

upon notice by one party, the mode of delivering the notice need not be dependent upon the assent of the other; yet, in the present instance, I do not apprehend there will be any difficulty in giving and receiving the notice in a mode mutually satisfactory, and in conformity with usage in such cases.

"In my last despatch (No. 43) dated on the 3rd instant, after an interview with Lord Aberdeen I informed you that, as soon as he received official intelligence of the Senate's vote upon the resolution of notice, he would proceed finally to consider the subject of Oregon, and direct Mr. Pakenham to submit a further proposition upon the part of this Government, and also that it was understood that he would not be prevented from taking this course by any disagreement between the two Houses as to the form of the notice.

"I have now to acquaint you that, after the receipt of your despatches on the 15th instant by the 'Caledonia,' I had a lengthened conference with Lord Aberdeen; on which occasion the resumption of the negotiation for an amicable settlement of the Oregon question, and the nature of the proposition he contemplated submitting for that purpose, formed the subject of a full and free conversation.

"I have now to state that instructions will be transmitted to Mr. Pakenham by the steamer of to-morrow, to submit a new and further proposition on the part of this Government, for a partition of the territory in dispute.

"The proposition, most probably, will offer substantially:

"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 Arro and Straits of Fuca to the Ocean, and confirming to the United States, what indeed they would possess without any special confirmation, the right freely to use and navigate the Strait throughout its extent.

"Second: To secure to the British subjects occupying lands, forts, and stations anywhere in the region north of the Columbia and south of the 49th parallel, a perpetual title to all their lands and stations of which they may be in actual occupation; liable, however, in all respects, as I understand, to the jurisdiction and sovereignty of the United States as citizens of the United States. Similar privileges will be offered to be extended to citizens of the United States who may have settlements north of the 49th parallel; though I presume it is pretty well understood that there are no settlements upon which this nominal mutuality could operate, I have no means of accurately ascertaining the extent of the present British settlements between the Columbia and the 49th parallel. They are not believed by Lord Aberdeen to be numerous, however; consisting, as he supposes, of a few private farms and two or three forts and stations. I have already, in a previous despatch, taken the liberty to remind you that by their Charter the Hudson's Bay Company are prohibited from acquiring title to lands, and that the occupations to be affected by this reservation have been made either by the squatters of that Company, or by the Puget's Sound Land Company, for the purpose of evading the prohibition of the Hudson's Bay Charter.

"They are, in point of fact also, according to Captain Wilkes' account, cultivated and used chiefly by the persons employed in the service of the former Company, and as auxiliary to their general business of hunting and trapping, rather than with a view, as it has been generally supposed, of colonizing or of permanent settlement.

"Lastly. The proposition will demand for the Hudson's Bay Company the right of freely navigating the Columbia River.

"It will, however, as I understand, disclaim the idea of sovereignty or of the right of exercising any jurisdiction or police whatever on the part of this Government or of the Company, and will contemplate only the right of navigating the river upon the same footing and according to the same regulations as may be applicable to the citizens of the United States.

"I have already acquainted you that Lord Aberdeen has very positively and explicitly declined to treat of the navigation of the St. Lawrence in connection with that of the Columbia; and that even if it were desirable to us to propose to offer one for the other, he would on no account enter into any negotiation in regard to the St. Lawrence.

"From the date of a private letter to the President in August, I have seen no cause to change the opinion that, in any attempt to divide the Oregon territory, the obligation felt by this Government to protect the rights of their subjects which may have been acquired or have grown up during the joint occupation, would most probably interpose the greatest difficulty in the way of an amicable adjustment. And it is now obvious that the proposed reservation of the right to the Hudson's Bay Company of freely navigating the Columbia, and that in favour of the British occupants north of the river, proceed from this source; although it is probable that more or less pride may be felt at giving up now, without what they may deem an adequate equivalent, what has been hitherto tendered by our negotiators.

"In fact, except in the surrender to the United States of the title of the lands not occupied by British subjects between the Columbia and the forty-ninth parallel, and also the surrender of the jurisdiction over the river and the country within the same limits, I am afraid it may, with some plausibility, be contended that there is no very material difference between the present proposition and that offered to Mr. Gallatin by Messrs. Addington and Huskisson, the British negotiators in 1827.

"It is scarcely necessary for me to state that the proposition, as now submitted, has not received my countenance. Although it has been no easy task, under all the circumstances, to lead to a reopening of the negotiation by any proposition from this Government, and to induce it to adopt the parallel of 49 as the basis of a boundary, nevertheless I hoped it would have been in my power to give the present proposition a less objectionable shape, and I most deeply lament my inability to accomplish it. I have, therefore, felt it my duty to discourage any expectation that it would be accepted by the President; or, if submitted to that body, approved by the Senate.

"I do not think there can be much doubt, however, that an impression has been produced here that the Senate would accept the proposition now offered, at least without any material modification, and that the President would not take the responsibility of rejecting it without consulting the Senate. If