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CORRESPONDENCE

RESPECTING THE

ISLAND OF SAN JUAN.

Presented to both Houses of Parliament by Command of Her Majesty.
1860.

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Correspondence respecting the Island of San Juan.

No. 1.

Lord Lyons to Lord J. Russell.—(Received June 23.)

(Extract.)

Washington, June 7, 1860.

I HAVE the honour to inclose copies of a letter and its inclosure which have been received by the Commanding Officer of the Royal Marines on the Island of San Juan from Captain Pickett, who has been ordered by General Harney to relieve Captain Hunt, the officer placed in command of the United States' detachment on that island by General Scott.

Your Lordship will perceive that the orders given by General Harney to Captain Pickett, and communicated, by the General's direction, to the officer in command of the British detachment, are, in many points, inconsistent with the arrangement made by General Scott and accepted by Her Majesty's Government.

Your Lordship will not fail to observe, in particular, that General Harney directs Captain Pickett to recognize the Civil jurisdiction of Washington territory over San Juan, and that the General goes on to state that he "is satisfied that any attempt of the British Commander to ignore the rights of the territory will be followed by deplorable results out of his power to control."

The copy of these orders reached me yesterday, in a letter from Rear-Admiral Baynes. I immediately transmitted a copy to the United States' Secretary of State, with a note begging that the United States' Government would not lose a moment in taking measures to avert the deplorable consequences which would, indeed, be only too likely to follow any disturbance of the settlement so wisely effected by General Scott. Of that note I do myself the honour to inclose a copy.

I have been in personal communication with General Cass on the subject to-day. He says that he shall send me, as soon as it can be prepared, a written answer, which will be completely satisfactory to Her Majesty's Government. In the meantime, he authorizes me to inform your Lordship that the United States' Government regret and disavow General Harney's order.

I have urged the Government of the United States to send instantly, and in the most expeditious manner, the orders necessary to avert the evils which General Harney's reckless conduct has again rendered imminent. I shall, on my part, make every effort to ensure the Admiral's receiving, as soon as possible, the intelligence of the disavowal by this Government of General Harney's proceedings.

Inclosure 3 in No. 1.

Captain Pickett to Captain Bazalgette.

Sir,

San Juan, April 30, 1860.

I HAVE the honour to inform you that, in obedience to orders received from the Head-Quarters Department of Oregon, I have, to-day, relieved Captain Hunt, and assumed command of this post.

In accordance with orders emanating from the same source, I herewith inclose an extract from my letter of instructions.

With every desire that the cordial understanding existing between you and Captain Hunt shall continue to be maintained between ourselves, I am, &c.

(Signed) G. E. PICKETT.

Inclosure 2 in No. 1.

Assistant Adjutant-General Pleasonton to Captain Pickett.

*Head-Quarters, Department of Oregon, Fort Vancouver,
Washington Territory, April 10, 1860.*

(Extract.)

A copy of which you will furnish Captain Bazalgette, for the information of Rear-Admiral Baynes.

1st. Lieutenant-General Scott has left no orders or instructions with the General commanding to grant a joint military occupation of San Juan Island with British troops, neither has any authority been delegated by the Government of the United States to the General to offer or accept such occupation of that island. The offer made by General Scott, when in command here, was not accepted by Governor Douglas at the time, and consequently concluded that transaction. No arrangement has been made since to renew it within the knowledge of the General commanding.

2nd. The British authorities having submitted the assurance to General Scott that no attempt would be made by them to dislodge by force the United States' troops on San Juan Island, they were permitted to land troops for similar purpose to which your command was designed in the original orders conveyed to you in July last, viz., the protection of our citizens from Indians, both native and foreign.

In connexion with this service the General commanding takes occasion to present you to Admiral Baynes and the officers with whom you will be brought in contact, as an officer possessing his highest confidence, that nothing will be omitted in maintaining a frank and generous intercourse, in all matters coming within your powers, to establish a practical solution of the present misunderstandings, which shall prove honourable and satisfactory to all parties until a final settlement is attained by the two Governments.

3rd. Under the Organic Act of the Congress of the United States for the establishment of the territorial Government of Washington, the first Legislative Assembly in 1854, passed an Act including the Island of San Juan as a part of Whatcom county: this Act was duly submitted to Congress and has not been disapproved; it is, therefore, the law of the land. You will be obliged, consequently, to acknowledge and respect the civil jurisdiction of Washington territory in the discharge of your duties on San Juan; and the General commanding is satisfied that any attempt of the British Commander to ignore this right of the territory will be followed by deplorable results out of his power to control.

The General commanding will inform the Governor of Washington territory that you are directed to communicate with the civil officer on the island in the investigation of all cases requiring his attention. In the event of any British interest being involved, you will notify the officer placed there by Admiral Baynes, to enable him to propose some arrangement satisfactory to his instructions, as well as those of the civil officer.

Let it be understood, in case of disagreement of these parties, that no action is to be taken until the case has been referred to Admiral Baynes and the Governor of Washington territory respectively.

These suggestions will be acceptable to the conditions which govern the territorial authorities of Washington, while satisfying the obligations of the military service to their own as well as the civil laws of the country, and it is fair to presume they will be adopted by Admiral Baynes, since the tenour of his instructions to Captain Bazalgette is sufficiently liberal to justify the conclusion.

Inclosure 3 in No. 1.

Lord Lyons to General Cass.

Sir,

Washington, June 6, 1860.

I HAVE just received from Rear-Admiral Baynes, Commander-in-chief of Her Majesty's naval forces in the Pacific, a copy of the orders issued to the commanding officer of the United States' troops in San Juan by General Harney, and communicated by the General's direction to the officer in command of Her Majesty's troops in the same island. I do myself the honour to inclose a copy of the orders in question, and I earnestly beg that the United States' Government will take them immediately into consideration.

It would be superfluous to remark upon the inconsistency of the whole tenour and spirit of these orders with the satisfactory arrangement made by General Scott in November last. But there is one point to which I cannot but call the particular attention of the Government of the United States.

General Harney directs the officer in command of the United States' detachment to acknowledge and respect the civil jurisdiction of Washington territory over the Island of San Juan, and he goes on to say that he "is satisfied that any attempt of the British Commander to ignore this right of the territory will be followed by deplorable results out of his power to control."

I will contrast with this order the following passage taken from a letter addressed by General Scott to Governor Douglas on the 9th November last:—

"In the same spirit I had earlier determined to instruct our commanding officer on the island to allow no person claiming to be a functionary of Washington territory to interfere with any British subject residing or happening to be on the same island whilst it shall remain in dispute between our respective Governments."

To this passage I will add an extract from the orders given by General Scott to the United States' officer commanding on San Juan, and communicated in the same letter by General Scott to Governor Douglas:—

"The General-in-chief wishes it to be remembered that the sovereignty of the Island (San Juan) is still in dispute between the two Governments, and until definitively settled by them that British subjects have equal rights with American citizens on the island."

It will no doubt be in your recollection that a copy of the letter to General Douglas, which I have quoted, was appended to the instructions given by General Scott to the United States' officer on San Juan; that a copy of it was transmitted to General Harney "for his information and guidance" by General Scott in a letter bearing the same date; and that General Scott at the same time stated to General Harney that he "wished it to be remembered that the sovereignty of the island was still in dispute between the two Governments, and, until definitively settled by them, that British subjects had equal rights with American citizens on the island."

It is unnecessary for me to say anything more to show that the recent orders of General Harney are inconsistent with the arrangement made by General Scott, approved by the President, and accepted by Her Majesty's Government. Under that arrangement tranquillity had been maintained at San Juan for six months, and cordial relations had subsisted between the British and American authorities in the neighbourhood. I am

confident that the Government of the United States will lose not a moment in taking measures to avert the deplorable consequences which would indeed be only too likely to follow any disturbance of the settlement so justly and wisely effected by General Scott.

I have, &c.
(Signed) LYONS.

No. 2.

Lord Lyons to Lord J. Russell.—(Received June 23.)

My Lord,

Washington, June 8, 1860.

I HAVE received, just in time to send a copy of it herewith to the post for the chance of its reaching New York before the departure of the American packet to-morrow, General Cass's answer to my note of the day before yesterday, respecting the orders recently issued by General Harney to the officer commanding the United States' troops in San Juan.

I have, &c.
(Signed) LYONS.

Inclosure in No. 2.

General Cass to Lord Lyons.

My Lord,

Department of State, Washington, June 8, 1860.

I HAVE received your Lordship's communication of the 6th instant, inclosing copies of orders issued by General Harney to the commanding officer of the United States' troops on the Island of San Juan dated on the 10th of April last, and communicated by the General's direction to the officer in command of Her Majesty's troops on the same island, and have lost no time in bringing the subject to the attention of the President.

I am now instructed to inform you that the arrangement entered into by General Scott, in the month of October 1859, in order to prevent any collision upon the Island of San Juan between the American and British authorities pending the negotiations between the two Governments, was strictly in pursuance of a previous arrangement which was made with Mr. Crampton by the Secretary of State of the United States in July 1855, and met the full approval of this Government. The orders of General Harney, to which his attention has been called for the first time by the note of your Lordship, and which appear to be in violation of the arrangement of General Scott, have been read, therefore, by the President, both with surprise and regret. It is earnestly hoped that, upon a full explanation of all the circumstances attending them, it may be found that they were not intended to bear the construction which seems naturally to belong to them, and that in any event they will lead to no collision between the American and British authorities on the island. To prevent this, as far as possible, instructions will be immediately sent to the Commander of the United States' troops in that region revoking the orders of General Harney, and giving full effect to the arrangement of General Scott. A strict inquiry will also be instituted into the conduct of General Harney, with a view to such measures on the subject as may be found necessary, and for this purpose he has been recalled from his command, and ordered to report at Washington.

I have, &c.
(Signed) LEW. CASS.

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San Juan.

*Presented to both Houses of Parliament by Com-
mand of Her Majesty. 1860.*
