less certain that Great Britain has, in a manner equally formal, declared that she, too, has rights in the Oregon Territory, incompatible with the exclusive claim advanced by the United States.

This declaration, arising from a conviction equally sincere, will, the undersigned is persuaded, be viewed with the same consideration by the Government of the United States, as they expect that their own declaration should receive at the hands of the Government of Great Britain.

This premised, the object of the undersigned in addressing to Mr. Buchanan the present communication, is to ascertain from him, whether, supposing the British Government to entertain no objection to such a course, it would suit the views of the United States Government to refer to arbitration, not, as has already been proposed, the question of an equitable partition of the territory, but the question of title in either of the two Powers to the whole territory, subject of course to the condition that if neither should be found, in the opinion of the arbitrator, to possess a complete title to the whole territory, there should, in that case, be assigned to each that portion of territory which would, in the opinion of the arbitrating Power, be called for by a just appreciation of the respective claims of each.

The undersigned has suggested a reference on the above principle to some friendly sovereign or state.

This the undersigned believes to be the course usually followed in such cases; it is that which has already been resorted to by the two Governments (and more than once.) But there may be other forms of arbitration, perhaps, more agreeable to the Government of the United States.

There might be, for instance, a mixed commission, with an umpire appointed by common consent; or there might be a board composed of the most distinguished civilians and jurists of the time, appointed in such a manner as should bring all pending questions to the decision of the most enlightened, impartial, and independent minds.

In the present position of affairs, and feeling how much the interests of both countries require an early as well as an amicable and satisfactory adjustment of existing difficulties, the undersigned earnestly invites the Secretary of State to take the subject of this note into consideration, with a view to such an arrangement on the principle of arbitration as may seem to the Government of the United States to be most just, wise, and expedient.

The undersigned takes advantage of this opportunity to renew to the Hon. James Buchanan the assurance of his high consideration.

R. PAKENHAM.

To the Hon. James Buchanan, &c. &c. &c.

MR. BUCHANAN TO MR. PAKENHAM.

Department of State,  
Washington, February 4, 1846.

The undersigned, Secretary of State for the United States, has the honor to acknowledge the receipt of the note of Mr. Pakenham, Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, dated on the 16th ultimo, by which he again proposes a reference of the Oregon question to arbitration. Under his present propositions the powers of the arbitrator would not, as in his last, be limited in terms to the division of the territory between the parties, but would extend to the question of their conflicting titles. There is, however, a condition annexed to this offer which exposes it to the same objection, in point of fact, if not in form, which was prominently presented in the answer of the undersigned to Mr. Pakenham's last proposal. This condition is "that if neither (party) should be found, in the opinion of the arbitrator, to possess a complete title to the whole territory, there should, in that case, be assigned to each that portion of territory which would, in the opinion of the arbitrating Power, be called for by a just appreciation of the respective claims of each." If the Government of the United States should consent to an arbitration upon such a condition, this might, and probably would be construed into an intimation, if not a direct invitation to the arbitrator to divide the territory between the parties. Were it possible for the President, under any circumstances, to consent to refer the subject to arbitration, the title, and the title alone, detached from every other consideration, is the only question which could be submitted. If not confined to a single point, so strong is the natural disposition of arbitrators to please both parties, that in almost every instance, whether of national or individual controversies, they make a compromising award. We have a memorable example of this in our last arbitration with Great Britain. Notwithstanding that the arbitrator, under the terms of the submission, was clearly and explicitly confined to the decision

of which was the line of high lands described in the treaty of peace of 1783; yet instead of pursuing any range of high lands whatever, he advised that the line should run along the bed of a river, and actually divided the territory in dispute between the parties by "the middle of the deepest channel of the St. Johns."

The undersigned might content himself, in answer to the present proposition, with a reference to the observations contained in his last note to Mr. Pakenham of the 3d ultimo. In that it was plainly intimated, not only that there are "other conclusive reasons for declining the proposition," independently of the one which had been prominently stated, but it was expressly asserted as the belief of the President "that any attempt to refer this question to a third Power would only involve it in new difficulties."

The undersigned will, however, proceed to state a single reason, which, apart from the intrinsic difficulty of selecting a suitable arbitrator, as well as other considerations that might be adduced, is conclusive on the mind of the President against a reference of this question to arbitration, in any form which can be devised, no matter what may be the character of the arbitrator—whether sovereign, citizen or subject. This reason is, that he does not believe the territorial rights of this nation to be a proper subject for arbitration. It may be true, that, under peculiar circumstances, if the interests at stake were comparatively small, and if both parties stood upon an equal footing, there might be no insuperable objection to such a course. But what is the extent of territory in dispute on the present occasion? It embraces nearly thirteen degrees of latitude along the northwest coast of the Pacific, and stretches eastward to the summit of the Rocky Mountains. Within its limits several powerful and prosperous States of the Union may be embraced. It lies contiguous, on this continent, to the acknowledged territory of the United States, and is destined, at no distant day, to be peopled by our citizens. This territory presents the avenue through which the commerce of our Western States can be profitably conducted with Asia and the western coasts of this continent; and its ports, the only harbors belonging to the United States to which our numerous whalers and other vessels in that region can resort. And yet, vast as are its dimensions, it contains not a single safe and commodious harbor from its southern extremity until we approach the 49th parallel of latitude.

It is far from the intention of the undersigned again to open the discussion of the conflicting claims of the two Powers to the Oregon territory. It is sufficient for him to state the continued conviction of the President, that the United States hold the best title in existence to the whole of this territory. Under this conviction, he cannot consent to jeopard for his country all the great interests involved, and by any possibility, however remote, to deprive the Republic of all the good harbors on the coast, by referring the question to arbitration.

Neither is the territory in dispute of equal, or nearly equal value to the two Powers. Whilst it is invaluable to the United States, it is of comparatively small importance to Great Britain. To her, Oregon would be but a distant colonial possession of doubtful value; and which, from the natural progress of human events, she would not probably long enough enjoy to derive from it essential benefits; whilst to the United States it would become an integral and essential portion of the Republic. The gain to Great Britain she would never sensibly feel; whilst the loss to the United States would be irreparable.

The undersigned is perfectly aware that such considerations can have no bearing upon the question of the title of either party. They are presented solely for the purpose of explaining the views of the President in his refusal to adopt any measure which should withdraw our title from the control of the Government and people of the United States, and place it within the discretion of any arbitrator, no matter how intelligent and respectable.

The President cordially concurs with the Government of Great Britain in desiring that the present controversy may be amicably adjusted. Of this he has given the strongest proof before the whole world. He believes that, as there are no two nations on the earth more closely bound together by the ties of commerce, so there are none who ought to be more able or willing to do each other justice, without the interposition of any arbitrator.

The undersigned avails himself of this occasion to renew to Mr. Pakenham the assurance of his high consideration.

JAMES BUCHANAN.

Right Hon. Richard Pakenham, &c.

#### Died.

Last evening, Sarah Louisa, youngest daughter of Mr. John S. Coy, aged 2 years and 5 months. Funeral to-morrow at 3 o'clock.  
On Wednesday night the 18th instant, Julia Helen, daughter of Charles P. Wetmore, Esquire, aged 6 months and 18 days.  
On the 23d instant, Mr. N. W. Smith, in the 35th year of his age.

#### TO RENT.

Possession given on the 1st May next.

THE Shop in Queen Street now occupied by Mr. T. Williams.  
ALSO, The Rooms over the said Shop, now occupied by Mr. A. Hilland.

JOHN S. COY.

Fredericton, February 18, 1846.

All Letters must be Post-paid.

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