

the commencement of the war, but that it had been captured by British arms during its continuance. It is now too late to gainsay or explain away these facts. Both the treaty of Ghent, and the acts of the British Government under it, disprove the allegations of the British Plenipotentiary, that Astoria passed "into British hands by the involuntary act of persons in charge of it," and "that it was restored to the United States in 1818 with certain well-authenticated reservations."

In reply to the first of these allegations, it is true that the agents of the [American] Pacific Fur Company, before the capture of Astoria, on 16th October, 1813, had transferred all that they could transfer—the private property of the Company—to the [British] Northwest Company; but it will scarcely be contended that such an arrangement could impair the sovereign rights of the United States to the territory. Accordingly, the American flag was still kept flying over the fort until the 1st of December, 1813, when it was captured by His Majesty's sloop-of-war *Rackoon*, and the British flag was then substituted.

That it was not restored to the United States "with certain well-authenticated reservations" fully appears from the act of restoration itself, bearing date 6th October, 1818. This is as absolute and unconditional as the English language can make it. That this was according to the mention of Lord Castlereagh, clearly appears from the previous admission to Mr. Rush of the right of the Americans to be re-instated, and to the party in possession, while treating on the title. If British ministers afterwards, in despatches to their own agents, the contents of which were not communicated to the government of the United States, thought proper to protest against our title, these were, in effect, but mere mental reservations, which could not affect the validity of their own solemn and unconditional act of restoration.

But the British plenipotentiary, notwithstanding the American discovery of the Columbia by Capt. Gray, and the exploration by Lewis and Clarke of several of its branches, from their sources in the Rocky Mountains, as well as its main channel to the ocean, contends that because Thompson, a British subject in the employment of the Northwest Company, was the first who navigated the north branch of that river, the British government thereby acquired certain rights against the United States, the extent of which he does not undertake to specify. In other words, that after one nation had discovered and explored a great river, and several tributaries, and made settlements on its banks, another nation, if it could find a single branch on its head waters which had not been actually explored, might appropriate to itself this branch, together with the adjacent territory. If this could have been done it would have produced perpetual strife and collision among the nations after the discovery of America. It would have violated the wise principle consecrated by the practice of nations, which gives the valley drained by a river and its branches to the nation which had first discovered and appropriated its mouth.

But for another reason, this alleged discovery of Thompson has no merits whatever. His journey was undertaken on behalf of the north west company for the mere purpose of anticipating the United States in the occupation of the north of the Columbia—a territory to which no nation, unless it may have been Spain, could, with any show of justice dispute the right. They had acquired it by discovery and by exploration, and were now in the act of taking possession. It was in an enterprise undertaken for such a purpose, that Thompson, in hastening from Canada to the mouth of the Columbia, descended the north, arbitrarily assumed by Great Britain to be the main branch of this river. The period was far too late to impair the title of either Spain or the United States, by any such proceeding.

Mr. Thompson, on his return, was accompanied by a party from Astoria, under Mr. David Stuart, who established a post at the confluence of the Okinagan with the north branch of the Columbia, about six hundred miles above the mouth of the latter.

In the next year (1812) a second trading post was established by a party from Astoria, on the Spokan, about six hundred and fifty miles from the ocean.

It thus appears that, previous to the capture of Astoria by the British, the Americans had extended their possessions up the Columbia six hundred and fifty miles. The mere intrusion of the Northwest Company into this territory, and the establishment of two or three trading posts, in 1811 and 1812, on the head waters of the river, can surely not interfere with, or impair the Spanish American title. What this company may have done in the intermediate period until the 20th October, 1818—the date of the first treaty of joint occupation—is unknown to the undersigned, from the impenetrable mystery in which they have veiled their proceedings. After the date of this treaty, neither Great Britain nor the United States could have performed any act affecting their claims to the disputed territory.

To sum up the whole, Great Britain cannot rest her claims to the northwest coast of America upon discovery. As little will her single claim by settlement at Nootka Sound avail her. Even Belslam, her own historian, forty years ago, declared it to be certain, from the most authentic information, "that the Spanish flag flying at Nootka was never struck, and that the territory has been virtually relinquished by Great Britain."

The agents of the Northwest Company, penetrating the conti-

nent from Canada, in 1806, established their first trading post west of the Rocky Mountains, at Frazer's lake, in the 54th degree of latitude; and this, with the trading posts established by Thompson—to which the undersigned has just adverted—and possibly some others afterwards, previous to October, 1818, constitutes the claim of Great Britain by actual settlement.

Upon the whole: From the most careful and ample examination which the undersigned has been able to bestow upon the subject, he is satisfied that the Spanish American title, now held by the United States, embracing the whole territory between the parallels of 42 deg. and 54 deg. 40 min., is the best title in existence to this entire region; and that the claim of Great Britain to any portion of it has no sufficient foundation. Even British geographers have not doubted our title to the territory in dispute. There is a large and splendid globe now in the Department of State, recently received from London, and published by Malby and Company, "Manufacturers and publishers to the Society for the Diffusion of Useful Knowledge," which assigns this territory to the United States.

Notwithstanding such was and still is the opinion of the President, yet, in the spirit of compromise and concession, and in deference to the action of his predecessors, the undersigned, in obedience to his instructions, proposed to the British Plenipotentiary to settle the controversy by dividing the territory in dispute by the 49th parallel of latitude, offering, at the same time, to make free to Great Britain any port or ports on Vancouver's island, south of this latitude, which the British Government might desire. The British Plenipotentiary has correctly suggested that the free navigation of the Columbia river was not embraced in this proposal to Great Britain; but, on the other hand, the use of free ports on the southern extremity of this island had not been included in former offers.

Such a proposition as that which has been made, never would have been authorized by the President had this been a new question.

Upon his accession to office, he found the present negotiation pending. It had been instituted in the spirit and upon the principle of compromise. Its object, as avowed by the negotiators, was not to demand the whole territory in dispute for either country; but, in the language of the first protocol, "to treat of the respective claims of the two countries to the Oregon Territory, with the view to establish a permanent boundary between them westward of the Rocky Mountains to the Pacific Ocean."

Placed in this position, and considering that Presidents Monroe and Adams had, on former occasions, offered to divide the territory in dispute by the forty ninth parallel of latitude, he felt it to be his duty not abruptly to arrest the negotiation; but so far to yield his own opinion as once more to make a similar offer.

Not only respect for the conduct of his predecessors, but a sincere and anxious desire to promote peace and harmony between the two countries, influenced him to pursue this course. The Oregon question presents the only intervening cloud which intercepts the prospect of a long career of mutual friendship and beneficial commerce between the two nations, and this cloud he desired to remove.

These are the reasons which actuated the President to offer a proposition so liberal to Great Britain.

And how has this proposition been received by the British plenipotentiary? It has been rejected without even a reference to his own government. Nay, more, the British plenipotentiary, to use his own language, "trusts that the American plenipotentiary will be prepared to offer some further proposal for the settlement of the Oregon question more consistent with fairness and equity, and with the reasonable expectations of the British Government."

Under such circumstances, the undersigned is instructed by the President to say that he owes it to his own country, and a just appreciation of her title to the Oregon, to withdraw the proposition to the British government which had been made under his direction; and it is hereby accordingly withdrawn.

In taking this necessary step, the President still cherishes the hope that this long pending controversy may be finally adjusted in such a manner as not to disturb the peace or interrupt the harmony now so happily subsisting between the two nations.

The undersigned avails himself, &c.

JAMES BUCHANAN.

The Right Hon. R. PAKENHAM, &c.

BY AUTHORITY.

(No. 99.)

CROWN LAND OFFICE, January 7, 1846.

THE following is published for the information of all persons interested:—

"IN COUNCIL, December 20, 1845.

"Ordered, That the holders of Mill Reserves, which were approved of after the 4th of September last, only, be required to pay Mileage on their whole extent.—Those approved of, or in force prior to that date, to be only required to pay for one tenth, as the minimum quantity under the Regulations of the 20th of June.—The modified Regulations of 18th October, however, are intended to apply to all Mill Reserves after the 1st of May next."

(6w)

THOS. BAILLIE, Surveyor General.

All Letters must be Post-paid.

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