

Historical Note.

1846.

there be any reasonable ground to entertain such an impression, however erroneous, an offer less objectionable, in the first instance at least, could hardly be expected.

"It may be considered certain, also, in my opinion, that the offer now to be made is not to be submitted as an ultimatum, and is not intended as such; though I have reason to know that Mr. Pakenham will not be authorized to accept or reject any modification that may be proposed on our part; but that he will, in such case, be instructed to refer the modification to his Government.

"It is not to be disguised that, since the President's annual Message, and the public discussion that has subsequently taken place in the Senate, it will be difficult, if not impossible, to conduct the negotiation in its future stages, without reference to the opinion of Senators, or free from speculation as to the degree of control they may exercise over the result. Whatever, therefore, might be prudent and regular in the ordinary course of things, I think it of the utmost importance, upon the present occasion, if the President should think proper to propose any modification of the offer to be made by Mr. Pakenham, that the modification should be understood as possessing the concurrence of the co-ordinate branch of the Treaty Power.

"It is not easy to conjecture, with any certainty, the extent to which this Government might be induced to modify the proposition, even if they should be assured that the Senate, no less than the President, demanded it. It must not escape observation that, during the preceding administration of our Government, the extension of the line on the forty-ninth parallel to the Strait of Fuca, as now proposed by Lord Aberdeen, was actually suggested by my immediate predecessor as one he thought his Government might accept; and that, in regard to those English subjects who would be left within American jurisdiction by adopting that boundary, he considered that the provisions of Article II of Jay's Treaty as a precedent for a convenient mode of dealing with them. By Article II of Jay's Treaty, however, British subjects would not only be secured in the absolute title to all their lands and effects as fully as by Lord Aberdeen's proposition, but would be allowed the option to continue as British subjects, and without any allegiance to the Government of the United States; which, according to Lord Aberdeen's offer, as I understand it, they would not possess. In point of fact, therefore, the substantial points of the present offer, and those which may be expected to be regarded as most objectionable, are little more than the embodiment of the various offers or suggestions which, at different times, have, in some form or other, proceeded from our own negotiators.

"I have myself always believed, if the extension of the line of boundary on the forty-ninth parallel by the Strait of Fuca to the sea would be acceptable to our Government, that the demand of a right freely to navigate the Columbia River would be compromised upon a point of time, by conceding it for such period as might be necessary for the trade of the Hudson's Bay Company north or south of the forty-ninth parallel. Entertaining great confidence in that opinion, and deeming it only reasonable, I confess that, from an early period, I have used every argument and persuasion in my power to reconcile Lord Aberdeen to such a limitation, and, although I am quite aware that, with a portion of the British public, an importance it by no means deserves is attached to the navigation of the Columbia River, and in that of others it is undeservedly regarded as a point of pride, I have been disappointed by the pertinacity with which it has been, at so much risk, insisted upon. Feeling very sure, however, that the present offer is not made or intended as an ultimatum, I think it only reasonable to infer an expectation on the part of those who are offering it, not only that modifications may be suggested, but that they may be reasonably required. And therefore I still entertain the opinion, that although, from a variety of causes—in part, perhaps, from an expectation that in the United States this point may not be absolutely insisted upon, and in part from deference to interests and impressions at home—they could not be induced in the first instance to make an offer with such a qualification; yet, if the adjustment of the question should be found to depend upon this point only, they would yield the demand to the permanent navigation of the river, and be content to accept it for such a number of years as would afford all the substantial advantages to those interests they have particularly in view that could be reasonably desired. If the only question upon which the adjustment of the Oregon question depended should be whether the navigation of the Columbia River should be granted for a period sufficient to subserve all the purposes of British subjects within the disputed territory, or whether the right should be extended indefinitely to a particular class of British subjects, I must believe that no English statesman, in the face of his denial of a similar privilege to American citizens in regard to the St. Lawrence, would take the hazard upon this point alone of disturbing the peace of the world. Indeed, if the same Ministry from whom the present offer proceeds should continue masters of their own proposition by remaining in office until the qualification I am adverting to would have to be dealt with, I should feel entire confidence in the belief I have now expressed.

"I regret to say, however, that I have not the least expectation that a less reservation than is proposed in favour of the occupants of land between the Columbia and the forty-ninth parallel would be assented to. I may repeat my conviction, founded upon all the discussions in which I have been engaged here, that in making partition of the Oregon Territory, the protection of those interests which have grown up during the joint occupation is regarded as an indispensable obligation on the score of honour, and as impossible to be neglected. I am quite sure that it was at one time in contemplation to insist upon the free navigation of the Columbia River for British subjects and British commerce generally, and that it has been ultimately confined to the Hudson's Bay Company, after great resistance, and, in the end, most reluctantly. Being so confined, however, it would be only reasonable to limit the enjoyment of the right to a period beyond which the company might have no great object to use the river for the purposes of their trade. But the interests of the British subjects who have settled upon, and are occupying lands north of the forty-ninth, are considered as permanent, and entitled, when passing under a new jurisdiction, to have their possession secured. This, at least, is the view taken of the subject by this Government, and not at all likely, in my opinion, to be changed.

"I may add, too, that I have not the least reason to suppose it would be possible to obtain the extension of the 49th parallel to the sea, so as to give the southern cape of Vancouver's Island to the United States.