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CONFIDENTIAL.

# CORRESPONDENCE

RELATIVE TO THE

OCCUPATION OF THE ISLAND OF SAN JUAN

BY

**UNITED STATES' TROOPS.**

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August to October, 1859.



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CONFIDENTIAL.

## Correspondence relative to the Occupation of the Island of San Juan by United States' Troops.

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No. 1.

*Lord J. Russell to Lord Lyons.*

(No. 42.)

My Lord,

*Foreign Office, August 24, 1859.*

YOUR Lordship was apprised by my predecessor, in his despatch No. 30 of the 28th of April, that instructions would shortly be sent to you with regard to the boundary between Her Majesty's possessions and those of the United States on the north-west coast of North America, as fixed by the Treaty of 1846. Circumstances prevented that intention from being acted upon previously to the change of Government, and it is now my duty to convey to you those instructions.

Your Lordship is, no doubt, aware that the British and American Commissioners appointed in 1856 to survey and mark out the boundary, differed in opinion as to that portion of it laying between the Gulf of Georgia and Fuca's Straits. As far, indeed, as there is only one channel separating the Continent from Vancouver's Island, no doubt can be entertained as to the true boundary, which, according to the Treaty, runs from 49th parallel of latitude down the centre of the Gulf of Georgia to its southernmost point, and no question can arise as to that portion of the boundary which is to be drawn through the centre of the Straits of Fuca to the ocean. But, with regard to the intermediate portion of the boundary, the Commissioners differed in opinion: the British Commissioner conceiving that the line should be traced through the channel known as Rosario Straits, while his American colleague maintained that it must be sought for in the Haro Channel. The Commissioners defended their respective positions in a correspondence of some length, marked by much ability on both sides. Neither Commissioner, however, was prepared to defer to the arguments of the other. The American Commissioner rejected an offer to compromise the matter subsequently made to him by his English colleague; and the Commissioners, considering that under these circumstances it was useless to continue their correspondence, signed, on the 3rd of December, 1857, a Minute recording their disagreement and adjourning their proceedings until circumstances should render it necessary for them to meet again.

It is much to be regretted that there was not annexed to the Treaty of 1846 any map or chart by which the true meaning of the expressions made use of in Article I of that Treaty could have been authoritatively ascertained. The British Commissioner was clearly of opinion that both the boundary intended by the Plenipotentiaries who negotiated the Treaty of 1846, and also the channel spoken of in the Treaty, are the channel known as Rosario Straits, and Her Majesty's Government fully share that opinion: but, inasmuch as it is now proved that there are several channels connecting the Gulf of Georgia with Fuca's Straits, that circumstance

afforded to the American Commissioner the means of contesting the views of the case taken by his English colleague, and the result has unfortunately been that a question which Her Majesty's Government had hoped was finally set at rest by the Treaty of 1846, remains still a subject of discussion.

It may be convenient that I should here pass in review a few of the arguments which led Her Majesty's Government to the well-founded belief that the boundary between the British and American possessions, as fixed by the Treaty of 1846, is the Rosario and not the Haro Channel.

The words of Article I of that Treaty are as follows:—

“From the point on the 49th parallel of north latitude, where the boundary laid down in existing Treaties and Conventions between Great Britain and the United States terminates, the line of boundary between the territories of Her Britannic Majesty and those of the United States shall be continued westward along the said 49th parallel of north latitude to the middle of the channel which separates the Continent from Vancouver's Island, and thence southerly through the middle of the said Channel and of Fuca's Straits to the Pacific Ocean; provided, however, that the navigation of the whole of the said Channel and Straits south of the 49th parallel of north latitude remain free and open to both parties.”

The Treaty, therefore, in dealing with the space separating Vancouver's Island from the Continent, speaks of two divisions only, viz., the “Channel” and the “Straits;” the Channel being that commencing in the Gulf of Georgia, and those Straits being the Straits of Fuca. The information acquired by subsequent surveys, shows that it might have been more correct to have divided that space into three portions, viz., the Gulf of Georgia, the Straits of Fuca, and the intervening Channel or Channels by which the Gulf of Georgia and the Straits of Fuca are connected. A glance, however, at Vancouver's Chart, which was the only map which the British Government, and, it is believed, the Plenipotentiaries of the two Governments, had before them at the time when the Treaty of 1846 was negotiated, will suffice to show why the Treaty speaks only of the “Channel” and the “Straits.” Vancouver's Chart depicts the channel through which he sailed as being an uninterrupted water-line passing in a southerly direction through the Gulf of Georgia and the passage known by his name, but since called Rosario Straits, into the Straits of Fuca; and on the assumption, suggested by a study of that map, that the channel discovered by Vancouver was the main artery connecting the Gulf of Georgia with Fuca's Straits, there was no necessity for mentioning the channel which was to serve as the boundary between the British and the American Possessions, otherwise than in the terms used in the Treaty.

For the same reason the Treaty designates as “southerly” the direction which the boundary-line is to take from the westernmost point of the 49th parallel of latitude. Considered with reference to Vancouver's Chart, the term “southerly” is a sufficiently accurate description of a boundary-line to be traced through the centre of the Gulf of Georgia, and of the passage navigated by Vancouver into the Straits of Fuca.

But if the boundary-line had been intended to pass through the Haro Channel, the Treaty must have been otherwise worded. The Haro Channel could not have been regarded or described as a portion of the Channel commencing with the Gulf of Georgia, for it is neither the Channel discovered by Vancouver, nor is it, in regard to its general configuration, a continuation in a southerly direction of the Gulf of Georgia. Moreover, it was not at that time known—at all events by Her Majesty's Government—to be navigable for shipping, but, on the contrary, it was supposed to be a dangerous, if not an unnavigable, Strait.

The Gulf of Georgia extends as far south as the latitude of Orcas and Lummi Islands; consequently the boundary-line between the British Possessions and those of the United States, which, in accordance with the clearly expressed words of the Treaty, runs down the centre of that Gulf, must, if it is to be diverted from the southernmost point of that Gulf into the Haro Channel, take for some distance not a southerly, but a westerly direction, describing for that purpose an acute angle, before the southerly

course spoken of in the Treaty could be resumed. Consequently, if the Plenipotentiaries had intended that the boundary-line should pass through the Haro Channel, they would undoubtedly have specified that channel by name, in order to distinguish it from "the Channel," that is to say, the channel used by Vancouver—the channel, namely, which was the continuation of the Gulf of Georgia; and they would also have added some modified qualification to the word "southerly," from which it may be inferred that the boundary channel was intended to be one contiguous to the mainland.

Another argument may be adduced in support of the view taken by the British Commissioner, from the fact that the Canal de Haro, so far from being a continuation of the Channel through the Gulf of Georgia, is rather a distinct and independent channel running parallel to that Gulf, and having its commencement in the Straits separating Saturna and the other islands in that quarter from Vancouver's Island.

But all these points were so ably argued by Captain Prevost, the British Commissioner, that Her Majesty's Government do not think it necessary to re-state them in this despatch. They think it sufficient to refer to his report, and to state in general terms their conviction, that whereas the Channel through Rosario Straits does in all essential points answer to the plain meaning and intention of the Treaty, the Haro Channel does not do so.

The Commissioner of the United States rested his view of the interpretation to be given to Article I of the Treaty mainly on the expressions made use of by Mr. McLane, the American Minister at this Court in 1846, in reporting to his Government the terms of arrangement which he thought the British Government would probably offer, and on the language employed by Mr. Benton in the Senate, when the Treaty came under discussion before that body. It appears that both Mr. McLane and Mr. Benton indicated the Canal de Haro: Mr. McLane as that which he thought the British Government would offer as the boundary line; Mr. Benton as that which the Government of the United States had understood as the boundary.

Her Majesty's Government have not failed to consider, with the attention it deserves, the argument to be drawn from those statements in favour of the position of the American Commissioner; but while those statements may be taken as evidence of what were the views of Mr. McLane and of Mr. Benton, Her Majesty's Government cannot accept them as necessarily proving what were the intentions of the Plenipotentiaries who signed the Treaty, or what is the fair construction of the Treaty itself.

Her Majesty's Government, indeed, do not think that they should be asked to do so, seeing that the words of the Treaty, which ought to be the guide, do not properly admit of that interpretation, and that it is beyond dispute that the intentions of the British Government were that the line of boundary should be drawn through Vancouver's Channel.

With reference to this point, I have to state to you that the Earl of Aberdeen, to whom I have referred, informs me that he distinctly remembers the general tenour of his conversation with Mr. McLane on the subject of the Oregon Boundary, and is certain that it was the intention of the Treaty to adopt the mid-channel of the Straits as the line of demarkation, without any reference to islands, the position, and indeed the very existence, of which had hardly at that time been accurately ascertained; and he has no recollection of any mention having been made, during the discussion, of the Canal de Haro, or indeed any other channel than those described in the Treaty itself.

I also inclose a Memorandum drawn up by Sir Richard Pakenham, the negotiator of the Treaty of 1846.

Such being the state of the question, and Her Majesty's Government being anxious to see it finally settled in a manner satisfactory and honourable to both parties, Her Majesty's Government have had to consider the advice which it behoves them to tender to the Crown, with a view to so desirable a result.

This duty has been rendered, in the present instance, a comparatively



easy one. Her Majesty's Government cannot doubt that their desire for a mutually satisfactory and honourable settlement of the question is fully reciprocated by the Government of the United States, and they feel confident that the gradual disappearance, one after another, through the good sense and conciliatory spirit shown by both Governments, of those points of difference which the President of the United States, in a former Message to Congress, described as "irritating questions," has left no room for doubting that this sole remaining question can also be satisfactorily adjusted.

Her Majesty's Government trust that, as between this country and the United States, the day for tedious arbitrations, and still more for hostile demonstrations, is gone by; they see no reason why this, and indeed any other question which may from time to time arise, should not be settled by direct and friendly communication between the two Governments. The true and just interpretation of Treaty engagements is the only law by which Her Majesty's Government claim to be governed in their dealings with the United States; the force of argument is the only force to which they desire to appeal: and when the interpretation is asserted to be doubtful, or the argument fails to convince, Her Majesty's Government conceive that the only alternative which befits two great nations, bound to each other by such ties as those which unite Great Britain and the United States, is to endeavour to adjust the difference by mutually honourable compromise of conflicting pretensions.

Now the result of the survey upon which Captain Richards, of Her Majesty's ship "Plumper," has been lately engaged, as set forth in the inclosed chart, shows that in addition to the Rosario Straits and the Haro Channel, there exists a third navigable passage, connecting the Gulf of Georgia with Fuca's Straits.

This third channel is, indeed, reported by Captain Richards to answer, in respect of its central position and southerly direction, to the channel described in the Treaty; and assuming it to have been the intention of the Plenipotentiaries that the several channels connecting the Gulf of Georgia with Fuca's Straits should be considered, for the purposes of the Treaty, as one channel, it may fairly be argued that the central passage would not only satisfy the requirements of the Treaty, but would divide between the two countries, in proportions which each party might consent to, the cluster of islands by which the channel is intersected. The advantage of such a line would, indeed, lie with the United States: for there are only three islands of any territorial importance situated between the Haro Channel and Rosario Straits, namely, Orcas and Lopez Islands, and the Island of San Juan; and by the adoption of the central channel as the boundary line, the two first-named islands would belong to the United States, while only the Island of San Juan would remain to Great Britain.

Your Lordship will accordingly propose to the United States' Government that the boundary line shall be the middle channel in the continent of America and Vancouver's Island, as thus defined:—

"Starting from the north, in the parallel of  $48^{\circ} 50'$  north, and the meridian of  $123^{\circ}$  longitude west from Greenwich (as laid down on the accompanying chart), the mid-channel line would proceed due south, passing half-way between Patos Island on the east, and the east point of Saturna on the west, to the centre of Douglas Channel, half-way between Waldron and Orcas Islands. Thence sweeping round to the south-west, south-east, and south, between San Juan on the west, and the Islands of Orcas, Shaw, and Lopez on the east, the line would rejoin the  $123^{\text{rd}}$  meridian as soon as the safety of navigation would permit, at about one mile to the southward of the Salmon Bank on the parallel of  $48^{\circ} 28'$  north, and continue due south along this meridian, until it falls into the common mid-channel course through Juan de Fuca Strait.

"It will thus be observed that the meridian of  $123^{\circ}$  is assumed as the boundary, and is only departed from when forced to do so by the physical interference of the islands."

This middle channel, though inferior in some respects to the Haro Channel, or to Rosario Straits, is described by Captain Richards as being

perfectly safe for steamers, and also, under ordinary circumstances, navigable for sailing-vessels. Her Majesty's Government, however, do not consider this point as of much importance, since their proposition only extends to making this channel the line of boundary; and they do not propose to alter in any way that stipulation of the Treaty which secures to the shipping of both countries the free navigation of the whole of the Channels and of the Straits—a stipulation advantageous to both parties, and which Her Majesty's Government cannot doubt that the Government of the United States will agree with them in thinking must, under all circumstances, be maintained.

It appears to Her Majesty's Government that a boundary line traced through the above-mentioned central channel likewise recommends itself for adoption, as being in accordance with the principles which regulated the division between the two countries of the islands in the River St. Lawrence.

Her Majesty's Government further submit to the Cabinet of Washington, whether, with a view to mutual convenience, it might not be desirable that the small promontory known as Point Roberts should be left to Great Britain. The point is of no intrinsic value to either Government, but its possession by the United States will have the effect of detaching an isolated spot of small dimensions from the more convenient jurisdiction of the British Colony. As the Government of United States will obtain, under the proposal now made, the more valuable portions of the islands in the Straits, Her Majesty's Government consider that the retention of Point Roberts can hardly be an object with them.

There is one other consideration to which I should wish to draw the attention of the Government of the United States. In the discussions between Lord Ashburton and Mr. Webster, which resulted in the Treaty of 1842, the American Plenipotentiaries argued upon the relative importance to the two countries, of the territory then in dispute; Her Majesty's Government admitted the value of that argument, and acted upon it. The same language was employed in 1846, upon the Oregon question, and upon both occasions the United States obtained the larger portion of the territory in dispute; their Plenipotentiaries successfully arguing that it was of greater value to the United States than it could be to Great Britain.

Upon the present occasion this state of things is reversed; the adoption of the Central Channel would give to Great Britain the Island of San Juan, which is believed to be of little or no value to the United States, while much importance is attached by British Colonial Authorities and by Her Majesty's Government to its retention as a dependency of the Colony of Vancouver's Island.

Her Majesty's Government must, therefore, under any circumstances, maintain the right of the British Crown to the Island of San Juan: the interests at stake in connection with the retention of that island are too important to admit of compromise; and your Lordship will consequently bear in mind that, whatever arrangement as to the boundary line is finally arrived at, no settlement of the question will be accepted by Her Majesty's Government which does not provide for the Island of San Juan being reserved to the British Crown.

Your Lordship will bring to the consideration of this question the same conciliatory spirit and frank and straightforward bearing which have distinguished you on previous occasions; and I am happy to think that in the President and Secretary of State of the United States you will find statesmen animated by the same honourable dispositions.

Her Majesty's Government hope that the American Government will appreciate the arguments you are instructed to employ, and the spirit in which you will advance them; and Her Majesty's Government will not permit themselves to believe that the negotiation can, under such circumstances, fail of a successful issue.

It may be proper, however, that you should make the Government of the United States understand that this proposal of compromise, that you are thus instructed to lay before them, is made without prejudice to the claim which Her Majesty's Government consider themselves justified in maintaining to the Rosario Channel, as the true boundary between Her

Majesty's Possessions and those of the United States. They offer this compromise in the hope that its acceptance by the Government of the United States may obviate any further discussion on the subject; but if it is rejected they reserve to themselves the right to fall back on their original claim to its full extent.

You will read this despatch to General Cass, and will leave with him a copy of it.

I am, &c.  
(Signed) J. RUSSELL.

## No. 2.

*Lord Lyons to Lord J. Russell.—(Received September 13.)*

(Telegraphic.)

*Washington, September 3, 1859.*

The following information is telegraphed to the newspapers from St. Louis, Missouri:—

Dates of the 6th, received from Victoria, Vancouver's Island, state that the Island of San Juan, claimed as part of Washington territory, has been occupied by sixty United States' soldiers; that Governor Douglas had protested, and had dispatched some armed vessels, and 200 Sappers and Miners; that four United States' vessels, and Her Britannic Majesty's ships "Tribune," "Satellite," and "Plumper," were off the island; and that it was said that the matter would be compromised by a joint occupation of the island until instructions could be received from the British and American Governments.

I shall write immediately to the United States' Secretary of State a note asking him, in moderate and friendly language, for an explanation to be sent to your Lordship by the packet leaving Boston on the 7th of this month.

## No. 3.

*Lord J. Russell to Lord Lyons.*

(No. 57.)

My Lord,

*Foreign Office, September 13, 1859.*

YOUR Lordship, under instructions from my predecessor, addressed to General Cass, on the 12th of May, a note referring to the reports which had reached the British Government of an intention, on the part of the citizens of the United States, to take possession of the Island of San Juan, and you stated the conviction of Her Majesty's Government that the Cabinet of Washington would regret as much as Her Majesty's Government that any local collision should arise tending to embitter a discussion which might otherwise be conducted with cordiality and goodwill, and the conviction of Her Majesty's Government that the United States' Government would restrain all such attempts so far as the institutions of the United States would allow of their doing so.

It does not appear that your Lordship has received any answer to that note, but Her Majesty's Government are so convinced of the friendly disposition and loyal intentions of the Cabinet of Washington, that they might not have thought it necessary to revert to the subject had they not learnt, by a despatch from your Lordship, that a report had reached you that troops of the United States had actually taken possession of the island.

Under these circumstances, Her Majesty's Government are anxious that your note to General Cass should not remain unanswered; they cannot doubt that General Cass will be ready to disclaim, on the part of the Cabinet of Washington, the having authorized, or having been in any way privy to, these reported proceedings, and that he will give an assurance of the determination of the United States' Government to discountenance, and to repress, so far as the institutions of the United States will

allow, all attempts to settle, by unauthorized acts of violence, a question which ought to be arranged by friendly discussion between the two Governments, and with respect to which you will, no doubt, when you receive this despatch, have already entered into communication with General Cass, under the instructions contained in my despatch No. 42 of the 24th ultimo.

I am, &c.  
(Signed) J. RUSSELL.

No. 4.

*Captain Prevost, R.N., to the Earl of Malmesbury.—(Received September 15.)*

(No. 7.)

*"Satellite," Esquimalt, Vancouver's Island.*

My Lord,

*July 23, 1859.*

WITH reference to my despatch No. 3 of the 6th ultimo, forwarding to your Lordship the copy of a letter, together with my reply thereto, which I had received from Mr. Campbell, the United States' Boundary Commissioner, making inquiry as to when he might look for any further communication from me respecting the water-boundary, I have the honour now to transmit to your Lordship the copy of a subsequent letter which I have received from Mr. Campbell upon the same subject; and also a copy of the answer I have returned, together with Mr. Campbell's acknowledgment of that answer.

2. The object of Mr. Campbell in originating this correspondence seems to me more than conjectural. He evidently would desire to fix upon me the onus of the non-determination, up to the present time, of the line of water-boundary under the Treaty of 1846. But while it stands upon record that I have earnestly endeavoured, by a conciliatory policy, to arrive at a determination that I, although satisfied of the perfect fallacy and utter groundlessness of the claim Mr. Campbell has set up, upon behalf of the Government of the United States, to the Canal de Haro as the boundary channel, have, notwithstanding, offered to meet him by compromise, solely in order that the adjustment of the line might be effected without further hindrance; and while it also stands upon record that Mr. Campbell has firmly refused to move "one inch" from what he has been pleased to lay down as the line of boundary, I do not think there can be two opinions as to the real cause of the non-settlement of the question.

3. It may be Mr. Campbell's policy to prolong matters to the utmost, trusting to time to strengthen his claim—a claim which I can scarcely bring myself to believe can really be entertained by the United States' Government. It will be observed, in all his correspondence, how little he appeals to the Treaty in confirmation of his views, but how prominently he brings forth Mr. McLane and Mr. Benton, as if their enunciations were the Treaty, and as if—whatever the provisions of the Treaty might be—Her Majesty's Government were to interpret it according to the views of those gentlemen. It will be remembered that I pointed out to Mr. Campbell that if Mr. McLane's words were to be adhered to as regards the Canal de Haro being the channel of the Treaty, it could not be disputed that the line of boundary should not quit the continent on the 49th parallel, but that it should be deflected to Birch Bay—both Birch Bay and the Canal de Haro being mentioned with equal distinctness by Mr. McLane in describing what he believed would be the substance of the proposition made by the British Government.

4. The undoubted importance of the British possessions in these parts, and the great accession to that importance which has suddenly been acquired through the discovery of gold in Fraser's river, and the consequent prominent position which it is more than probable British Columbia will soon hold, render it very desirable that this disputed question of the direction of the line of water-boundary should be at once settled. Already are citizens of the United States "squatting" over the Island of San Juan, and striking off their "claims," openly declaring that it

is the territory of the United States, and I know not well how we can prevent it, without resorting to violence, unless, indeed, it were accomplished by overrunning the island with British settlers. San Juan is a fertile and beautiful island, with a large extent of open prairie land; but were it barren and rocky, and intrinsically worthless, it is of the utmost value to Great Britain, commanding, as it does, the channel of communication between Vancouver's Island and British Columbia. Let the words of the Treaty be perverted as they may, I do not think it possible, under any circumstances—unless the Treaty be put aside, and the testimony of Messrs. Mc Lane and Benton be substituted in its place—that the line of boundary can be directed into the Canal de Haro; and so long as it does not pass through the Canal de Haro, the Island of San Juan cannot be possessed by the United States. In my opinion it matters not if all the other islands between San Juan and the continent pass to the United States, but San Juan is invaluable to our possessions; it is clearly ours both in right and in equity, and to yield it to the United States would be to depreciate our contiguous territory to an extent that, some day, might prove fatal to Her Majesty's possessions in this quarter of the globe.

5. Before concluding, I would remark that I have returned no other answer to Mr. Campbell's last communication (Inclosure 2) than a simple acknowledgment. The correspondence was evidently originated for a purpose, and its continuance could in no way forward the object of the Commission. Mr. Campbell designates my reply to his inquiries as to him "circumlocutory" and "evasive." I am content that he should deem it so, and his having so expressed himself confirms me in the opinion I had formed of the object he had in view. That my reply was not satisfactory to him, and was not what he desired, I can very well understand, and, indeed, is no more than I expected; to say that it did not afford him sufficient practical information is mere nonsense. He knew I had referred the disputed question to my Government, and he knew that I awaited further instructions respecting my proceedings on that head. I informed him I had not received those instructions, nor was I aware when I should receive them. What other information could he, in reason and common sense, desire as a reply to his inquiry? If he wished me to co-operate with him upon any point, it was competent for him to call upon me for such co-operation openly and directly, but it was not for me to take the initiative without instructions, after all my conciliatory attempts to conclude matters had been treated by him, throughout, with the most stubborn disregard,

I have, &c.  
(Signed) JAMES C. PREVOST

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Inclosure 1 in No. 4.

*Mr. Campbell to Captain Prevost, R.N.*

*United States' North-West Boundary Commission,  
Camp, Semiahmoo, June 7, 1859.*

Sir,

I HAVE the honour to acknowledge the receipt of your letter of the 28th ultimo, in reply to mine of the 18th.

The object of my letter as stated therein was "to request you to inform me whether I am to expect any further communication from you in regard to the determination of the water-boundary, and, if so, at what period of time I may probably look for such communication."

In reply thereto, you say, "I beg to acquaint you that I have not received any instructions from my Government upon the subject of the reference made by me on account of the contrary views entertained by us, nor am I aware when it is probable that I may receive instructions."

As your reply does not contain the information I asked for, I have the honour again to call your attention to my inquiries, and very respectfully to request an explicit answer thereto.

I have, &c.  
(Signed) ARCHIBALD CAMPBELL,  
*United States' Commissioner.*

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## Inclosure 2 in No. 4.

*Captain Prevost, R.N., to Mr. Campbell.**"Satellite," Esquimalt, Vancouver's Island,  
June 23, 1859.*

Sir,

I HAVE had the honour to receive your letter of the 7th instant, referring to a letter which you addressed to me on the 18th May last, and to my answer thereto dated on the 27th May, of which you quote one paragraph, and then state that as such reply does not contain the information you asked for, you again beg to call my attention to your inquiries, and request an explicit answer.

2. In reply thereto I beg very respectfully to refer you to my aforesaid letter of the 27th May, which, with every deference, I submit, when taken as a whole, conveys to you a very explicit answer to your communication of the 18th ultimo.

I have, &c.  
(Signed) JAMES C. PREVOST.

## Inclosure 3 in No. 4.

*Mr. Campbell to Captain Prevost, R.N.**United States' North-West Boundary Commission,  
Camp, Simiahmoo, July 9, 1859.*

Sir,

I HAVE the honour to acknowledge the receipt on the 6th instant of your letter of the 27th ultimo.

With a sincere desire to extract from your letter of the 27th May, the "very explicit answer" to my communication of the 7th, which you "submit when taken as a whole" it conveys to me, I have again given it the most careful perusal and consideration, and, with due deference, candour compels me to say that, whether taken as a whole or in part, it only conveys to me a very circumlocutory and evasive answer.

I have, &c.  
(Signed) ARCHIBALD CAMPBELL,  
*United States' Commissioner.*

## No. 5.

*Lord Lyons to Lord J. Russell.—(Received September 18.)*

(Telegraphic.)

*Washington, September 6, 1859.*

I HAVE recited to the American Secretary of State in an official note the substance of my despatch No. 174, which he says is all quite correct except the phrase, "And that, consequently, he was by no means to take possession of the Island of San Juan, or to set up any jurisdiction there." That phrase the Secretary of State wishes cancelled, no such order having been sent to General Harney.

The newspapers publish details of the proceedings at San Juan, but no information since I had the honour of writing to you on the 5th.

## No. 6.

*Lord Lyons to Lord J. Russell.—(Received September 19.)*

(No. 174.)

My Lord,

*Washington, September 5, 1859.*

WITH reference to my telegram of the day before yesterday, I have the honour to transmit to your Lordship a copy of the note which

I have addressed to General Cass, with regard to the alleged occupation of the Island of San Juan by a party of United States' troops.

I have also the honour to transmit to you a copy of the account of this affair, which has appeared in the newspapers, and which contains a few particulars that were not comprised in my telegram.

Since I wrote the above, I have been to the State Department, in compliance with a request from General Cass. The General said that he had sent my note immediately to the President, and had since seen the President on the subject. The only information respecting it, which had reached the Government, was, General Cass said, a report from General Harney, which had been forwarded from New York by General Scott, the Commander-in-chief of the United States' army. General Harney reported that he had found it necessary, in consequence of a requisition from United States' citizens, to send a detachment to the Island of San Juan, to protect them from the Indians, and from ill-treatment on the part of the English, and that he had sent one company of soldiers for this purpose, and held another in readiness to send also in case of need.

General Cass proceeded to say, that the President had desired the War Department to inform General Harney, that the Government of the United States considered that the principle to be observed with regard to disputed territory, was, that the actual *status* was to be maintained; "and, consequently, that he was by no means to take possession of the Island of San Juan, or to set up any jurisdiction there;"\* but General Cass said, "that orders had not been sent to General Harney to withdraw the United States' troops from the Island." They were to confine themselves strictly to the protection of American citizens, but it might be necessary that they should remain for that purpose.

General Cass proceeded to observe that he was not yet in possession of sufficient information to enable him to make an official reply to my note, but that he should have in a short time a report from the United States' Commissioner, and that he would then make a written communication to me. In the meantime he would beg me to acquaint your Lordship with what he had said, and especially to assure you, from the President and from himself, that General Harney had not acted upon orders from the Government, but entirely on his own responsibility.

As it was barely possible for me to get home in time to make this report to your Lordship, I contented myself with replying that I considered the affair very serious and painful, and that I should await with considerable anxiety the written communication which the General promised me.

I have, &c.

(Signed) LYONS.

P.S.—The instructions mentioned by General Cass have been, no doubt, dispatched to General Harney by the California steam-packet which will have left New York to-day.

L.

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Inclosure 1 in No. 6.

*Lord Lyons to General Cass.*

Sir,

*Washington, September 3, 1859.*

IT is stated by the newspapers that intelligence has been received in this city that a detachment of United States' troops has endeavoured, by order of General Harney, to establish itself in the Island of San Juan in the Gulf of Georgia.

It is needless that I should dwell upon the considerations which render me extremely anxious that this statement should not reach Her Majesty's Government without such information as to its truth or falsehood, and such explanations concerning it, as the Government of the United States may be disposed to afford. It cannot be necessary for me:

\* See General Cass' remark as reported in Lord Lyons' telegram of September 6, p. 9..

to do more than to refer you to the note which I had the honour to address to you on the 12th of May last, in pursuance of the orders of Her Majesty's Principal Secretary of State.

In that note, after informing you that instructions would shortly be sent to me to communicate with you, in the hope of arriving at a satisfactory settlement on the subject of the respective claims of Great Britain and the United States to the Island of San Juan, I wrote as follows:—

“I am desired to add, that Her Majesty's Government are sure that the Cabinet of Washington would regret, as much as themselves, that any local collision should arise in the interval, which would tend to embitter a discussion which might otherwise be conducted with cordiality and goodwill. Her Majesty's Government trust, therefore, that the citizens of the United States will be restrained, as far as the institutions of the Government admit of their being so, from attempts to settle, by unauthorized acts of violence, a question which there will probably be little difficulty in arranging by amicable communication between the two Governments.”

I have not had the honour to receive from you an answer to the note just quoted, and I am on that account the more earnest in requesting you to enable me to send, as speedily as possible, satisfactory information to Her Majesty's Government on the subject. I am so anxious on this point, that I venture to remind you that I shall dispatch a messenger from this Legation on Monday next, the 5th instant (the day after to-morrow), at half-past 1 o'clock, to meet the Royal mail steam-packet at Boston.

I have, &c.

(Signed) LYONS.

Inclosure 2 in No. 6.

*Extract from the "New York Herald."*

VICTORIA dates are to August 6. The Island of San Juan, between Vancouver's Island and the mainland, claimed by our Government as part of Washington territory, had been occupied by sixty United States' troops by order of General Harney. Governor Douglas had issued a protest, claiming the island for the British Crown, and had also dispatched some armed vessels and 200 Sappers and Miners there. The United States' vessels "Massachusetts," "Jeff. Davis," "Shubrick," and "Active," and British vessels "Tribune," "Satellite," and "Plumper," were either anchored off the island or in its immediate vicinity. It was unofficially stated at Victoria that the matter would be compromised by the joint occupancy of the island, until the British and United States' Governments could be advised of the existing state of affairs. General Harney was expected at San Juan on the 5th of August.

No. 7.

*Lord J. Russell to Lord Lyons:*

(No. 67.)

My Lord,

*Foreign Office, September 22, 1859.*

I HAVE received and laid before the Queen your Lordship's despatches from No. 162 to No. 175 inclusive, of the 5th instant.

With regard to your despatch No. 174, containing information respecting the recent occupation of the Island of San Juan by the United States' troops, it is satisfactory as to the past to learn that General Harney did not act, on that occasion, upon any order from the Government at Washington, but entirely on his own responsibility.

But, as to the future, it is not satisfactory that your note of the 12th May should have remained without an answer.

You are instructed to press for an immediate answer to that note, and that instructions should be sent to the United States' officers not to



use military force on disputed territory, without direct authority from the President: for if these acts are to take place by the sole direction of subordinate officers, and the President does not disavow them, the consequences must be as evil as if the President had authorized them from the beginning.

I am, &c.  
(Signed) J. RUSSELL.

No. 8.

*Lord Lyons to Lord J. Russell.—(Received September 24.)*

(No. 176.)

My Lord,

*Washington, September 8, 1859.*

WITH reference to my telegram of the 3rd instant, and my despatch No. 174 of the 5th instant, I have the honour to transmit to your Lordship extracts from the Washington and New York newspapers of yesterday, containing detailed accounts of the circumstances attending the occupation of the Island of San Juan by a detachment of United States' troops.

Upon reading these accounts last evening, I found that the proceedings of the American officers at San Juan appeared to be in some points directly opposed to the views of the Government at Washington, as expressed to me by the Secretary of State on the 3rd instant, and reported by me to your Lordship in the despatch No. 174 of that date, to which I have already referred. I thought, therefore, that I should do well to lose no time in apprizing General Cass that I should be able to transmit by telegraph to Halifax, in time to be put on board the Royal mail-packet bound for Liverpool, any information or explanation which he might be so good as to give me in the early part of to-day.

I have the honour to inclose a copy of a note which I accordingly addressed to the General last night. Your Lordship will perceive that I have recited in it the statement of the views of the United States' Government, which I have mentioned above as having been made to me by General Cass on the 5th instant, and that I have also quoted from the newspapers a document purporting to be an order from the captain in command of the United States' detachment at San Juan, establishing exclusive American jurisdiction in the island.

General Cass has just called to say that he has not yet been able to see the President, but that he still hopes to have it in his power to make me a communication in time to be transmitted by the telegraph to Halifax, and forwarded by the Royal mail-steamer. Should he do so, that communication ought to reach your Lordship some days before this despatch.

I have not received any information respecting the occurrences at San Juan, either from Governor Douglas or any other British authority.

I have, &c.  
(Signed) LYONS.

P.S.—Since writing the above I have seen General Cass again. He says that the Government have received no official information whatever since our conversation on the 5th instant. He adds that the account given of that conversation in my note of yesterday is perfectly correct, except in one point. He would wish to strike out the passage, "that consequently he (General Harney) was not to take possession of the Island of San Juan, or to set up any jurisdiction there." He did not, he says, intend to convey to me the impression that orders to that effect had been sent to General Harney.

L.

## Inclosure 1 in No. 8.

*Extract from the "National Intelligencer" of September 8, 1859.*

**THE NORTH - WESTERN BOUNDARY DISPUTE.**—The San Francisco "Times" contains the following intelligence in relation to a dispute said to have broken out between Governor Douglas, of Vancouver's Island, and General Harney, of the United States' army:—

*Victoria (V. I.) August 7, 1859.*

You are perhaps aware before this that while you have been absorbed in political controversies at home, or watching the events of the great world in the Far East, war, with all its attendant evils, has been threatening us here in the distant north.

Some weeks ago General Harney came to this port. His arrival was acknowledged by a salute, and, after a day's sojourn as the guest of Governor Douglas, "he passed by on the other side."

A few days after the General's departure for Puget Sound, our town was thrown into the greatest excitement by the news that a company of American troops had seized the disputed island of San Juan, and that barracks were being established upon it. No one knew by whom the act was authorized, and especially did certain chivalric Americans, with fillibustering proclivities, seem not to care. Then commenced blustering on both sides; the American population waxed wroth, as usual on such occasions, and the British indignant. Numerous lively discussions sprung up among groups of citizens at the street corners, and a considerable quantity of the King's English was demolished.

Very soon vessels for the conveyance of passengers to the seat of war were in demand. In the harbour of San Juan were found, besides several British men-of-war, the United States' ship "Massachusetts" and a revenue cutter from Puget Sound. A company of American soldiers, to the number of forty or fifty, had taken possession of the Island, and quite boldly indicated their intention to keep it, as will be seen by the following order which was posted in various places about the Island:—

*Military Post, San Juan Island,  
Washington Territory, July 27, 1859.*

*Order No 1.*

1. In compliance with orders and instructions from the General commanding, a military post will be established on this island, on whatever site the commanding officer may select.

2. All the inhabitants of the island are requested to report at once to the commanding officer in case of any incursions of the Northern Indians, so that he may take such steps as he may deem necessary to prevent any future occurrence of the same.

3. This being United States' territory, no laws other than those of the United States, nor Courts, except such as are held by virtue of said laws, will be recognized or allowed on this island.

By order of Captain Pickett,

(Signed)

JAMES W. FORSYTH,

*Second Lieutenant, 9th Infantry, Post Adjutant.*

It will be observed from the tone of this order that it ignores the Treaty and Boundary Commission, and admits of no compromise. If, therefore, it proves to have had no higher authority than General Harney, and any concession is hereafter made, it will afford another example of the manner in which American citizens jeopard the peace of their country.

From the first, it appeared that the British desired to avoid a collision, as their ability, at any moment, to take the island can scarcely be doubted. It was their wish to gain a joint military occupation of the island with our troops, until orders should be received from the heads of the two Governments. A proposition to that effect having been made was rejected; but it is believed will yet be acceded to. It is unnecessary to repeat that

if such a concession is made, after what has passed, it will be a dastardly compromise of the country's honour.

On Wednesday, Governor Douglas issued a protest against the occupation of San Juan Island by the Americans, and declared the island to belong to Her Majesty Queen Victoria. His Excellency also sent the inclosed Message to the Vancouver Legislative Assembly yesterday, in which it is declared that the British forces will be landed on the island.

The disputed island lies north-westerly from the entrance to Puget Sound and the mainland of Washington territory, in the vicinity of Port Townsend—the broad beautiful Strait of Fuca being between. Sailing from the Sound to Victoria across the Fuca, San Juan appears to be a part of Vancouver's Island, and the disputed channel cannot be distinguished until you have come down opposite its mouth or junction with the Strait.

Notwithstanding the Treaty, and the loud talk that is made about the commanding importance of San Juan to the Americans, it naturally belongs to the British, and is of infinitely greater value to them than to the United States. The channel in dispute is the gate to the Gulf of Georgia, Fraser river, and British Columbia—mostly British water and British possessions. If this channel is, by the Treaty, determined to be the boundary line, it only gives us a small island of small value, with no advantages, as we own nothing north of it; while to them it is the door-way to all their possessions. This is no reason, however, why the United States should not have the island, if by any right it belongs to her.

To the Legislative Council and House of Assembly of the Colony of Vancouver's Island.

Gentlemen,

*Government House, Victoria, August 3, 1859.*

I HAVE to communicate, for your information, the intelligence of the landing of a detachment of United States' troops on the Island of San Juan, avowedly for the purpose of forming a military post and asserting the sovereignty of the United States to that island.

Having received no information from any quarter that the United States ever contemplated taking possession of any part of the disputed territory while the boundary line remained unsettled, I am forced to believe that the late unwarrantable and discourteous act, so contrary to the usages of civilized nations, has originated in error, and been undertaken without the authority of that Government.

That impression is corroborated by a letter (a copy of which is here inclosed) from the Hon. W. L. Marcy, Secretary for the United States, dated Washington, 12th July, 1855, to Her Majesty's Minister at Washington, which contains instructions from the President of the United States to the Governor of the Washington territory, and displays, in the clearest manner, the conciliatory and moderate views entertained by his Government on the subject of the disputed territory.

Though the right of Great Britain to all the islands situated to the westward of "Vancouver" or "Rosario" Straits is to our minds clearly established by the first Article of the Treaty of 1846, and though those islands have, since the foundation of this colony, been considered as a dependency of Vancouver's Island, it is well known, to you, Gentlemen, that, out of respect to the construction that has been put upon that Treaty by the Government of the United States, we have abstained from exercising exclusive sovereignty over them.

Convinced that any assumption on either side of exclusive right to the disputed territory would simply be a fruitless and mischievous waste of energy, neither detracting from nor adding force to the claims of either nation, wise and considerate policy enjoins upon us the part of leaving so important a national question for settlement by the proper authorities, and of avoiding complications foreign to the views and wishes of, and probably embarrassing to, both Governments.

Immediately on being informed of the landing of United States' troops at San Juan, Her Majesty's ship "Tribune," under the command of

Captain Hornby, was dispatched to that quarter, and soon after a detachment of Royal Engineers and Royal Marine Light Infantry were ordered from New Westminster by Her Majesty's ship "Plumper," Captain Richards, and those troops will be landed at San Juan to protect the lives and property of British subjects.

You will observe, Gentlemen, from inclosure No. 1, that the captain in command of the United States' detachment of troops, in a public notice, dated 27th of July, assumes the exercise of exclusive sovereign rights in the Island of San Juan, while the President of the United States altogether disclaims such pretensions, and seeks at most to discontinue the joint right of sovereignty and domain in common with Great Britain. We may presume, from that circumstance, that the notice in question was framed in ignorance of the intentions of the United States' Government, and that the pretensions set forth will not be maintained.

Entertaining such opinions, I have not failed to impress on Her Majesty's naval officers now stationed at San Juan the desire of Her Majesty's Government to avoid every course which may unnecessarily involve the suspension of the amicable relations subsisting between Great Britain and the United States. At the same time those officers have been instructed, and are hereby prepared, to assert, the rights and maintain the honour and dignity of our Sovereign and her dominions.

I have, &c.

(Signed) JAMES DOUGLAS.

#### Inclosure 2 in No. 8.

*Extract from the "New York Herald" of September 7, 1859.*

#### OUR SAN FRANCISCO CORRESPONDENCE.

*San Francisco, August 12, 1859.*

THE steam-ship "Pacific," from Victoria, Vancouver's Island, arrived here on the 10th instant, and the "Northerner," from the same port, yesterday, with dates to August 9. The news from Puget Sound is of an exciting character. General Harney, Commander of the Oregon and Washington Department, had issued orders to transfer the military post heretofore at Bellingham Bay to San Juan Island, a piece of land claimed by the United States to be part of Washington territory, and by England to be part of Vancouver's Island. Accordingly, the United States' steamer "Massachusetts" conveyed Company D, 9th Infantry, Captain Pickett, to the disputed territory, where they were landed, and at once established a military post. Three brass pieces were also landed at the same time.

On the news reaching Victoria, Governor Douglas appointed Mr. de Courcy Justice of the Peace for the island, and dispatched the English steam-frigate "Satellite," on July 27, to convey him to his post and to look after English interests there. For several years San Juan has been occupied by English and American settlers, the latter preponderating. The dispute as to the course of the boundary-line at the forty-ninth parallel has given rise to the present summary proceedings on the part of the United States. Our Government has repeatedly brought its claim to the island before the English Government, but action has been delayed. The island is needed by us as a naval and military station. Great Britain has, within a year, strengthened the fortifications at Victoria, concentrated a large body of troops in the Colony, and assembled in the waters of Puget Sound a considerable number of ships of war.

To offset this establishment we require San Juan (which is ours), for like purposes. It suits England to keep the question of title in controversy; she does not want the island, for she possesses Victoria. And it is for this very reason that the matter on our part should be carried to a final and immediate settlement. The Administration, no doubt, viewing the question in some such light, has issued orders to General Harney to take possession of San Juan. It is true the advantage in force is with

England for the moment, but to use it against the troops on the island would at once turn the scale. Twenty thousand men from California, Oregon, and Washington, would, in a month, rid the country of English rule. Governor Douglas is not a man qualified to deal with this matter, and he may precipitate a collision.

In the meanwhile Victoria was the scene of great excitement. Active preparations were made to dispossess the intruders, and, it was reported, to bring them prisoners to Victoria. Four English ships of war were dispatched to the island, and about 400 soldiers brought down from Fraser river. Rumours became prevalent that, if the soldiers were molested, the Americans, who constitute three-fourths of the population of Victoria, would burn down the town. Governor Douglas was prepared to go to extremities, when Admiral Baynes, R.N., arrived with the line of battle-ship "Ganges," and countermanded his orders. At last accounts from the seat of war (August 5), three English and two American men-of-war were in the harbour. Colonel Hawkins arrived in this city last night as bearer of despatches from Governor Douglas to the Government at London.

The Washington territory papers approve of General Harney's action. In Victoria the "British Colonist" is quite belligerent, and insists on the expulsion of the Americans. The "Gazette" (edited by an American, but heretofore favourable to Governor Douglas), claims that the island belongs to the United States. It is believed that the dispute will be referred to Washington and London for settlement; but it is stated by persons just from Victoria that the English ships will resist any reinforcements going on the island from the American side, and it is for that purpose they remain.

So far the English have exhibited a desire to avoid a collision. With all Governor Douglas' foolishness, he will scarcely attempt to oust the party now in possession until he receives positive instructions from home. He is unfitted in every respect to fill the position of Governor, and were it not for the opportune arrival of Admiral Baynes, who annulled orders issued by the Executive, serious trouble would have taken place before this time. If the English Ministry will send out a man as Governor of its possessions on this coast who has been of late years acquainted with international law and civilization, and who will regulate his actions according to these principles, no harm will follow; but keeping such a petty tyrant as Douglas in office is certain to make matters worse. It appears that when the Treaty was made, deciding the line between the two countries, the marks were not clearly stated, and thus room was left for dispute. At that time Vancouver's Island was occupied by the English, and the line, as determined upon, would have taken off a small portion of the island from them; but it was so changed that Vancouver remained untouched, and the principle of "give and take" was carried out in the negotiations and settlement. It was plainly stated that the Island of San Juan was to be considered American soil, and the residents—those who are citizens of the United States—have ever since contended for this view of the case. In all probability the claim would have been peaceably allowed, and no action taken in the matter, had it not been for the cupidity and avarice of the Hudson Bay Company, shown since the discovery of gold on Fraser river. The "De Haro Channel" is the main one, and it is common, when speaking of "the channel," to mean no other. It was undoubtedly the understanding between the Commissioners that this should be the point, for it has since been so declared by such of them as have been questioned in regard to it, and, as we have before observed, it was not until those tremendous ideas of an immense and wealthy country had taken possession of the minds of the great western monopoly that these opinions were changed. Since the rush to Fraser river, it has been discovered that the Island of San Juan is a very important position. The harbour is excellent, and the anchorage among the best in the world. It is, therefore, of considerable moment to both nations as to the possession and guardianship of it.

ORIGIN OF THE MOVEMENT.—A correspondent of the "Victoria Gazette," who is at San Juan, gives the following interesting particulars of the movements of the American and English forces:—

In order to ascertain the first movement that led to the present position of things, I applied to Mr. Hubbs, the United States' Deputy Collector on the island for the last three years or thereabouts, who kindly furnished me with such data as he had in his possession:—

He has exercised the functions of Deputy Collector on the island for near three years, and during that time has made regular quarterly returns of all the imports and exports to and from the island to his Government. During his residence on the island there have been quite a number of murders committed there and in the immediate vicinity, an account of some of which was published in the "Gazette" last September, and the American residents on the island deemed it proper for their safety to ask the protection of their Government. Pending their action the island was visited by General Harney, the American Commander-in-chief of the Pacific division, who, in furtherance of orders of his Government, examined the island preparatory to making a permanent location of a portion of his command at that point. Shortly after his departure, in order to hasten, if possible, the protection they desired, the American residents met on the 11th of July last, and prepared a petition to General Harney, which was soon after sent to him.

The petition set forth several abuses which American citizens were obliged to suffer, and requested protection of General Harney.

Before, however, the petition could reach General Harney, he had, in accordance with orders from his Government, dispatched a force for the purpose, and also to make a regular station for a portion of the troops of his command.

**BELLEVUE ISLAND.**—Continuing a northerly course for little more than a mile, a large, deep and beautiful westerly indentation is presented, where the stately "Tribune" rides at anchor, with broadsides commanding the shores of the most spacious of the beautiful harbours with which this island abounds. Here also, lay the little American steamer "Shubrick," upon our arrival, but she soon up anchor, and steamed away to the north-east.

Upon landing, we visited the little group of tents belonging to the 9th United States' Infantry, Company D, Captain George A. Pickett, where were three brass field-pieces, to the wheel of the centre and larger of which was lashed a staff bearing aloft the United States' flag. Captain Pickett was on board the "Shubrick" at the time, and not on board the "Tribune," as some seemed to think, and we were received by Lieutenant James W. Forsyth, Post-Adjutant, with that frank hospitality which characterises the profession in all civilized countries. Several of the officers of Her Majesty's ship "Tribune" were seated in front of the marquee. I was very glad to see this, not only because it justified my preconceived opinion of the gallantry and generous character of British officers, but because it nullifies the acts and assertions of a class whose only aim at present seems to be to engender feelings of animosity between two great nations, simply because the local naval force of Great Britain is under the direction of Governor Douglas, as Vice-Admiral, and the claims and interests of the Hudson Bay Company are at variance with the occupation of the island by the Americans.

**THE AMERICAN FORCE.**—The army under Captain Pickett consists of sixty-six men, rank and file, who, including the Commissary Department, occupy the twenty-one tents which, while we were there, were being removed from the harbour frontage to a spot across the southern peninsula about a mile distant. The site is an excellent one, commanding a very extended view, and with water convenient. No permanent fortifications will be erected as yet. Since the occupation Captain Pickett has issued and caused to be posted the following order:—

*Order No. 1.*

[See *ante*, p. 13.]

**AMERICAN OFFICIALS.**—The island being deemed a portion of Whatcom county, Washington territory, H. R. Crosbie, Esq., has been

appointed Resident Magistrate, for the adjudication of such matters as usually come before that officer under the United States' territorial regulations. Paul K. Hubbs, Junior, the revenue officer, has resided, I am told, three years upon the island; has his residence near the Hudson Bay Company's building, and beneath the American flag. He has not been invested with nor exercised any judicial prerogatives, but as resident United States' officer has referred such matters to the proper authorities on the mainland. There is quite a large number of American settlers upon the island, which contains sixty-five square miles, and, as a whole, has no superior for the general purposes of agriculture, for commerce, or for commanding military position on the whole northern coast, as at present surveyed. Its peculiar eligibility is sufficient inducement for an attempt at retention by either nation, if in so doing there be no direct violation of the spirit of that Treaty, which diverged from the 49th parallel, in order to relinquish to Great Britain the political jurisdiction of Vancouver Island entire.

**SAPPERS AND MINERS SENT FOR.**—On Sunday, Her Majesty's ships "Satellite" and "Plumper" passed, on their way to New Westminster for the Sappers and Miners, intending to land them in joint occupation, the "Plumper" touching in the harbour, probably with despatches for the "Tribune." The men on both sides seemed cheerful, and not in the least fearful of collision, if outsiders would let them alone.

**FRIENDLY RELATIONS BETWEEN OFFICERS ON BOTH SIDES.**—The interviews thus far between the respective officers have been characterized by that spirit of courtesy which belongs exclusively to the Representatives of the greatest nations upon earth, and although, so far, each think they are justified by right, no collision can occur unless patriotism outruns discretion, and insatiable personal feeling of jealousy or hatred urges on to dishonourable war. The most important event has been the reception by Captain Pickett of an order from the Hudson Bay Company to remove his force from the island. Captain Pickett replied that while he did not recognize their authority to make the demand, he would state that he had received his orders from the United States' Government, and should occupy the island until recalled by the same authority. Captain Pickett raised the American flag at Chapultepec, in the American war; is a brave and cautious officer, and will go as far as duty and honour require.

**INDIAN OUTRAGES.**—In addition to the atrocities already detailed as committed, I would mention that on Tuesday forenoon Mr. Crosbie, the Coroner for Whatcom county, was called upon to hold an inquest on the body of a white female, which was found on the adjoining island (Lopez). The head was found encased in a sack, which was covered with blood stains. Nothing further could be ascertained as to who were the perpetrators; but no doubt this was another victim of the barbarous hordes who make that island their "stamping ground." It is now confidently predicted on the island that outrages hereafter will be met with such a retribution that a terror will be left of the "Bostons" never before experienced on this coast, and that the American plan will be found much more efficacious in suppressing Indian outrages than the "blanket bribing" system so long practised by the Hudson Bay Company.

**ARRIVAL OF THE "JEFFERSON DAVIS" AND "MASSACHUSETTS."**—On Monday afternoon the revenue cutter "Jefferson Davis" arrived at San Juan. It was expected the Collector for Port Townsend was on board, but I understand he did not arrive in her. The Deputy Collector had written for orders whether to put in force hereafter the revenue laws relating to the collection of duties on exports and imports. He expected to receive his orders by the cutter, but whether he did or not I am unable to say. About 7 o'clock the same evening the United States' steamer "Massachusetts" arrived. She had eighty men on board, under command of Major Haller. But as this was only the force detailed for regular service on board the "Massachusetts," having reference to checking incursions of the Northern Indians, no troops will be landed on the island.

Captain Pickett's force is amply sufficient for the purpose it was designed.

ARRIVAL OF THE "PLUMPER."—Her Majesty's ship "Plumper," Captain Richards, arrived about 8 o'clock on Tuesday morning, with a large number of soldiers from New Westminster. Of course no troops were landed from her, and it is believed none will be.

In conclusion, permit me to observe that I found more ill-feeling on the island on account of the false statements current than from the belligerent attitude of the opposing forces. All who wish for peace should cultivate amicable feelings, and not allow those to which nationality gives rise to find too free expression. If this course is followed we shall have little cause to fear the disturbing of the present peaceful relations between the two nations.

PROTEST OF GOVERNOR DOUGLAS.—On Wednesday the annexed protest against the occupation of San Juan was issued and publicly posted at the door of the Treasury. We presume it is done as a mere matter of form, like the order of Captain Pickett, for the documents on neither side can be of much value. The Treaty, and that alone, is the only document which can authorize the exercise of exclusive sovereignty. If that cannot be interpreted amicably, and negotiation fails, no other alternative remains but resort to war. The latter, however, we think extremely improbable whilst cotton rules in Washington and calico at Manchester. The North-Eastern Boundary assumed a far more threatening aspect than anything which has occurred at San Juan:—

"By James Douglass, Companion of the Most Honourable Order of the Bath, Governor and Commander-in-chief in and over the Colony of Vancouver Island and its Dependencies, Vice-Admiral of the same, &c., &c.

"The sovereignty of the island of San Juan, and of the whole of the Harro Archipelago, has always been undeviatingly claimed to be in the Crown of Great Britain. Therefore, I, James Douglas, do hereby formally and solemnly protest against the occupation of the said island, or any part of the said Archipelago, by any persons whatsoever, for on behalf of any other Powers, hereby protesting and declaring that the sovereignty thereof by right now is and always hath been in Her Majesty Queen Victoria and her predecessors, Kings of Great Britain.

"Given under my hand and seal, at Victoria, Vancouver Island, this 2nd day of August, in the year of our Lord one thousand eight hundred and fifty-nine, and the twenty-third of Her Majesty's reign.

(Signed) "JAMES DOUGLAS."

HIS MESSAGE TO THE LEGISLATURE.—Governor Douglas has addressed a Message to the Legislature of Vancouver Island, in which he says:—

[See *ante*, p. 14.]

MR. MARCY'S OPINION OF THE QUESTION.—The following is an extract of a letter addressed by W. L. Marcy, Secretary of State, to Governor Stevens, of Washington territory, dated 14th July, 1855:—

"The President has instructed me to say to you that the officers of the Territory should abstain from all acts on the disputed grounds which are calculated to provoke any conflict, so far as it can be done without implying the concession to the authority of Great Britain of an exclusive right over the premises.

"The title ought to be settled before either party should exclude the other by force, or exercise complete and exclusive sovereign rights within the fairly-disputed limits. Applications will be made to the British Government to interpose with the local authorities on the northern borders of our territory to abstain from like acts of exclusive ownership, with the explicit understanding that any forbearance on either side to assert the rights exclusively, shall not be construed into any concession to the adverse party.



“By a conciliatory and moderate course on both sides, it is sincerely hoped that all difficulties will be avoided until an adjustment of the boundary line can be made in a manner mutually satisfactory. The Government of the United States will do what it can to have the line established at an early period.

(Signed) “W. L. MARCY.”

The following is a note addressed to J. F. Crampton, Esq., the British Minister at Washington, by Secretary Marcy:—

“Sir, *Department of State, Washington, July 17, 1855.*

“I am under some apprehension that collision may take place between our citizens and British subjects, in regard to the occupation of the disputed points along the line between Washington territory and the British possessions on the north of it.

“In the hope of avoiding such a difficulty, I have, by the direction of the President, addressed a letter to the Governor of that territory on the subject, and herewith furnish you with an extract from it. I presume that the Government of Her Britannic Majesty will be willing to recommend to her subjects along the boundary in question a similar course, until the line can be established. In that way I sincerely hope all collision may be avoided.

“I avail, &c.

(Signed) “W. L. MARCY.”

PROCEEDINGS OF THE HOUSE OF ASSEMBLY.—The Governor’s Message and relative documents were laid before the House of Assembly (which was assembled in extra session) on the 5th August, when, according to a report in the “Gazette,” the following proceedings took place:—

“Mr. Skinner characterized the act of the landing of the United States’ troops on San Juan Island as worse than filibustering—as piracy itself. The next thing would be a band of these marauders landing on Vancouver Island, and he called upon every Englishman who had a family to rise and repel the marauding invaders.

“Mr. Pemberton quite agreed with every word said by his honourable friend (Mr. Skinner), and hoped the House would give expression to its feelings.

“Mr. Yates deprecated any hasty action, and declared that the House was not prepared to act upon so important a matter on so short a notice.

“The Speaker thought the proper course would be a motion to go into Committee of the Whole on the Governor’s Message at an early day, and upon this suggestion a motion was made and carried that the House adjourn ‘till to-morrow (Saturday) morning, at 9 o’clock, to go into Committee upon the Governor’s Message.’

“The House then adjourned.”

The “British Colonist” of August 8, says of the adjourned meeting held on the 6th August, of the Legislative Assembly, to consider the Message of Governor Douglas on the San Juan business, that owing to an accident which occurred to Mr. Yates there was no quorum for business. This rendered the anxiety of the supporters of the Government almost unbearable, and it was proposed to make short work of it, suspend the rules of the House, act without a quorum, and carry the darling vote, right or wrong. Parliamentary rules, in this instance at least, placed a check on undignified haste. Still the Speaker took the chair, the clerk the record, and what was called an informal (?) meeting—properly a caucus—was organized. During considerable discussion the draft of an Address was submitted, expressing every confidence in the ability of the Executive to deal with the difficulty at San Juan. The Speaker proposed, however, a simple vote of confidence. Fortunately neither one nor the other could be carried, as a caucus was not a House of Assembly, and, consequently, the question comes up to-day (8th August).

## Inclosure 3 in No. 8.

*Extract from the "New York Times" of September 1, 1859.*

*San Francisco, August 12, 1859.*

OUR dates from Victoria are to the 6th instant. The news from British Columbia and its vicinity is again highly exciting, but not because of gold discoveries. The Island of San Juan—the largest of the group lying between Vancouver Island and the mainland opposite, and claimed by the United States as part of Washington territory—has been occupied as a military station by a detachment of United States' troops under command of Captain George Pickett, of Company D, 9th Infantry. This important step, doubtless, will rapidly bring the long-pending dispute between the United States and Great Britain—who also claims San Juan island—to a culmination and settlement. There is good reason to believe that the step was taken by express orders from Washington, for the purpose of bringing the question to a direct and practical issue.

In order that the facts may be properly understood, I propose to give a summary statement of them as an introduction to the documentary portion of the latest chapter in their history. The pending difficulty originates thus: in settling the boundary line between the territory of the United States and Great Britain, it will be remembered that the 49th parallel of latitude was agreed upon; but this line, if run out straight, would cut off the southern end of Vancouver Island. It was agreed, therefore (as Vancouver had always been in the possession of Great Britain), to so wave the straight line as to exclude all of Vancouver Island. It was provided that the 49th parallel should be the boundary between the two nations as far west as the "middle of the main channel" separating Vancouver Island from the main shore; that then the boundary should follow that channel south far enough to exclude Vancouver, and thence should run due west to the ocean. At the time when the Treaty was signed this language was thought to be clear enough; but adverse interests have found, or pretended to find, adverse interpretations. There prove to be two channels between Vancouver and the main shore, viz., the Canal de Haro and the Rosario Straits. The former is much nearer Vancouver Island than the latter, so that if it is accepted as the channel along which the boundary is to make its divergence south, several islands, among which is the important one of San Juan, or Bellevue, will be included in the territory of the United States. The British contend that this is not the channel intended in the Treaty; the Americans contend that it is. The latter support their pretension by the assertion that the Canal de Haro is manifestly and indisputably the "main channel," being much deeper and better than the Rosario Straits; while the British contend that the Rosario Straits must be, and was, the channel meant by the Treaty, inasmuch as the Island of San Juan, and the lesser islets near it, have always been regarded as appendages to Vancouver Island, and were as notoriously a portion of Her Majesty's territory as Vancouver itself. So the dispute has been continued on both sides for several years past, the rights of both, in the meantime, remaining *in statu quo*.

Between these two channels are several islands of more or less importance—San Juan or Bellevue, Orcas, Lopez, and others. At the time of the Treaty there were no settlements on any of these islands. Since then, however, some American settlers have gone there; and through the Hudson's Bay Company some of the Company's sheep have been placed upon San Juan Island. This island, with the others, was at its organization included in the limits of Whatcom county, Washington territory, and difficulties have already arisen from the collection of taxes. The United States have a Custom-house officer upon the island.

The Canal de Haro is so clearly the deepest, best, and most direct channel from the Gulf of Georgia into the Straits of Fuca, that England would never have raised a doubt upon the meaning and effect of the Treaty, except for the value of the islands lying between the disputed sheets of water. To England they are valuable not only for the land, of which there is much that is of a superior quality on some of the islands

but also because they are supposed to command the southern entrance to the Gulf of Georgia. To us they are necessary as a military post, being the only place suitable for the protection of our people from the hordes of northern savages, from whom our countrymen have already suffered, and from whose threatened attacks many of our settlements on Puget's Sound are kept in continual alarm. San Juan is just the place for a post. The Indians must pass within striking distance in coming to and returning from the settlements.

On the 23rd July the "Massachusetts" proceeded to Bellingham Bay, took on board Captain Pickett's company of 60 men, and landed them upon San Juan Island, with stores, howitzers, and everything necessary to the establishment of a permanent military post there. When this news reached Victoria it created great excitement. Her Majesty's subjects there were not a little disgusted at this bold step of Brother Jonathan's; and Governor Douglas and his brother officials curled their backs up prodigiously. At first it was proposed to send a force of sturdy Sappers and Miners over to tumble out their Yankee cousins *sans cérémonie*; and at last accounts the project was still talked of, without any danger that so hazardous a step would be ventured upon. Of course if the British authorities should cut any such caper without awaiting orders from home, their country would be inundated within a fortnight's time by men from Oregon and California, and completely "cleaned out" long before they could hope for assistance.

On Wednesday, 27th July, Her Britannic Majesty's steamer "Satellite," Captain Prevost, proceeded to San Juan with Major De Courcy, who had been appointed Justice of Peace for the island. Up to that time, it is stated Governor Douglas had received no official intimation of the United States' Government to erect military fortifications, and station troops on the island. On the arrival of the "Satellite" she was saluted by the United States' steamer "Massachusetts" and "Shubrick." Major De Courcy was landed and left on the island. The United States' soldiers were then engaged in erecting a fortification. Next day, the "Satellite" returned to Victoria; and on the following night, 29th July, Her Britannic Majesty's steamer "Tribune" proceeded to San Juan, with instructions to a Commission on board to enter a formal protest against the occupancy of the island by United States' troops, and take such other steps as might be necessary to protect the alleged rights of Her Britannic Majesty. Her Britannic Majesty's ship "Plumper" was likewise ordered to proceed thither with a reinforcement of 200 Sappers and Miners from New Westminster. The "Plumper" afterwards placed the Sappers and Miners on board the "Tribune," and left for Victoria. Altogether there was a pretty sailing, backwards and forwards, of ships-of-war, on both the American and British sides. At the latest dates, the "Massachusetts," the revenue schooner "Jeff. Davis," the "Shubrick," and the "Active" (Captain Alden), of the American flag, and the "Tribune," "Satellite," and "Plumper," of the British flag, were either anchored off San Juan, or were not far from it. It was finally understood that a verbal agreement had been arrived at for a settlement of the whole matter on the basis of a joint military occupation of the island, until the British and United States' Governments can be advised of the existing state of affairs.

General Harney was expected on San Juan on 5th August, till which time no troops would probably be landed from the British ships.

A correspondent of the "Victoria Gazette" gives the following statement of the immediate cause of the occupation of the island by American troops:—

"In order to ascertain the first movement that led to the present position of things, I applied to Mr. Hubbs, the United States' Deputy Collector on the island, for the last three years or thereabout, who kindly furnished me with such data as he had in his possession. He has exercised the functions of a Deputy Collector on the island for nearly three years, and during that time has made regular quarterly returns of all the imports and exports to and from the island to his Government. During his residence on the island there have been quite a number of murders committed there and in the immediate vicinity, and the American resi-

dents on the island deemed it proper for their safety to ask the protection of their Government. Pending their action, the island was visited by General Harney, the Commander-in-chief of the Pacific division, who, in furtherance of orders of his Government, examined the island, preparatory to making a permanent location of a portion of his command at that point.

“ Shortly after his departure, in order to hasten, if possible, the protection they desired, the American residents met on the 11th July last, and prepared a petition to General Harney, which was soon after sent to him.

“ The following is a copy of the petition :—

“ ‘ To General Harney, Commander-in-chief of the Pacific Division of the United States’ Army.

“ ‘ *San Juan Island, July 11, 1859.*

“ ‘ The undersigned American citizens on the Island of San Juan would respectfully represent,—

“ ‘ That in the month of April, in the year 1858, the house of the United States’ Inspector of Customs for this island, was attacked and fired into in the night, by a party of Indians living on this island, and known as the Clallams, and had it not been for the timely aid of the Hudson’s Bay Company, the Inspector would have fallen a victim to their savage designs.

“ ‘ In the month of July following, we found on the beach, close to the above-mentioned Indian camp, the bodies of two white men, apparently Americans, who had, when found, cotton cords about their necks, which had been used to conceal them under water.

“ ‘ Last fall, another daring murder was committed in the middle of the day, and in the plain sight of us all here, without the slightest chance of rendering them assistance.

“ ‘ Only ten days ago, another body was found on our shore, which had been the victim of foul play.

“ ‘ Inclusive with the above dangers that we are exposed to from neighbouring Indians, we are continually in fear of a descent upon us by the bands of marauding northern Indians, who infest these waters in large numbers, and are greatly retarding the progress of the settlement of this island.

“ ‘ According to the Treaty concluded June 15, 1846, between the United States and Great Britain (the provisions of which are plain, obvious, and pointed to us all here), this, and all the islands east of the Canal de Haro, belong to us. We, therefore, claim American protection in our present exposed and defenceless position.

“ ‘ With a view of these facts, and for the essential advantage of having this and the surrounding islands immediately settled, we most earnestly pray that you will have stationed on this island a sufficient military force to protect us from the above-mentioned dangers until we become sufficiently strong to protect ourselves.’

[Signed by all the American residents on the island, thirty in number.]

“ Before, however, the petition could reach General Harney, he had, in accordance with instructions from his Government, dispatched a force for the purpose, and also to make a regular station for a portion of the troops at his command. \* \* \*

“ Mr. Hubbs informed me that in 1854 the civil authorities of Whatcom county, Washington territory, assessed the usual taxes on property in San Juan Island, which not being paid, the assessor seized thirty sheep belonging to the Hudson’s Bay Company, and sold them to liquidate the taxes claimed. That Company has since made a claim on the United States’ Government for 15,000 dollars for the value of the sheep.”

The following is from the “Victoria Colonist”—the British paper—and is rather belligerent in its tone:—

“ We learn that a company of United States’ soldiers, under command of Captain Pickett, were expected to land at San Juan Island yesterday.

from Semiahmoo, in order to erect barracks and fortifications. They were ordered there by General Harney, when up here a short time ago. We trust our Government will call our insatiable neighbours to account for the unwarrantable assumption. The first thing that will follow will be duties and taxes imposed by the United States and Washington territory on British subjects who may reside there, and serious disputes may grow out of it. When the title of the island is definitely settled in their favour, then it will be time to allow Americans to quietly garrison the island, and not before. It is desirable that the question of sovereignty should be speedily settled; but we hope that, in the final settlement, Imperial politicians will not allow such a disregard for British American interests as exhibited in the settlement of the north-eastern and north-western boundaries, by which New Brunswick lost millions of acres of land, and this side all Washington territory and Oregon to the Columbia river."

If I mistake not greatly, the occupation of San Juan Island will speedily force an amicable settlement of this boundary question; and, in that view, it is fortunate and commendable. We need the island as a military and naval station. The English are building up a strong military post at Victoria. If we have a title to San Juan it should be quieted; and we should begin operations on that island to offset the work going on across the channel. In the next place, there are American settlers on the island, who demand protection against the Indians. If they are on American soil, that protection should be extended to them; and the United States cannot afford to let the title lie longer in abeyance. She has immediate use for the place. England, on the contrary, is in no hurry to settle the dispute, even if she believed her right good, which is not the case. She does not need San Juan, having Vancouver Island. She seems to be playing her old game of manufacturing questionable title out of the dust which accumulates upon and obscures a long-pending dispute. Having no just title now, she can be no worse off by keeping the question open for years to come, and she thinks that possibly the lapse of time may present a better opportunity for pressing a doubtful claim. She ought not to be indulged again in such pursuit of her traditional, if not "time-honoured" policy.

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Inclosure 4 in No. 8.

*Lord Lyons to General Cass.*

Sir,

Washington, September 8, 1859.

WHEN I had the honour of waiting upon you, at your request, at the State Department on the 5th instant, you were so good as to say that, although you were not yet in possession of sufficiently detailed reports to reply at once to the note in which I had, two days before, asked for explanations with regard to the alleged occupation of the Island of San Juan by United States' troops, you would, nevertheless, give me, verbally, such information on the subject as it was in your power to afford.

You then did me the honour to state to me, that the only official account which had reached the Government was a report from General Harney, which had been forwarded from New York by General Scott, and that the substance of that report was, that he had found it necessary, in consequence of a requisition from United States' citizens, to send to the Island of San Juan a detachment to protect those citizens from the Indians, and from ill-treatment on the part of the English; that he had, accordingly, sent one company of soldiers for this purpose, and held another in readiness to send also, in case of need.

You proceeded to inform me that the President had directed the War Department to apprise General Harney that the Government of the United States considered that the principle to be observed with regard to disputed territory was, that the actual *status* was to be maintained; that, consequently, he was by no means to take possession of the Island of San Juan,

or to set up any jurisdiction there. You added, however, that orders had not been sent to withdraw the United States' troops. Those troops would, you said, be instructed to confine themselves strictly to the protection of American citizens, but it might, you added, be necessary that they should remain at San Juan for that purpose.

Finally, you did me the honour to request me to acquaint Her Majesty's Secretary of State for Foreign Affairs with what you had said, and especially to assure his Lordship, from the President and from yourself, that General Harney had not acted upon orders from the Government, but entirely on his own responsibility.

I had just time, after my return home, to write a report of the information which you had thus given me, to dispatch to Lord J. Russell by the messenger who was about to set out to meet the Royal mail steam-packet at Boston. I made that report almost exactly in the words which I have used in repeating, above, the substance of your communication to me.

The newspapers of this evening announce the arrival of a mail, bringing full intelligence respecting the disembarkation of the United States' troops on the Island of San Juan. I feel confident that you will hasten to afford me the information and explanations for which I applied in the note to which I have already referred; but I am so desirous that these explanations should reach Her Majesty's Government, as nearly as possible, simultaneously with the intelligence of the occurrences at San Juan, that I take the liberty of reminding you that I shall be able to send, by telegraph to Halifax, in time to be forwarded to London by the Royal mail steamer, any information which you may do me the honour to give me in the early part of to-morrow. I am rendered particularly anxious upon this subject by observing, among the news inserted in the evening journals, the following document, purporting to be an order issued by Captain Pickett, commanding the party of United States' troops which has landed on the island (see *ante*, p. 13).

I have, &c.  
(Signed) LYONS.

P.S.—You are, doubtless, aware that I have the means of transmitting confidential communications, by telegraph, in a cypher which can be understood only at the Foreign Office in London.

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No. 9.

*Lord Lyons to Lord J. Russell.—(Received September 24)*

(No. 177.)

My Lord,

*Washington, September 9, 1859.*

WITH reference to my telegram of the 6th instant, and to my immediately preceding despatch No. 176 of that date, I have the honour to transmit to your Lordship a copy of a note which I have received this morning from General Cass, on the subject of the disembarkation of United States' troops on the Island of San Juan. I have also the honour to transmit to your Lordship a copy of a note which I have addressed to General Cass in reply.

General Cass's note confirms the reports which I made to your Lordship in the despatch and telegram above mentioned. Its special object appears to be to state, in writing, the amendment upon one important point, which the General desires to have made in my report of the verbal communication which he made to me on the 5th instant. As the language of the General's note on this point may possibly appear to be somewhat curt, it may, perhaps, be worth while that I should mention to your Lordship that nothing like a dispute or altercation has taken place between the General and me upon the subject. On the contrary, the General spoke with all his usual kindness and cordiality; and I merely replied, that it was quite unnecessary that we should enter into any discussion as to the previous conversation; that my only desire was

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to convey, as accurately as possible to your Lordship, the views of the President and of the General himself; and that I would use every available means of making your Lordship acquainted, as soon as possible, with the correction which the General desired to have made in my report of the communication of the 5th instant.

I have written in the greatest haste, in the hope of being able to send off this despatch in time for the American mail-packet which leaves New York to-morrow.

I have, &c.  
(Signed) LYONS.

Inclosure 1 in No. 9.

*General Cass to Lord Lyons.*

My Lord,

*Washington, September 8, 1859.*

YOUR note of yesterday reached me this morning.

Your note of the 3rd instant, to which you refer, was received the next day after its date (Sunday); and on Monday, the day following, as there was not time to write you before the departure of your messenger, I requested an interview with your Lordship, during which the conversation took place which is recapitulated in your last note. I mention these circumstances in explanation of the delay of two days to which your Lordship has referred.

The conversation is correctly reported, with one exception. The exception is, where you understood me to say, "that consequently he (General Harney) was by no means to take possession of the Island of San Juan, or to set up any jurisdiction there." I have already explained to your Lordship why I could not have made this remark, and I now beg leave to add, that in attributing it to me you misunderstood my views.

No information respecting occurrences at San Juan has reached the Government since the receipt of General Harney's report.

I avail, &c.  
(Signed) LEWIS CASS.

Inclosure 2 in No. 9.

*Lord Lyons to General Cass.*

Sir,

*Washington, September 9, 1859.*

I HAVE this morning received the note, dated yesterday, in which you refer to the verbal communication which you did me the honour to make to me on the 5th instant, with respect to the disembarkation of United States' troops upon the Island of San Juan.

You were, early yesterday, so good as to inform me, orally, that the recital of that communication, made in my note of the 7th instant, contained one phrase which gave an erroneous representation of your views on a particular point. I immediately transmitted, by telegraph, to Halifax, a despatch to be forwarded to Her Majesty's Principal Secretary of State for Foreign Affairs, in which I stated to his Lordship that you had informed me that the phrase in question ought to be cancelled. I will to-day, transmit to Her Majesty's Government a copy of the note from you, to which I have now had the honour to reply.

I have, &c.  
(Signed) LYONS.

## No. 10.

*Lord Lyons to Lord J. Russell.—(Received September 25.)*

(No. 180.)

My Lord,

Washington, September 12, 1859.

I HAD not intended to revert to the subject of the correction which General Cass requested me to make in my recital of his verbal communication to me, respecting the disembarkation of United States' troops upon the Island of San Juan. Having, as I hoped, secured the only important object, that of making your Lordship acquainted with the views of the United States' Government as deliberately expressed by General Cass, I thought it hardly worth while to take up your Lordship's time by entering into details with regard to the previous misconception.

But upon reading over my despatches to your Lordship, No. 176 of the 8th instant, and No. 177 of the 9th instant, and General Cass' note to me of the 8th instant, I have become apprehensive that the entire absence of detailed explanation may possibly lead to its being supposed, either that I was not satisfied that General Cass behaved with perfect candour and sincerity, or that I distrusted my own recollection of the original communication.

Neither of these suppositions would be in the smallest degree true.

The character of the whole of the intercourse which General Cass has held with me since I came to this country, would, in itself, have more than sufficed to prevent my conceiving any suspicion of his dealing uncandidly or unhandsomely with me. But in the present case the dates themselves proved that the necessity for correcting my recital arose from an error regarding the original verbal communication, not from any change made subsequently in the instructions to General Harney. For those instructions had not only been definitively settled, but had actually been sent off before the day on which the original communication was made to me by General Cass.

Your Lordship will recollect that the correction which General Cass desired to make, consisted in cancelling the following passage:—"That consequently he (General Harney) was by no means to take possession of the Island of San Juan, or to set up any jurisdiction there."

On the 8th instant, when General Cass verbally requested me to cancel that passage, he said that if he had made use of expressions such as those contained in it (which he did not recollect having done), he must have intended them merely for a general corollary to the principle that the actual *status* should be maintained in disputed territory; and had certainly not meant to convey to me the idea that they had been inserted in General Harney's instructions, or expressed the view taken by the President of the existing state of things with regard to San Juan.

This is no doubt the true explanation of the mistake; for my recollection of the original communication is perfectly distinct; and I am quite sure that the General made use of the expressions in question, and that he made use of them in immediate connection with the statement that General Harney had been informed that the principle respecting disputed territory was that the actual *status* was to be maintained.

In his note of the 8th instant, General Cass mentions his having explained to me why he could not have made the remark that General Harney was not to take possession of the Island of San Juan, or to set up any jurisdiction there.

The explanation alluded to was, that such a remark would have been inconsistent with the subsequent statement that General Harney had not been ordered to withdraw the troops.

I confess that it had not struck me that there was any incompatibility between the two statements. I did not attribute more than ordinary precision to the language used by the General, and I did not find any difficulty in conceiving that it might be said that foreign troops were to remain for a particular purpose in a territory, without its being implied that they were to take possession of it, or to set up any jurisdiction in it.

I have, &c.

(Signed) LYONS.



## No. 11.

*Lord Lyons to Lord J. Russell.—(Received September 25.)*

(No. 181.)

My Lord,

Washington, September 12, 1859.

GENERAL CASS read to me, the day before yesterday, a paper giving a statement of the purport of the instructions relative to the Island of San Juan, which were dispatched to General Harney on the 3rd instant. The following recital of the contents of that paper is, I feel confident, substantially correct:

“The Acting Secretary of War wrote, on the 3rd instant, to General Harney, instructions which were forwarded from New York by the steamer of the 5th instant, and which were to the following effect:

“That the President was not prepared to hear that he (General Harney) had sent troops to the Island of San Juan; that the President had not expected such an important step would be taken without instructions; that the President considered the Canal de Haro to be the boundary between the United States and British territories, but the British Government disputed this; that the ordinary course, when a point of this kind is in dispute between friendly nations, is to suffer the actual *status* to remain undisturbed until the difference is terminated, more especially when the affair is before a Commission appointed by the two Governments; that if General Harney had reason to believe that the British Colonial authorities were about to disturb the *status* by taking possession of the island or assuming jurisdiction over it, he was right to anticipate them; that the President abstained from expressing any judgment upon the despatch from General Harney, already received; that he would await details by the next steamer; that he desired to have a minute report of all the circumstances, and especially to be informed whether General Harney had apprised the United States’ Commissioner, Mr. Campbell, then not far distant, who had been entrusted by the United States to decide, in conjunction with the British Commissioner, this very boundary question; that General Harney should apprise the British authorities that he had taken possession of the island with a view to protect the rights of American citizens, and to secure the territory of the United States from the incursions of the northern Indians, and that he did not intend, by so doing, to prejudge, in any way, the question regarding whom the island should ultimately be determined to belong to, nor to retain it if it should be adjudged to belong to Great Britain.”

General Cass told me, this morning, that the United States’ Government had received no official intelligence of the occurrences at San Juan since the receipt of General Harney’s first report, and that, consequently, he was still unable either to confirm or to contradict the assertions in the newspapers to which I had referred in the note which I had addressed to him on the 7th instant.

I have, &c.

(Signed) LYONS.

## No. 12.

*Lord Lyons to Lord J. Russell.—(Received September 25.)*

(No. 182.)

My Lord,

Washington, September 12, 1859.

I HAD, the day before yesterday, the honour to receive your Lordship’s despatch No. 42 of the 24th August, containing a proposal to be made on the part of Her Majesty’s Government to the Cabinet of Washington, with respect to the boundary between Her Majesty’s possessions and those of the United States, on the North-west Coast of North America.

In obedience to your Lordship’s orders, I, this morning, read the despatch and its inclosure to the Secretary of State, and placed in his hands copies of those documents, and the chart which accompanied them.

As soon as I had done reading, General Cass, without making any observation upon your Lordship's despatch, took up a paper which lay upon his table, and which, he told me, was a Report, drawn up some time ago by Mr. Campbell, the United States' Commissioner for the settlement of the North-western boundary.

General Cass proceeded to say that in this Report Mr. Campbell gave an account of an interview which he had had with my predecessor, Lord Napier, and stated that Lord Napier had given him at that interview the perusal of a despatch from the Earl of Aberdeen to Mr. Pakenham, dated the 18th May, 1848, and containing instructions respecting the settlement of the Oregon boundary. General Cass pointed out to me a passage quoted from memory by Mr. Campbell from the above-mentioned despatch, to the effect that Mr. Pakenham was to propose that the line of demarkation was to be drawn in such a manner as to leave the whole of Vancouver's Island, with its ports and harbours, in possession of Great Britain.

Since my return home, I have sought in the archives of the Legation for the despatch referred to, and I have found in Lord Aberdeen's despatch to Mr. Pakenham, No. 18 of the 18th May, 1846, the following passage:—

“You will accordingly propose to the American Secretary of State that the line of demarkation should be continued along the 49th parallel from the Rocky Mountains to the sea, and from thence, in a southerly direction, through the centre of King George's Sound and the Straits of San Juan de Fuca to the Pacific Ocean, leaving the whole of Vancouver's Island, with its ports and harbours, in the possession of Great Britain.”

This passage was cited (so far as I can remember) *verbatim*, and correctly by Mr. Campbell, from the words “from thence” to the end.

General Cass appeared to consider that the special reservation of Vancouver's Island to Great Britain implied that no other islands were to be reserved; in other words, that the passage quoted showed that it was Lord Aberdeen's intention that San Juan and all the other islands, except Vancouver's, should fall to the share of the United States.

This inference appears to be not a little strained, especially when the relative size and importance of Vancouver's and the other islands are considered; and when it is recollected that at the time at which Lord Aberdeen's despatch was written, the position of the little islands in the Gulf, and, indeed, their very existence, had hardly been ascertained.

I did not resolve to read your Lordship's despatch to General Cass, without duly considering whether there was anything in the recent unfortunate occurrences at San Juan which rendered it desirable that I should take upon myself the responsibility of postponing the execution of your Lordship's orders, in order to refer to you for fresh instructions. I came, however, to the conclusion that it was, on the contrary, particularly desirable that that despatch should be communicated to the Government of the United States without delay. There was nothing in the recent events at San Juan which could alter the views of Her Majesty's Government with respect to the rights of the British Crown to the island; and I considered it to be very important that it should be made clear to the Government of the United States that those views had been formed without any reference to the proceedings of General Harney's troops, and that the fair and conciliatory proposal respecting the boundary had been dispatched from London a considerable time before any intelligence of those proceedings could have reached Her Majesty's Government.

I have, &c.

(Signed) LYONS.

No. 13.

Lord Lyons to Lord J. Russell.—(Received September 25.)

(No. 189.)

My Lord,

Washington, September 13, 1859.

LIEUTENANT-COLONEL HAWKINS, of the Royal Engineers, arrived here this morning from Vancouver's Island, and delivered to me

despatches from Governor Douglas respecting the recent events at San Juan. Colonel Hawkins will proceed to England by the same packet which will convey this despatch to your Lordship. The letters from Governor Douglas with which he is charged, and the ample details which he will be able to give orally, will make Her Majesty's Government fully acquainted with all that has occurred on the scene of those events.

After obtaining from Colonel Hawkins as much information as the very limited time at my disposal allowed, I went to General Cass, and asked whether the American Government had received to-day any intelligence from San Juan or its neighbourhood. General Cass replied that nothing had reached the Government, except the one report from General Harney, which he had so often mentioned to me; and he added, that the answer of the Government to that report was contained in the instructions of the 3rd September, with the substance of which I had been made acquainted.

I told General Cass that I had just received despatches from Governor Douglas, and had had a conversation with an officer of Her Majesty's army, who had brought them from Vancouver's Island. Time, I said, would not admit of my saying more than a few words; but there were three points to which I felt bound to call the attention of the General without delay.

In the first place I thought it my duty to urge the necessity of sending such positive injunctions to the United States' civil and military authorities at San Juan, and in the neighbourhood, as would insure their restraining not only the troops but the American population from provoking a collision with Her Majesty's troops or civil subjects.

In the second place, I thought it my duty to inform the United States' Government at once that I was assured that there was no foundation whatever for the pretext put forward by General Harney for sending troops to the Island of San Juan. That pretext, as stated in a letter from General Harney to Governor Douglas, dated the 6th ultimo, consisted in an allegation that "insults and indignities had been offered to American citizens, by sending a British ship of war from Vancouver's Island to convey the chief factor of the Hudson's Bay Company for the purpose of seizing an American citizen, and forcibly conveying him to Vancouver's Island to be tried by British laws." I considered it right that the United States' Government should know that both Governor Douglas and Colonel Hawkins stated to me most positively that this allegation was wholly unfounded.

Lastly, I must beg to state to the General that I was further informed that the order of the officer in command of the United States' detachment, by which it was attempted to establish the exclusive jurisdiction of the United States in the Island of San Juan, was a genuine document.

General Cass replied that, as he had received no additional information since he had last seen me, he could only repeat, in the sense of the instruction to General Harney of the 3rd September, that, by the present occupation of San Juan by United States' troops, the question as to the ultimate disposal of the island was not in any way prejudged, and that no attempt would be made by those troops to retain the island, if it should ultimately be determined to belong to Great Britain.

I have, &c.

(Signed) LYONS.

No. 14.

*Captain Prevost, R.N., to the Earl of Malmesbury.—(Received September 26.)*

(No. 8.)  
My Lord,

"*Satellite,*" *San Juan, Haro Archipelago,*  
August 3, 1859.

I REGRET to have to report to you a most unprecedented and unjustifiable act of aggression which has, within the last few days, been committed by the authorities of the United States in this part of the world, upon a portion of the territory which I claim as being on the British side.

of the line of water-boundary established by Article I of the Treaty between Great Britain and the United States of 15th June, 1846.

2. The act to which I thus allude is the landing, without any previous intimation whatever, of a party of soldiers belonging to the established army of the United States, and the establishment of a military post upon the Island of San Juan.

3. Whatever plea may be urged in extenuation of this act, the accompanying document,—the General Order issued by the officer in command,—places it upon a clear and unmistakeable footing, and removes all attempt at excuse as to expediency or necessity.

4. Immediately upon the act becoming known to his Excellency Governor Douglas, a communication was entered into with the senior naval officer at Vancouver's Island, Captain De Courcy, of the "Pylades," and Her Majesty's ship "Tribune" was at once dispatched to San Juan to protect British interests and subjects.

5. Early on the morning of Sunday last, the 31st ultimo, I received a despatch from Governor Douglas, of which a copy is inclosed, requesting me to put myself in immediate communication with Mr. Campbell, the United States' Commissioner, upon the subject of this armed occupation of the Island of San Juan, and with the view of inducing him to undertake such steps as might lead to an understanding calculated to avoid the disturbance of the friendly relations existing between the two countries, and which were placed in such imminent danger by this arbitrary movement upon the part of the Federal authorities. I was unsuccessful in the object of my mission, not having been able to find Mr. Campbell, as will be found detailed in the copy of my report to his Excellency the Governor herewith transmitted for your Lordship's information.

6. I also inclose a copy of the letter addressed to Mr. Campbell, and which I left for him at his head-quarters, Semiahmoo Bay. In the absence of a reply to that letter, I am unable to say what course Mr. Campbell may take, or in what phase he may think fit to represent his own proceedings in the matter; but I would mention to your Lordship the significant fact that Mr. Campbell has been absent from Semiahmoo for upwards of a fortnight, during which period these movements have been matured and carried out; that he has been frequently at San Juan; and that he has taken a direct assenting part in the landing of troops on the island, inasmuch as he proceeded from San Juan in the "Shubrick," a small steam-vessel acknowledged by him to have been placed at his disposal, in search of a vessel employed in the conveyance of stores belonging to the occupying party.

7. Under such circumstances, I respectfully conceive it would be improper for me to hold further communication with Mr. Campbell upon the subject of the determination of the boundary line, unless, indeed, he distinctly disavows all knowledge of the act of aggression, and protests against it; for this attempt to maintain and decide, by armed occupation, a claim to a disputed portion of territory, is so wholly unwarrantable, unprecedented, and discourteous, that, to take the mildest view of the measure, it amounts to a breach of the sacred obligations of the Treaty. I beg, therefore, to solicit your Lordship's early instructions on this head.

8. Lieutenant-Colonel Hawkins, Her Majesty's Commissioner for the land portion of the boundary, has proceeded to England with despatches from Governor Douglas. He will, I doubt not, afford full information to your Lordship upon all points in connection with the seizure of San Juan.

I have, &c.

(Signed) JAMES C. PREVOST.

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Inclosure 1 in No. 14.

*Order issued by Captain Pickett, dated July 27, 1859.*

[See *ante*, p. 13.]

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## Inclosure 2 in No. 14.

*Governor Douglas to Captain Prevost, R.N.**Government House, Victoria, Vancouver's Island,  
July 30, 1859.*

Sir,

A BODY of the troops of the United States of North America having been landed on the Island of San Juan, I conceive it to be a matter of the utmost importance that you should immediately enter into communication with Mr. Campbell, the United States' Boundary Commissioner, with the view of ascertaining from him if such occupation has taken place with his previous cognizance, or by instructions from his Government.

Also, that you inquire whether he has received information of the settlement of the water-boundary south of the 49th parallel of latitude.

If he has received no such information, it is suggested that you urge him to use his influence as Commissioner with the military authorities in Washington territory to induce them to refrain from any course which may lead to acts of violence, or disturb the amicable relations at present existing between the Governments of Great Britain and the United States, which the armed occupation of the Island of San Juan may produce.

I have, &amp;c.

(Signed) JAMES DOUGLAS.

## Inclosure 3 in No. 14.

*Captain Prevost, R.N., to Governor Douglas.**"Satellite," off Victoria, Vancouver's Island,  
August 1, 1859.*

Sir,

I HAVE the honour to acknowledge the receipt of your Excellency's despatch of the 30th ultimo, which reached my hands at 2:30 A.M. of the 31st ultimo, calling upon me to enter into immediate communication with Mr. Campbell, the United States' Commissioner, with a view of ascertaining under what circumstances an armed occupation of the Island of San Juan by a body of United States' soldiers had taken place, and of inducing him to concert such measures as might be calculated to prevent any action resulting which would imperil the amicable relations existing between the Governments of Great Britain and the United States.

2. In compliance with your Excellency's requisition I left Esquimalt yesterday morning at 8 A.M., and made the best of my way to Semiahmoo Bay, the head-quarters of the United States' Boundary Commission. Upon arrival there I found that Mr. Campbell had been absent for about a fortnight, and I could glean no information as to his probable position or movement. I, therefore, left a letter for him, calling upon him in urgent terms to take some steps to avoid a collision, in consequence of this wholly unprecedented and unjustifiable act of taking possession by an armed force of a portion of territory which it was our duty as Commissioners on the part of our respective Governments to assign to either Government as the Treaty might be found to determine, and which had not yet been so assigned; and I immediately afterwards proceeded to Bellingham Bay, thinking it possible I might find Mr. Campbell there. Upon arrival I communicated both with the town and with the military post, but could gain no tidings of Mr. Campbell. I therefore anchored for the night, and this morning I weighed and crossed over to San Juan.

3. Upon anchoring, I waited upon Captain Hornby of the "Tribune," and afterwards proceeded to the military encampment on shore, which was in the act of being removed from the shore of Griffin Bay to the other side of the island. I addressed myself to Captain Pickett, of the United States' army, commanding the detachment, and asked him to inform me where I could find Mr. Campbell; he told me that Mr. Campbell had been there the preceding evening in the steam-vessel "Shubrick," and had left for the northward, but he professed ignorance of his exact destination. I may here mention that when I was at San Juan on the 27th ultimo,

Mr. Campbell was then in the "Shubrick," professedly on a deer-shooting excursion, and left at the same time as the "Satellite," avowedly in search of the "Constitution," steam-vessel, with military stores on board for the detachment at San Juan. As it was, therefore, very uncertain whether Mr. Campbell had even now proceeded to Semiahmoo Bay, I did not feel justified in expending additional time in following him, and I, therefore, frankly stated to Captain Pickett the object of my seeking Mr. Campbell, and my earnest hope that some arrangement might be arrived at which would preclude the possibility of a collision between the two nations. Captain Pickett answered me very readily, and said he was very glad of having the opportunity of speaking to me in as frank a manner as I had addressed him; he remarked he was merely a subordinate carrying out the orders of his superior, and that he was there for the purpose of affording protection to the citizens of the United States, and of enabling the Civil power to carry out the law, but that it was the most sincere desire of both the Magistrate and himself so to conduct matters as to avoid any misunderstanding; that the territory belonged to the United States, and, therefore, they were perfectly justified in all their acts with regard to it, and that the strictest orders had been given to protect and respect the property of settlers on the island, British or otherwise. I told him that I did not admit that the territory belonged to the United States, that I claimed it on the part of Her Britannic Majesty; and as the line of boundary was still in abeyance, the act of violence committed by landing an armed force without any communication with me, or with British authorities, was as discourteous as it was unjustifiable. In course of conversation I observed, that if they persisted in retaining armed possession of the island, we might be called upon, in self-defence, to also occupy the island with an armed force. He replied that any action of this nature would only take place under his most solemn protest; but he, at the same time, remarked that the island was quite large enough for both. I particularly pointed out to him how inevitable a collision would be if any attempt were made as against the persons or property of British subjects. He repeated that both the magistrate and himself would act with the greatest caution and latitude to avoid any circumstance of this nature. He informed me that the Magistrate had yesterday held a Court, at which a prisoner had been heavily fined for shooting a boar belonging to the Hudson's Bay Company, and the amount would be paid over into the hands of their agents as compensation for the loss.

4. Captain Pickett intimated his readiness to reply to any questions I might put to him in writing, and, indeed, signified his desire that I should enter into correspondence with him on the subject, but to this I, of course, declined to accede.

5. Before taking my leave, Captain Pickett furnished me, at my request, with a copy of a General Order he had issued on the 27th ultimo, a copy of which I herewith inclose. That the possession of the island is wholly a military one, no further evidence than the issue of this order is, I think, required.

6. I communicated with Major de Courcy, the Stipendiary Magistrate appointed by your Excellency, who informed me that he awaited further instructions as to his proceedings. He mentioned that a rumour had reached him to the effect that an attempt was about to be made to levy taxes on the property of the Hudson's Bay Company on the island.

7. I weighed from San Juan at 1-30 P.M., to report these matters to your Excellency with the least possible delay.

I have, &c.

(Signed) JAMES C. PREVOST,

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Inclosure 4 in No. 14.

*Captain Prevost, R.N., to Mr. Campbell.*

Sir,

"Satellite," Semiahmoo Bay, July 31, 1859.

A BODY of troops, professedly belonging to the army of the United States, having entered upon an armed occupation of the Island of San

Juan, in the Haro Archipelago, I have the honour very respectfully to request you will be pleased to acquaint me, at your earliest convenience, whether such occupation has been effected with your cognizance or consent, previous or otherwise, and if so, whether you have received any intimation that the exact direction of the line of water-boundary south of the 49th parallel of north latitude, under the Treaty of the 15th June, 1846, has been settled, or whether this movement of occupation is the result of instructions, direct or otherwise, from the Government of the United States.

2. If you are prepared to return me a negative answer to the foregoing queries, I would most earnestly implore you to undertake individually, or in concert with me, such steps as may induce the military authorities in Washington territory to abstain from any course which might lead to acts of violence, and which might in the least degree imperil the amicable relations and good understanding of two countries, knit together by firmer bands of kindred, and more extensive ties of commerce, than any other two nations of the world.

3. It is not for me to comment upon the act, during a period when the most friendly relations are existing, of seizing by violence a portion of territory which we were commissioned by our respective Governments amicably to assign to either Government as the Treaty might be found to determine, and which has not yet been so assigned; but I may remark that an act so unprecedented in the history of civilized and enlightened nations, and so contrary to that natural courtesy which is due from one great nation to another, cannot be productive of good, and may, in the end, entail such serious consequences that I am sure both you and I would deplore to the last hour of our existence, any hesitation or neglect, on our parts, to do all that lies in our power to avert impending evil. For this end I have lost no time in seeking you, and I would again ask you to let me beg you to urge the adoption of some instant measures calculated to prevent any untoward and lamentable crisis.

I have, &c.

(Signed) JAMES C PREVOST.

No. 15.

*Captain Prevost, R.N., to the Earl of Malmesbury.—(Received September 26.)*

(No. 9.)  
My Lord,

*"Satellite," Esquimalt, Vancouver's Island,  
August 6, 1859.*

IN continuation of my despatch of the 3rd instant, No. 8, I have the honour to acquaint your Lordship that I succeeded on the 4th instant in putting myself in communication with Mr. Campbell, the United States' Commissioner; and I received from him upon that day a letter addressed to me in reply to my letter of the 31st ultimo, a copy of which forms Inclosure No. 4 to my before-mentioned despatch.

2. I forward herewith a copy of Mr. Campbell's letter; also the copy of a further letter I addressed to Mr. Campbell, calling upon him to protest against the armed occupation of any part of the territory that might be in discussion between us, and also Mr. Campbell's reply to such requisition, and my answer to Mr. Campbell's first-mentioned letter.

3. From these documents your Lordship will perceive, not only that I failed in arriving at any satisfactory result with Mr. Campbell, but that he evaded the principal question at issue, and questioned in angry and discourteous terms my right to "catechize" him upon the subject, "the movements and operations of the military forces of the United States forming no part of the Joint Commission."

4. The more reflection I give to the subject the more satisfied I am, in my own mind, that this unjustifiable action with regard to the Island of San Juan originates solely with General Harney, the officer commanding the troops in Washington territory, and with Mr. Campbell; and that it does so on the part of the former, for the purpose of obtaining political

capital and general notoriety, it being rumoured that he proposes to offer himself as a candidate for the Presidency.

5. I have, in view of this opinion, already in my former despatch mentioned several significant facts in connection with the concurrence, in the proceedings, of Mr. Campbell: I would now mention one or two more which have occurred to me since. General Harney was at Semiahmoo Bay, in communication with Mr. Campbell a few days prior to the troops being landed on the island. The orders were issued the instant he returned to his head-quarters, and the movement was carried out with secrecy, and with undue and unnecessary haste; and lastly, the inability of Mr. Campbell to deny, in a calm and dignified manner, suitable to the position he holds, his participation and concurrence in the transaction.

6. Under these circumstances, with regard to Mr. Campbell, I await your Lordship's further instructions as to my future course. I shall decline to hold any communication with Mr. Campbell, should he call upon me, until I have received your instructions; for having detected him in an act which is really but little short of active hostility against Her Majesty the Queen, letting alone his evasive and almost insulting letter, I consider I cannot, with any regard for the dignity of Her Majesty's Commission, and my own self-respect, have further intercourse with him.

7. I inclose herewith a copy of the "Victoria Gazette," from which your Lordship may glean several particulars relating to the occupation of San Juan, that may be interesting.

I have, &c.  
(Signed) JAMES C. PREVOST.

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Inclosure I in No 15.

*Mr. Campbell to Captain Prevost, R.N.*

Sir,

*Camp, Semiahmoo, August 4, 1859.*

I HAVE the honour to acknowledge the receipt of your letter of the 31st ultimo, in which you propound to me certain inquiries in regard to what you are pleased to characterize as an armed occupation of the Island of San Juan by a body of troops professedly belonging to the army of the United States.

As the supervision of the movements and operations of the military forces of the United States forms no part of the duties of the Joint Commission for carrying into effect Article I of the Treaty of June 15, 1846, I cannot recognize your pretensions to catechize me thereupon, and, therefore, I decline to return you either a positive or negative answer to your queries.

I cannot, however, allow your communication to pass without expressing my surprise that one who has had so many opportunities of forming a just appreciation of the Military Authorities in Washington territory as you have, should venture such a reflection upon their honour and integrity as is implied in your earnest entreaty to me, to undertake individually, or in concert with you, "such steps as may induce them to abstain from any course which might lead to acts of violence." Notwithstanding the friendly relations that subsist between myself and the officers of the army constituting the military authorities in Washington territory, I have too much prudence and self-respect thus to intermeddle with the performance of their duties.

Considering the professed object you have in view, I think you are most unfortunate in your comments upon the presence of the United States troops on the Island of San Juan; and, I may add, that they are not altogether in accordance with that "natural courtesy" which might be expected in a communication like that which you have stepped out of your official position as Commissioner, to address me.

Notwithstanding the apparent air of moderation with which you have clothed your words, there pervades your whole communication a vein of assumption, and an attempt at intimidation, by exciting apprehension of



evil, not well calculated to produce the effect you profess so ardently to desire.

I have, &c.  
(Signed) ARCHIBALD CAMPBELL.

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Inclosure 2 in No. 15.

*Captain Prevost, R.N., to Mr. Campbell.*

Sir, "Satellite," Semiahmoo Bay, August 4, 1859.

I HAVE duly received your letter of this date acknowledging the receipt of my letter of the 31st ultimo.

2. I need scarcely observe to you that your said letter is not a reply to my communication of the date mentioned: it evades the principal question at issue, and exhibits no desire to reciprocate with me in a friendly intercourse, such as I have right to expect from a Commissioner appointed to treat with me by a Government whose relations are in such perfect harmony with the Government of Her Britannic Majesty.

I have, &c.  
(Signed) JAMES C. PREVOST.

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Inclosure 3 in No. 15.

*Captain Prevost, R.N., to Mr. Campbell.*

Sir, "Satellite," Semiahmoo Bay, August 4, 1859.

A BODY of troops belonging to the army of the United States having entered upon armed occupation of the Island of San Juan, in the Haro Archipelago, and as such island forms part of the territory involved in the boundary established by the Treaty between Great Britain and the United States of the 15th June, 1846, I have to call upon you as the Commissioner appointed by the Government of the United States to determine in conjunction with me the line of water-boundary under the aforesaid Treaty, to enter into a protest against the armed occupation of any part of such territory, the same being contrary to every principle of international law, and antagonistic to the pacific mission upon which both you and I are employed.

I have, &c.  
(Signed) JAMES C. PREVOST.

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Inclosure 4 in No. 15.

*Mr. Campbell to Captain Prevost, R.N.*

Sir, Camp, Semiahmoo, August 5, 1859.

I HAVE the honour to acknowledge the receipt of your letter of the 4th instant, and, in reply thereto, I refer you to my letter of the same date for the views I entertain of the duties of the Joint Commission in regard to the movements and operations of the military forces of the United States.

I have, &c.  
(Signed) ARCHIBALD CAMPBELL.

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## No. 16.

*Lord J. Russell to Lord Lyons.*

(No. 68.)

My Lord,

*Foreign Office, September 26, 1859.*

YOUR Lordship's despatches to No. 189 inclusive of the 13th of September, have been received and laid before the Queen.

With reference to your despatches Nos. 176, 177, 180, 181, and 189, of the 8th, 9th, 12th, and 13th instant, I have to state to you that Her Majesty's Government await with anxiety the further decision of the Government of the United States respecting the Island of San Juan.

The withdrawal of the United States' troops, or an arrangement for joint occupation by British Marines and the military force of the United States, would provide for the immediate difficulty.

But the course most conducive to permanent relations of friendship between the two countries would be the acceptance by the United States of the fair and equitable proposal contained in my despatch No. 42 of the 24th August.

Your Lordship is instructed to press these points on the attention of General Cass, and to inform him that the course of Her Majesty's Government will be guided by the nature of his reply.

I am, &c.  
(Signed) J. RUSSELL.

## No. 17.

*The Secretary to the Admiralty to Mr. Hammond.—(Received September 28.)*

Sir,

*Admiralty, September 27, 1859.*

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of Her Majesty's Secretary of State for Foreign Affairs, a copy of a letter from Rear-Admiral Baynes, dated the 12th ultimo, with copies of its inclosures, relative to the military occupation by the United States of the Island of San Juan in the Canal de Haro.

I am, &c.  
(Signed) W. G. ROMAINE.

## Inclosure 1 in No. 17.

*Rear-Admiral Baynes to the Secretary to the Admiralty.*

*"Ganges," in Esquimalt Harbour, Vancouver's Island,  
August 12, 1859.*

Sir,

I HAVE to request you will acquaint my Lords Commissioners of the Admiralty that, in consequence of an urgent requisition from his Excellency the Governor of Vancouver's Island, grounded on a despatch he had received from General Harney, commanding the United States' troops in Oregon, respecting the military occupation of the Island of San Juan, in the Canal de Haro, a copy of which I inclose, that Her Majesty's Government should be informed as speedily as possible of the reasons assigned by General Harney for this (I can give it no other term) most unjustifiable act, I shall send the "Pylades" to-morrow to San Francisco, in order to overtake the mail that will leave that place on the 20th instant.

2. Since my last letter the Americans have landed about 160 more troops, with some guns, increasing the force to between 200 and 300 men, and there is a rumour that an additional number are coming from the Columbia river.

3. Hitherto all has gone on quietly, which is to be attributed to the

sound judgment and discretion of Captain Hornby, of the "Tribune," which ship is in Griffin Bay, and the Stipendiary Magistrate, Major de Courey, on shore; and I do trust that we may be able to avoid any collision. I am happy to say that the Governor takes at present the same view as myself of our position.

4. On my arrival it was contemplated to establish, on our part, a military station on the island, which I should have regretted much, as it could not but hasten that which it was our anxious wish to avoid—a collision, which, if once commenced, would most probably have involved the two nations in a war.

I assume that neither country can claim the sovereignty of the island while the boundary line is under discussion, consequently either may have free access. Their Lordships will see by General Harney's letter his reasons for taking the steps he has done, which statement is totally denied by the Governor's notation in the margin, and I beg further to add that no ship of war had anchored or communicated with the Island of San Juan from between the 7th May and 27th July last.

5. Yesterday Lieutenant-Colonel Casey, commanding the United States' troops at San Juan, with two officers of that army, and Mr. Campbell, the American Boundary Commissioner, came to Esquimalt harbour in a small steamer, for the purpose of seeing me, having previously given notice to Captain Hornby that they intended to do so.

On their arrival I received the note Inclosure No. 4. This I answered by note Inclosure No. 5. Inclosure No. 6 was then brought on board by another officer, at which I expressed my regret that they would not do me the honour to come on board the "Ganges." The steamer then left.

These officers had no authority whatever to treat, and it is extraordinary that they could have expected me to descend from my position to meet them on board the United States' steamer when the interview was sought by them.

6. This unforeseen occurrence will prevent my carrying out their Lordships' instructions in sending the "Ganges" to England at present, as I think it necessary, not only for its moral effect, but that I may have an available force to act in case some mischance should render it necessary.

I have, &c.  
(Signed) R. BAYNES.

Inclosure 2 in No. 17.

*Governor Douglas to Rear-Admiral Baynes.*

*Government House, Victoria, Vancouver's Island,  
August 12, 1859.*

Sir,

I HAVE the honour to inform you that I have received a despatch from Brigadier-General Harney, of the United States' Army, commanding the troops in Washington territory, upon the subject of the occupation of the Island of San Juan, and acquainting me with the reasons which induced him to undertake that movement.

2. As it is of the utmost importance that this document should be in possession of Her Majesty's Government at the very earliest moment, in order to prevent much misunderstanding and future evil, and as there is still time, if a vessel start at once, to save the mail from San Francisco, of the 20th August, I have to beg you will grant me the assistance of one of the vessels-of-war under your command, to proceed immediately to San Francisco with despatches.

I shall be prepared with my despatches by 4 o'clock this afternoon.

I have, &c.  
(Signed) JAMES DOUGLAS.

## Inclosure 3 in No. 17.

*Brigadier-General Harney to Governor Douglas.**Head-Quarters, Oregon, Fort Vancouver,  
Washington Territory, August 6, 1859.*

Sir,

I HAVE the honour to inform you of the receipt of an official copy of a protest made by you to the occupation of San Juan Island, in Puget Sound, by a company of the United States' troops under my command.

This official copy was furnished by Captain Hornby, of Her Majesty's ship "Tribune," to the United States' officer in command at San Juan Island, Captain J. Pickett, of the 9th Infantry of the American army, together with a communication threatening a joint occupation of San Juan Island by the forces of Her Majesty's ships "Tribune," "Plumper," and "Satellite," now in the harbour of that island by your orders.

As the Military Commander of the Department of Oregon, assigned to that command by orders of the President of the United States, I have the honour to state, for your information, that by such authority invested in me, I placed a military command upon the Island of San Juan, to protect the American citizens residing on the island from the insults and indignities which the British authorities of Vancouver's Island, and the establishment of the Hudson Bay Company, have recently offered them, by sending a British ship-of-war from Vancouver's Island to convey the chief factor of the Hudson Bay Company to San Juan, for the purpose of seizing an American citizen, and forcibly transporting him to Vancouver's Island, to be tried by British laws.

I have reported this attempted outrage to my Government, and they will doubtless seek the proper redress from the British Government. In the meantime, I have the honour to inform your Excellency I shall not permit a repetition of that insult, and I shall retain a command on San Juan Island to protect its citizens in the name of the United States until I receive further orders from my Government.

I have, &c.  
(Signed) W. S. HARNEY.

## Inclosure 4 in No. 17.

*Lieutenant-Colonel Casey to Rear-Admiral Baynes.**United States' steamer "Shubrick," Esquimalt Harbour,  
Vancouver's Island, August 11, 1859.*

LIEUTENANT-COLONEL CASEY, United States' Army, commanding the forces on San Juan Island, presents his compliments to Admiral Baynes, commanding Her Britannic Majesty's naval forces on the Pacific Coast, and would be happy to meet the Admiral in conference on board the United States' steamer "Shubrick" in this harbour, at his earliest convenience.

## Inclosure 5 in No. 17.

*Rear-Admiral Baynes to Lieutenant-Colonel Casey.**August 11, 1859.*

REAR-ADMIRAL BAYNES presents his compliments to Lieutenant-Colonel Casey, and regrets that circumstances prevent his doing himself the honour of meeting Lieutenant-Colonel Casey on board the "Shubrick," but Rear-Admiral Baynes will have great pleasure in receiving Lieutenant-Colonel Casey, and any one who may wish to accompany him, on board the "Ganges."

## Inclosure 6 in No. 17.

*Lieutenant-Colonel Casey to Rear-Admiral Baynes.**United States' steamer "Shubrick," Esquimalt Harbour,  
Vancouver's Island, August 10, 1859.*

LIEUTENANT-COLONEL CASEY regrets that circumstances prevent Rear-Admiral Baynes from accepting his invitation to meet him on board the "Shubrick" according to his request.

## No. 18.

*Mr. Merivale to Mr. Hammond.—(Received September 28.)*

Sir,

*Downing Street, September 27, 1859.*

I AM directed by the Duke of Newcastle to send you, for the information of Lord John Russell, copy of a despatch, with its inclosures, received from the Governor of Vancouver's Island, containing further details and correspondence as to the occupation of the Island of San Juan by United States' troops.

I am, &amp;c.

(Signed) HERMAN MERIVALE.

## Inclosure 1 in No. 18.

*Governor Douglas to Sir E. B. Lytton.*

Sir,

*Victoria, Vancouver's Island, August 12, 1859.*

I HAVE the honour to forward to you, herewith, the copy of a despatch which I received late on the evening of the 10th instant, from Brigadier-General Harney, of the United States' army, commanding the troops in Washington territory, referring to the subject of the occupation of San Juan Island by a body of United States' troops, and acquainting me with the reasons which induced him to undertake such a movement.

2. It will be noticed that General Harney does not touch upon the question of sovereignty. He states that he placed a military command "upon the Island of San Juan to protect the American citizens residing on the island from the insults and indignities which the British authorities of Vancouver's Island, and the establishment of the Hudson's Bay Company, have recently offered them, by sending a British ship of war from Vancouver's Island to convey the chief factor of the Hudson's Bay Company to San Juan, for the purpose of seizing an American citizen, and forcibly transporting him to Vancouver's Island, to be tried by British laws."

3. It is therefore evident that the occupation of the island is owing solely to orders issued by General Harney.

4. Did the reasons for the movement which he alleges exist, they would not justify him in acting as he has done, by placing American troops upon San Juan, without giving me the slightest previous intimation: but the reasons do not exist; the tale which has been imposed upon him is a fabrication. No British man-of-war was sent from Vancouver's Island, with the chief factor of the Hudson's Bay Company, to seize an American citizen, and to transport him to Vancouver's Island; nor has any act of a like nature ever happened. On the contrary, although numbers of American citizens have recently squatted upon San Juan, no interference has occurred or has even been contemplated. They have been allowed to remain unmolested, out of respect and consideration for the friendly Government to which they belonged, and which Government, we felt assured, would readily atone for any wrong done by its citizens.

5. It being, therefore, clearly established that the military occupation of San Juan has been undertaken without the knowledge or authority of

the Government of the United States, and upon grounds that are entirely false, both in fact and in principle, national courtesy demands that the question should be referred to the Federal Cabinet, as we have no right to presume that they will, for one moment, support the course adopted by General Harney.

6. Under that course it would be very easy for me, in following no more than the ordinary line of my duty, to plunge the two countries into all the agonies of a deadly contest—indeed, the greatest prudence is required to avoid it; but I can scarcely presume that Her Majesty's Government would desire or approve of such a measure, and now, I conceive, under the circumstances, it would not be the most dignified mode of action that could be adopted.

7. Her Majesty's Government may rest assured that I will act with all discretion and forbearance to prevent a collision, but the danger is imminent, and we know not at what moment a collision may be forced upon us: 150 additional United States' troops were landed upon San Juan the day before yesterday, and it is confidently rumoured that 500 more are on their way thither from the Columbian river.

I would observe, that but a few days prior to the occupation of San Juan, General Harney, who had been on a tour of inspection in Puget Sound, visited Victoria, and waited upon me. He made no complaint to me of the treatment of any American citizens with the "insults and indignities" which he now asserts; and yet at that time he must, I should think, have been in full possession of all the points of the fancied grievance as he now gives it, for he had landed upon San Juan just before, and, doubtless, was in communication with the American citizens there, and his silence, although not inexplicable, is significant when viewed in connection with the General Order issued on the island by Captain Pickett, and with the different complexion which the whole matter now bears.

9. I have not yet replied to General Harney's despatch, but I propose to do so, to the effect that, having clearly stated the reasons which led to his ordering a military occupation of the island, and as such reasons do not exist, there can be no necessity for a continuance of such occupation, and I shall, therefore, beg him to withdraw the troops now upon San Juan.

I have, &c.  
(Signed) JAMES DOUGLAS.

Inclosure 2 in No. 18.

*Brigadier-General Harney to Governor Douglas, August 6, 1859.*

[See Inclosure 3 in No. 17.]

Inclosure 3 in No. 18.

*Governor Douglas to Sir E. B. Lytton.*

Sir,

*Victoria, Vancouver's Island, August 12, 1859.*

I HAVE the honour of transmitting herewith, for the information of Her Majesty's Government, the copy of a Message which I addressed to the Legislative Council and House of Assembly of Vancouver's Island on the 3rd day of August instant, and of an Address in reply, which I have just received from the House of Assembly, respecting the occupation of San Juan by a detachment of United States' troops.

2. I beg to call your attention to the recommendation of the House of Assembly that greater encouragement should be given to emigrants from the United Kingdom than is possible under the existing law regulating the sale price of public land in Vancouver's Island, in order to ensure the rapid settlement of the country with a British population; a suggestion which I conceive worthy of our most serious attention.

I have, &c.  
(Signed) JAMES DOUGLAS.

## Inclosure 4 in No. 18.

*Message of Governor Douglas to the Legislative Assembly of Vancouver's Island.*

[See *ante*, p. 14.]

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## Inclosure 5 in No. 18.

*Orders issued by Captain Pickett, dated July 27, 1859.*

[See *ante*, p. 13.]

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## Inclosure 6 in No. 18.

*Certificate.*

*Territory of Washington, County of Whatcum.*

I HEREBY certify that, on the 30th day of July, A.D. 1859, William Smith and Isaac E. Higgins were duly appointed and qualified as constables on and for the precinct of San Juan, county of Whatcum and territory of Washington. All persons are, therefore, in the name of the United States, commanded to obey their orders as such.

Given under my hand this 1st day of August, A.D. 1859, and the 84th year of the Independence of the United States of America.

(Signed) HENRY R. CROSBIE,  
*Justice of the Peace.*

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## Inclosure 7 in No. 18.

*Mr. Marcy to Mr. Crampton, July 17, 1855.*

[See *ante*, p. 20.]

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## Inclosure 8 in No. 18.

*Mr. Marcy to the Governor of Washington Territory, July 14, 1855.*

[See *ante*, p. 19.]

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## Inclosure 9 in No. 18.

*Mr. Helmcken to Governor Douglas.*

*House of Assembly, August 12, 1859.*

THE Speaker has the honour to inform his Excellency the Governor that the following Address was unanimously agreed to in the House of Assembly this day:—

“The House acknowledges the receipt of your Excellency’s communication of the 3rd instant, relating to the clandestine invasion of San Juan Island by United States’ troops, and the steps to be adopted in relation thereto.

“Since that communication it is well known that additional forces have been landed.

“The House, therefore, would respectfully inquire why the British forces were not landed to assert our just right to the island in question, and to uphold the honour of our country and our Queen.

“The House would most urgently impress upon your Excellency to enforce upon Her Majesty’s Government the necessity of demanding from

the Government of the United States, not only the immediate withdrawal of these troops, but also strenuously and at all risks to maintain her right to the island in question, and also to all other islands in the same Archipelago, now so clandestinely, dishonourably, and dishonestly invaded.

“It is not for our country to be wantonly and insolently insulted, but redress must be demanded.

“The weakness of the colony is its greatest danger, and at the same time an inducement for the repetition of similar offences by similar persons. Let it, therefore, be urged upon Her Majesty’s Government, that sending out colonists rapidly from Great Britain is the surest way, not only of maintaining peace, but of preserving intact Her Majesty’s possessions.

“Coupled with this the House would propose that free and liberal grants of land be given to such emigrants after settling thereon for a certain time.”

(Signed) J. S. HELMCKEN, *Speaker*.

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No. 19.

*Mr. Merivale to Mr. Hammond.—(Received September 28.)*

(Confidential.)

Sir,

*Downing Street, September 28, 1859.*

WITH reference to your letter of the 19th of this month inclosing copies of a despatch and of a further telegram from Lord Lyons on the subject of the American occupation of the Island of San Juan, I am directed by the Duke of Newcastle to request that you will inform Lord John Russell that his Grace cannot but regard the intelligence thus conveyed as extremely unsatisfactory.

Considering the great importance to this country of retaining possession of the Island of San Juan, his Grace submits to Lord John Russell whether it would not be advisable to cause reinforcements to be sent to our naval force in that quarter; and if such is his Lordship’s opinion, the Duke will communicate accordingly with the Lords of the Admiralty.

I am, &c.

(Signed) HERMAN MERIVALE.

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No. 20.

*Lord Lyons to Lord J. Russell.—(Received September 29.)*

(Telegraphic.)

*Washington, September 14, 1859.*

GENERAL SCOTT, Commander-in-chief of the whole of the United States’ army, in whose discretion and moderation the President has perfect confidence, is ordered to embark at New York on the 19th instant, for North-west Frontier, where he will take the command over General Harney.

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No. 21.

*Mr. Elliot to Mr. Hammond.—(Received September 30.)*

Sir,

*Downing Street, September 30, 1859.*

I AM directed by the Duke of Newcastle to transmit to you, for the information of Lord John Russell, the copy of a despatch which his Grace proposes to address to the Governor of Vancouver Island by the mail of the 1st October, on the subject of the occupation of the Island of San.



Juan by a party of American soldiers under the orders of General Harney.

I am, &c.  
(Signed) T. FREDK. ELLIOT.

Inclosure in No. 21.

*Draft of a Despatch from the Duke of Newcastle to Governor Douglas.*

Sir,

*Downing Street, September 29, 1859.*

I HAVE to acknowledge your despatches of the 12th ultimo, received by the mail just arrived, and which relate to the landing of a party of United States' soldiers under the orders of General Harney upon the Island of San Juan, the dominion over which forms a part of the boundary question now under discussion between the Governments of the two countries.

2. It is with much concern that Her Majesty's Government have received the intelligence of this unjustifiable proceeding, which appears to have been as unnecessary for the protection of American citizens, as it was unprovoked by any act of the Colonial authorities of Great Britain.

3. Her Majesty's Government fully approve of the Message which you addressed on this subject to the Legislative Council and House of Assembly of Vancouver Island, which is at once dignified in its tone, and conciliatory towards the Government of that Republic whose citizens have acted with such want of courtesy to a friendly nation. They also feel it to be a cause for satisfaction that your original intention of sending British troops to the island for the purpose of a joint occupation was not carried out. Such a measure might have led, at the moment in question, to further disagreements, or even to collision.

4. I have to instruct you not to withdraw from San Juan the gentleman whom you have sent there to act as a Magistrate; but it is necessary that you should impress on him the necessity and duty of cautiously forbearing from all acts which may lead to hostile manifestations by the United States' officers. You are also not to land troops in the island, or to take any further steps without instructions from this Department or from Lord Lyons, unless the Americans should endeavour to remove by force the British Magistrate from the island, or unless such steps should be required for the protection of the lives and property of British subjects.

5. I transmit to you copies of the correspondence which has taken place on this subject between Her Majesty's Government and Lord Lyons, and you shall receive further instructions as soon as an answer arrives from Washington to Lord John Russell's despatch of the 24th August last.

I have, &c.  
(Signed) NEWCASTLE.

No. 22.

*The Secretary to the Admiralty to Mr. Hammond.—(Received September 30.)*

Sir,

*Admiralty, September 30, 1859.*

WITH reference to your letter of the 24th instant, I am commanded by my Lords Commissioners of the Admiralty to request to be furnished with two copies of the printed Memorandum, drawn up at the Foreign Office, respecting the question of the Island of San Juan, in order that they may be sent confidentially to Rear-Admiral Baynes and the Senior Officer of Her Majesty's ships at Vancouver's Island.

As the Pacific mail will be made up to-morrow, their Lordships would be glad to know what instructions are to be sent to Admiral Baynes, and

whether his proceedings hitherto, as stated in the inclosures to my letter of the 27th instant, are to be approved.

I am, &c.  
(Signed) W. G. ROMAINE.

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## No. 23.

*Mr. Hammond to the Secretary to the Admiralty.*

Sir,

*Foreign Office, October 1, 1859.*

I HAVE laid before Lord John Russell your letter of the 27th instant, inclosing a copy of a despatch from Rear-Admiral Baynes, explaining his views with reference to the occupation of the Island of San Juan by an American military force; and I am to request that you will state to the Lords Commissioners of the Admiralty that Lord John Russell is of opinion that the Admiral may be informed that Her Majesty's Government approve of his views and conduct, as set forth in his despatch.

With regard to the wish of the Board of Admiralty to be informed what instructions are to be sent to Admiral Baynes, I am to state to you that Lord John Russell is of opinion that he should be informed that Lord Lyons is in communication with the Government of the United States on the subject of the late proceedings at San Juan, and that, as matters now stand, the Admiral should remain with his flag-ship in the waters of Vancouver's Island, and continue, as far as possible, to act upon the views expressed in his despatch of the importance of avoiding any collision with the forces of the United States.

I am, &c.  
(Signed) E. HAMMOND.

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## No. 24.

*Mr. Hammond to the Secretary to the Admiralty.*

Sir,

*Foreign Office, October 2, 1859.*

I AM directed by Lord John Russell to request that you will move the Lords Commissioners of the Admiralty to dispatch a first-class frigate, and a vessel of the size of the "Clio," to Vancouver's Island.

I am to add, that a line-of-battle ship to join Admiral Houston Stewart at Bermuda would be useful.

I am, &c.  
(Signed) E. HAMMOND.

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## No. 25.

*The Secretary to the Admiralty to Mr. Hammond.—(Received October 2.)*

Sir,

*Admiralty, October 1, 1859.*

I AM commanded by my Lords Commissioners of the Admiralty to transmit to you herewith, for the information of Lord John Russell, a copy of a letter from Captain Prevost, of Her Majesty's ship "Satellite," Her Majesty's Commissioner for settling the line of water-boundary between the possessions of Great Britain and the United States in British Columbia, relative to certain points in dispute between that officer and the United States' Commissioner, and reporting that the Island of San Juan had been taken possession of by American troops.

I am, &c.  
(Signed) W. G. ROMAINE.

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## Inclosure in No. 25.

*Captain Prevost, R.N., to the Secretary to the Admiralty.*

*"Satellite," Esquimalt, Vancouver's Island,  
August 6, 1859.*

Sir,

I HAVE the honour to request that you will be pleased to acquaint the Lords Commissioners of the Admiralty with the following particulars, having reference to my position as Her Majesty's Commissioner for determining the line of water-boundary under Article I of the Treaty between Great Britain and the United States, of 15th June, 1846.

2. From the correspondence I already have had the honour to address to you, their Lordships are aware that the main point in dispute between my American colleague and myself, and which has caused a reference of the matter to Her Majesty's Government, is his inflexible adherence to the Canal de Haro as the channel of the Treaty. I have before at length explained my reasons for rejecting such a settlement, but it may not be inconvenient that I should briefly repeat those which, in my opinion, carry with them the greatest weight.

3. The American Commissioner contends that the Canal de Haro is the channel of the Treaty; first, because it was the channel described by the American Plenipotentiary in London prior to the proposition being received from the British Government; secondly, because islands being appertinent to a continent, it is manifest that when the line of boundary is to pass through the channel separating the continent from Vancouver's Island, the navigable channel should be taken which is nearest to Vancouver's Island; thirdly, because the 49th parallel was the principle of the Treaty, and the line was deflected into the Straits of Fuca, only to avoid cutting off the southern cape of Vancouver's Island: therefore, the nearest channel to Vancouver's Island is the channel of the Treaty.

4. In my humble opinion, no interpretation of the Treaty consistent with common sense, no amount of latitude attached to the particular words themselves, can prove the Canal de Haro to be the boundary channel. If it be urged that the Treaty points to the Canal de Haro as the channel intended, I can only admit that it does so by the most extraordinary perversion of human language that was ever witnessed. I feel satisfied that Mr. Campbell's doctrine as to islands being appertinent to a continent, is, in this case, utterly untenable. The plea that the Canal de Haro was understood to be the channel of the Treaty both by the United States' Ambassador in London, and by the United States' Government at home, has, after all, but little weight, when it is remembered that the proposition came from the British Government, and that the proposition was couched in terms which afterwards became the identical words of the Treaty; therefore Her Majesty's Government can scarcely be held responsible for the interpretation placed upon their proposition.

The argument that the 49th parallel was the principle of the Treaty is equally one-sided and destitute of force. It is true that the Government of the United States offered to settle the dispute by dividing the territory by the 49th parallel from the Rocky Mountains to the Pacific Ocean, guaranteeing free ports in Vancouver's Island south of the 49th parallel, but this proposition was immediately and unhesitatingly rejected. The title of Great Britain to Vancouver's Island—a portion of land first circum-navigated and determined as an island by a British commander in a British man-of-war—was declared to be good as against all the world. If this argument be allowed as sound (and I see not well how it can be questioned), the claim is equally good in its application to the islands contiguous to Vancouver's Island, and lying westward of the channel through which Vancouver sailed, and which were indeed conceived by him to be a part of the main island.

5. It will be remembered that the effect of the boundary line passing through the Canal de Haro, would be to resign the command of the shortest means of communication between Vancouver's Island and British Columbia. It would in particular yield to the United States two islands,

San Juan and Stuart, which are of the utmost importance, not only to the great possession of Vancouver's Island, but also to the value of the occupancy of British Columbia.

6. It will also be remembered that the Americans have particularly claimed San Juan as United States' territory, although we have never admitted the claim, nor treated the island as other than British territory; and this brings me to the particular circumstance which I have to report to you, for their Lordships' information.

7. On the 26th July last, a body of about fifty soldiers of the United States' army were landed upon the Island of San Juan, in consequence of orders received from the General commanding in Washington territory, General Harney, and an armed military occupation of the island was assumed.

8. No notice was given; no previous communication was held with Her Majesty's Representative in this quarter of the globe.

9. So aggressive and discourteous an act stands without parallel in the history of civilized and enlightened nations.

10. His Excellency General Douglas immediately called upon the senior naval officer to render him all necessary assistance upon the occasion, for the protection of British subjects and property.

11. The details of operations in consequence will, doubtless, be reported by the Naval Commander-in-chief, Rear-Admiral Baynes, who is now at Vancouver's Island, and I, therefore, do not presume to interfere with the province of that functionary.

12. His Excellency also called upon me, as Her Majesty's Commissioner, to afford him assistance, by putting myself in communication with Mr. Campbell, the United States' Commissioner, and endeavouring to concert some measures which might put matters upon such a footing as to remove the probability of any collision resulting from an act so arbitrary and unprecedented.

13. I immediately complied with his Excellency's requisition, but I am grieved to say without the slightest good resulting.

14. I first called upon Mr. Campbell, in urgent terms, to beg him to co-operate with me to prevent consequences which appeared inevitable, if the United States' officials persisted in their unaccountable course; and I afterwards called upon him, in his capacity as Joint Commissioner, to protest against the armed occupation of any portion of the territory which might be in dispute between us; such a proceeding being contrary to the principles of international law, and antagonistic to the peaceful mission upon which we were engaged.

15. Mr. Campbell's replies were not only most unsatisfactory, but they were little short of being insulting in their tone. He evaded the principal question at issue, and he denied, in angry and discourteous terms, any right on my part to catechize him on the subject; the position and movements of the troops of the United States forming no part of the Joint Commission.

16. After devoting much thought to the subject, I am of opinion that the Government of the United States are wholly irresponsible for this act of occupation, and that the movement originates solely with General Harney and with Mr. Campbell.

17. I would mention as significant facts, that General Harney had an interview with Mr. Campbell but a few days previous to the occupation of the island; that the movement was carried out with the utmost suddenness, and with the greatest haste; and during the principal part of the time Mr. Campbell was actually present at San Juan, and that he took an active part in the proceeding, by employing a small steam-vessel, avowedly at his disposal, in going in search of a vessel having on board military stores belonging to the party.

18. I have not failed to represent all these circumstances in detail to Her Majesty's Government, and until I receive instructions as to the course I am to pursue, I shall decline to hold any further communication with Mr. Campbell should he make any requisition upon me.

I have, &c.

(Signed)

JAMES C. PREVOST.

No. 26.

*Mr. Hammond to Mr. Merivale.*

Sir,

*Foreign Office, October 3, 1859.*

I AM directed by Lord John Russell to transmit to you, for the information of his Grace the Duke of Newcastle, a copy of a letter which has been addressed to the Board of Admiralty,\* from which his Grace will learn that the suggestions contained in your letter of the 28th ultimo, for an increase of our naval force on the North-West Coast of America, have been carried out by Lord John Russell.

I am, &c.  
(Signed) E. HAMMOND.

No. 27.

*Lord Lyons to Lord J. Russell.—(Received October 3.)*

(No. 190. Confidential.)

My Lord,

*Washington, September 15, 1859.*

THE United States' Secretary of State informed me confidentially yesterday that the President, being very desirous to confide the management of the San Juan affair to an officer upon whose discretion and moderation he could entirely rely, had determined to dispatch General Scott, the Commander-in-chief of the United States' army, to the North-West Frontier, to take the military command there out of General Harney's hands. The Secretary of State added that General Scott would be requested to embark on board the Californian steam-packet, at New York, on the 19th instant.

The Secretary of State told me, both yesterday and to-day, that he had received no further intelligence respecting the occurrences at San Juan. Despatches of as late a date as the 12th instant must, however, in all probability, have reached the War Department from General Harney; and it is possible that alarming information contained in them respecting the intentions or disposition of the writer, may have led to General Scott's being sent to supersede him.

General Scott was the successful Commander of the expedition against Mexico in 1847. It may perhaps have entered into the President's calculations that the American public will be pleased to see their most able General stationed on the North-West Frontier under present circumstances, and also that the high reputation and popularity of General Scott will render it comparatively easy for him to make a conciliatory arrangement.

Since I wrote the above, the Secretary of State has sent for me, and informed me that the basis of General Scott's instructions is, that he shall fall back upon the arrangements made in President Pierce's administration, as stated in Secretary Marcy's letter to Governor Stevens of the 14th July, 1855; consequently that neither party shall hold exclusive possession of San Juan. I asked whether this implied that General Scott would withdraw the United States' troops from the island. The Secretary of State answered that he could not say positively.

I have, &c.  
(Signed) LYONS.

No. 28.

*Lord Lyons to Lord J. Russell.—(Received October 3.)*

(No. 194.)

My Lord,

*Washington, September 19, 1859.*

THE Secretary of State having offered to request General Scott to take charge of any letters which I might desire to send to Vancouver's

\* No. 24.

Island, I have taken advantage of the opportunity to forward to Governor Douglas the despatch of which I have the honour to inclose a copy herewith.

I have in that despatch given Governor Douglas a general outline of the views and intentions of the United States' Government with regard to San Juan. I have endeavoured to furnish Governor Douglas with such information on these points as will be useful and interesting to him, and as will dispose him to look upon General Scott's mission as one of conciliation.

I have not, however, made any positive assertion as to the contents of General Scott's instructions. I have thought it prudent to guard, on the one hand, against even the smallest appearance of violating General Cass' confidence, and, on the other, against the possibility of its giving offence to General Scott to find the British authorities in the neighbourhood of San Juan acquainted with the orders under which he is acting. I have been afraid, too, of conveying to Governor Douglas too favourable an idea of the nature of the orders, of which, perhaps, only the more conciliatory part is known to me.

In my intercourse with General Cass I have carefully abstained from expressing any opinion whatever as to the view likely to be taken by Her Majesty's Government of the untoward occurrences at San Juan. I hoped that I perceived a desire on the part of the United States' Government to make a reasonable and proper arrangement, and I conceived that I should better promote that desire by treating the matter quietly and seriously, and allowing the pain and anxiety which it caused me to appear by my manner, than by using strong language, or making confident assertions regarding the sentiments of Her Majesty's Government.

But while I have been thus reserved, both with the Government and with individuals here, I have not (as your Lordship will perceive), hesitated to express to Governor Douglas my opinion that an arrangement made on the basis of Secretary Marcy's letter to Governor Stevens of the 14th July, 1855, would go far to avert a disturbance of the particularly friendly and satisfactory relations which exist at this moment between Her Majesty's Government and that of the United States.

I have, &c.  
(Signed) LYONS.

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Inclosure in No. 28.

*Lord Lyons to Governor Douglas.*

Sir,

*Washington, September 16, 1859.*

COLONEL HAWKINS delivered to me on the morning of the 13th instant your Excellency's despatches, dated respectively the 8th and 12th ultimo. He was obliged to set out on his return to New York in the afternoon, in order to be in time to embark on the following morning for Liverpool on board the Royal mail steam-packet "Africa."

Intelligence of the recent untoward occurrences at the Island of San Juan reached this place by telegraph from St. Louis, Missouri, on the 3rd instant.

I immediately addressed to the United States' Secretary of State a note, asking for information and explanations. I have since been in constant communication with the United States' Government on the subject; and I will now endeavour, without entering into unnecessary details, to make you acquainted with the views of the President in regard to it, as they have been stated to me by the Secretary of State.

In the first place, then, I have been authorized to assure Her Majesty's Government, on the part of the President and of the Secretary of State, that in landing troops on the Island of San Juan, General Harney acted, not upon the orders from the Government here, but entirely upon his own responsibility.

The President was not prepared to learn that General Harney had

taken so serious a step without instructions ; but he does not consider that he is yet in possession of sufficiently detailed information to pronounce a judgment upon the General's conduct.

But with regard to the general principles to be observed in cases of disputed territory, the President entertains no doubt whatever. He considers that when any question of the kind is in discussion between two friendly nations, the actual *status* of the disputed territory should be suffered to remain undisturbed ; and this more especially when, as in the present case, the question is actually before a Joint Commission appointed by the two Governments. If, however, General Harney had reason to believe that the British Colonial authorities were about to disturb the *status* of San Juan by taking possession of the island, or assuming jurisdiction there, the President would consider that the General was right to anticipate them. The President undoubtedly regards the Canal de Haro as the boundary contemplated by the Treaty of 1846 ; but Great Britain denies this, and the two Governments being engaged in amicable endeavours to settle their respective pretensions, the President is of opinion that the *status* of the disputed territory should not be lightly disturbed.

I think I can assure your Excellency that the foregoing is a correct sketch of the views of the President. For my own part, I have taken particular pains to urge upon this Government the necessity of sending such positive injunctions to the United States' Civil and military authorities at San Juan and in its neighbourhood, as will ensure their restraining, not only their troops, but the American population also, from provoking a collision with Her Majesty's military forces or civil subjects.

I also thought it my duty, upon the receipt of your Excellency's despatches, to inform the United States' Secretary of State verbally, that there was no foundation for the pretext for sending troops to San Juan, put forward in General Harney's letter to your Excellency of the 6th ultimo.

I stated, moreover, to the Secretary of State, that there appeared to be no doubt of the authenticity of the notice dated the 27th July, by which the captain of the American detachment at San Juan asserted the exclusive jurisdiction of the United States over the island ; and I did not fail to point out the incompatibility of this notice with the sentiments professed by the Government at Washington.

I trust that some time before you receive this despatch your Excellency will have been officially apprized by the United States' authorities that the troops landed on San Juan are there only to protect the rights of American citizens and to secure the territory of the United States from the incursions of the Northern Indians, and that the presence of the troops is not intended to prejudice in any way the question regarding whom the island shall ultimately be determined to belong to, nor to lead to its retention if it should be adjudged to belong to Great Britain.

In the hope of bringing the whole affair to a conclusion satisfactory and honourable to all parties, the President has now directed General Scott, the Commander-in-chief of the United States' army, to proceed himself immediately to the North-West Frontier, to assume the military command there, and in an especial manner to take the management of the affairs arising out of the occupation of San Juan. General Scott was, as your Excellency knows, the victorious commander of the expedition against Mexico in 1847, and enjoys not only the highest military reputation but the greatest popularity with his countrymen. I am assured that his instructions on the present occasion will be of the most conciliatory character, and will be carried out by him in a spirit of moderation, and with all his well-known ability and discretion. I feel, indeed, confident that little difficulty will be found after General Scott's arrival in replacing matters at San Juan upon the footing laid down in Secretary Marcy's letter to Governor Stevens of the 14th July, 1855. That letter is mentioned with approbation by your Excellency in your Message of the 3rd August to the Legislature of Vancouver's Island, and I am sure that an arrangement in accordance with what you so justly term the moderate and conciliatory views displayed by it would be satisfactory to you.

I have carefully abstained from expressing to the United States"

Government any opinion in anticipation of the course which Her Majesty's Government may deem it proper to pursue. I would fain hope, however, that an arrangement made on the basis of Secretary Marcy's letter would go far to avert any disturbance of the particularly friendly and satisfactory relations which exist at this moment between Her Majesty's Government and that of the United States.

I have, &c.  
(Signed) LYONS.

## No. 29.

*Lord Lyons to Lord J. Russell.—(Received October 3.)*

(No. 195.)

My Lord,

*Washington, September 19, 1859.*

GENERAL CASS has told me this morning that General Scott will positively embark to-morrow at New York, on his way to the North-West Frontier.

General Cass added, that he hoped to be able in a short time to make me acquainted with General Scott's instructions in detail. In the meantime he would assure me that they would be completely satisfactory to Her Majesty's Government, and he would tell me at once, confidentially, that, in addition to the direction to fall back upon the arrangement laid down in Secretary Marcy's letter to Governor Stevens of the 14th July, 1855, these instructions contained a statement that Captain Pickett, the officer in command of the United States' detachment at San Juan, had done wrong in not acceding to a proposal made by the British authorities for a joint occupation of the island.

I have, &c.  
(Signed) LYONS.

## No. 30.

*Lord J. Russell to Captain Prevost, R.N.*

(No. 3.)

Sir,

*Foreign Office, October 5, 1859.*

I HAVE received, and laid before the Queen, your despatches Nos. 8 and 9 of the 3rd and 6th of August, inclosing copies of your correspondence with Mr. Campbell respecting the recent occupation of the Island of San Juan by troops of the United States.

I have to acquaint you that Her Majesty's Government approve your conduct in ceasing to exercise your functions as British Commissioner in conjunction with Mr. Campbell.

That gentleman and General Harney appear desirous of exciting war between Great Britain and the United States, and such attempts must be met with the utmost temper, moderation, and firmness.

I am, &c.  
(Signed) J. RUSSELL.

## No. 31.

*Mr. Hammond to the Secretary to the Admiralty.*

Sir,

*Foreign Office, October 6, 1859.*

I AM directed by Lord John Russell to request that you will inform the Board of Admiralty that his Lordship has received despatches from Captain Prevost, respecting the occupation of the Island of San Juan, referred to in the inclosure to your letter of the 1st instant; and that Her Majesty's Government have approved Captain Prevost's determination to hold no further communication with the United States' Commissioner.

I am, &c.  
(Signed) E. HAMMOND.



## No. 32.

*Lord J. Russell to Lord Lyons.*

(No. 74.)

My Lord,

*Foreign Office, October 6, 1859.*

I HAVE received, and laid before the Queen, your Lordship's despatches to No. 197 of the 19th of September inclusive.

The more the irruption of the United States' troops into the Island of San Juan is examined, the worse the case appears. Mr. Campbell, the United States' Commissioner, whose sole business was to arrange the boundary with Her Majesty's Commissioner, appears to have been an active party in arranging the expedition. A pretext for the occupation—manifestly false—was put forward by General Harney. The allegation as to a British ship of war having been sent from Vancouver's Island for the purpose of seizing an American citizen, and forcibly carrying him to that island to be tried by British laws, had no foundation in fact. Her Majesty's principal naval officer in those parts, Admiral Baynes, who was desirous of settling the matter amicably, was invited in an insulting manner to go on board a small American steamer, in a British harbour, for the purpose of holding a conference with Lieutenant-Colonel Casey, of the United States, who described himself as commanding the forces on San Juan Island.

Captain Pickett, the officer in command of the detachment of the United States' troops, proclaimed, in defiance of the subsisting relations between the two countries, that the Island of San Juan was United States' territory, and that no laws other than those of the United States, nor Courts except such as are held by virtue of said laws, would be recognized or allowed on the island.

These facts, so conclusive as to the desire of General Harney and Mr. Campbell to precipitate the two countries into hostilities, could not but be extremely painful to Her Majesty's Government. It is, therefore, with great satisfaction that they have learned that General Scott is ordered to proceed to the scene of these important infractions of the peace, and that the equitable principles declared by Secretary Marcy, in his despatch to Governor Stevens of the 14th of July, 1855, which was communicated to Mr. Crampton on the 17th of that month, are to be again acted upon.

In regard to General Scott, Her Majesty's Government place great reliance upon his high character, and upon his desire for the maintenance of friendly relations between the two countries.

In respect to the principles declared by Secretary Marcy, it will not escape the discernment of General Cass that an exclusive jurisdiction and a military occupation by one nation resisting a similar occupation by the other are equally barred by the adoption of Secretary Marcy's despatch. It would follow, therefore—

1st. That no exclusive jurisdiction of the United States' Courts or Magistrates can be lawfully exercised in the Island of San Juan.

2ndly. That either the United States' troops must be withdrawn from the island; or, if the incursions of the Indians make the presence of a small military establishment absolutely necessary, a similar detachment of Her Majesty's marines should jointly occupy the territory,

But what I wish your Lordship to press upon the United States' Government, is the urgency of at once adopting the proposal contained in my despatch No. 42 of the 24th of August. The reasons for the adoption of the line proposed by Her Majesty's Government I will not here repeat. The allegation that Lord Aberdeen's despatch No. 18 of the 18th of May, 1846, by only mentioning Vancouver's Island, meant to concede all other islands, is manifestly untenable. Lord Aberdeen proposed that the line should be drawn through the middle of the channel between the continent and Vancouver's Island, without any reference to any other islands, the position, and, indeed, the very existence of which had hardly at that time been correctly ascertained. But the words proposed by Lord Aberdeen, "through the middle of the channel," would evidently leave to the United

States any island to the east of the line so drawn, and to Great Britain any island to the west of that line.

The British Government has of late years made concessions to the Government of the United States, not only where the United States had a right, but the semblance of a right; not only where they had reason, but the colour of reason on their side. But Her Majesty's Government cannot, without a sacrifice of character, consent to a boundary line which is in their opinion manifestly unfair to Great Britain, and in contradiction to the express terms of the Convention of 1846.

I am, &c.

(In the absence of Lord J. Russell),  
(Signed) E. HAMMOND.

P.S.—I inclose for your Lordship's information a copy of Captain Prevost's report to the Lords of the Admiralty, and also copies of two despatches which I have myself received from him.

No. 33.

*The Secretary to the Admiralty to Mr. Hammond.—(Received October 7.)*

Sir,

*Admiralty, October 3, 1859.*

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of Her Majesty's Secretary of State for Foreign Affairs, a copy of a letter from Rear-Admiral Baynes, dated the 8th August, with copies of its inclosures, relating to the occupation of the Island of San Juan by troops of the United States.

I am, &c.

(Signed) C. PAGET.

*R. Russell's copy*  
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Inclosure 1 in No. 33.

*Rear-Admiral Baynes to the Secretary to the Admiralty.*

*"Ganges," in Esquimalt Harbour, Vancouver's Island,  
August 8, 1859.*

Sir,

I REQUEST you will inform the Lords Commissioners of the Admiralty that, on my arrival here on the 5th instant, I learnt that the United States' authorities had established a military post of Federal troops on the Island of San Juan in the Canal de Haro.

2. The accompanying documents will inform their Lordships of the particulars to this date.

3. It will be my great object to endeavour, in concert with his Excellency the Governor of these colonies, to prevent any collision taking place between the Federal troops of the United States and ourselves, which I trust we may be enabled to do without compromising the honour of Great Britain.

4. By this packet his Excellency sends to England Colonel Hawkins, of the Royal Engineers, with a report of all the proceedings that have taken place for the information of Her Majesty's Government.

I have, &c.

(Signed) R. LAMBT. BAYNES.

## Inclosure 2 in No. 33.

*Captain De Courcy to Rear-Admiral Baynes.*

*"Pylades," Strait of San Juan de Fuca,  
August 5, 1859.*

Sir,

I HAVE the honour to transmit, for your information, the following report respecting the recent proceedings at the Island of San Juan.

2. The Colonial Secretary addressed a letter to me dated the 23rd July, intimating that his Excellency the Governor had received complaints that disturbances had been occasioned on the Island of San Juan by individuals who have recently squatted there, and that in consequence he had appointed Mr. John de Courcy to be Justice of the Peace and Stipendiary Magistrate of Vancouver Island, for service at San Juan to preserve peace and order.

3. His Excellency also conveyed his desire that Mr. de Courcy should be conveyed in Her Majesty's ship "Satellite" to San Juan, and installed in his office with due formality.

4. On the 26th July, I heard from Captain Prevost and Governor Douglas it was expected that an American force would be landed at San Juan.

5. On Wednesday the 27th July, Her Majesty's ship "Satellite" received Mr. de Courcy, J.P., on board, and proceeded to San Juan. She returned to Esquimalt the following evening, and Captain Prevost reported his proceedings to me.

6. On Friday the 29th, the Colonial Secretary called on board the "Pylades" with a letter from his Excellency Governor Douglas, C.B., on receipt of which I ordered the "Tribune" to prepare for sea immediately. I transferred one lieutenant, three non-commissioned officers, and nineteen privates, supernumeraries of Royal Marine Light Infantry, to her for duty.

7. During that afternoon his Excellency the Governor came on board the "Pylades," and gave me a second letter. The "Tribune" sailed the same evening for San Juan, with orders of which Inclosure 9 is a copy.

8. On the evening of Saturday the 30th July, I received a letter from Captain Hornby, with which I started immediately to wait on his Excellency the Governor at Victoria; Captain Richards, of the "Plumper," accompanied me.

9. On the way to Victoria, I met the Colonial Secretary, who handed me the letter marked Inclosure 11.

10. In the interview I had with his Excellency Governor Douglas on the evening of Saturday the 30th instant, I, as senior naval officer, ventured to recommend to his Excellency that the Civil process alluded to in the 4th paragraph of Captain Hornby's letter of the 30th July should be abandoned. I also offered the following suggestions to his Excellency, viz., first, that Captain Prevost, the British Boundary Commissioner, should call a meeting with Mr. Campbell, the United States' Boundary Commissioner, and request to be informed if he (Mr. Campbell) had received any information from the United States' Government as to whether the water-boundary had been settled or not; and also to call for information why United States' troops had been landed on a portion of the territory still in abeyance and discussion between the two Commissioners.

11. I also recommended that the detachment of Royal Marine Light Infantry under Captain Magin should be sent for from British Columbia, and brought down to San Juan. This Captain Richards volunteered to do, and sailed next morning to execute; and Captain Prevost proceeded at the same time to Semiahmoo Bay, by a requisition from the Governor, to endeavour to meet Mr. Campbell, the United States' Boundary Commissioner.

12. During the interview with Governor Douglas on the evening of Saturday, I asked him for more specific instructions than those handed me by the Colonial Secretary that evening, and requested he would be particular in pointing out when I was to resort to force; as, in consequence of the territorial right of the Island of San Juan being still in dispute between the two nations, I considered it highly essential to do everything;

possible to prevent a collision with the United States' forces, and not disturb the amicable relations existing between the two countries, more particularly at the present time when it was not improbable that Great Britain might be involved in the war raging in Europe.

13. Judge Begbie, who was present, suggested to his Excellency the expediency of sending to San Francisco immediately to overtake the homeward mail that would sail on the 5th August. I then recommended the chartering of one of the Hudson's Bay Company's steamers to go to San Francisco to overtake the mail, and send Captain Prevost as bearer of despatches to the British Government.

14. Before leaving his Excellency on the evening of Saturday the 30th, it was arranged that I should meet him again on the next afternoon, Sunday the 31st, which I did, and he then appointed me to wait on him on the morning of Monday the 1st August, at 10 A.M.

15. On Monday the 1st August at 9 A.M., as I was weighing anchor from Esquimalt to proceed off Victoria in the "Pylades," Colonel Hawkins, Royal Engineers, Her Majesty's Commissioner for the Land Boundary, came on board, and made precisely the same observation that occurred to Judge Begbie and myself, respecting an officer going to San Francisco with despatches to overtake and proceed by the mail of 5th instant to England, and stated he was ready to proceed immediately. Colonel Hawkins accompanied me to the Governor, and offered his services to proceed to England forthwith with despatches to the Government.

16. The Governor immediately summoned a meeting of the Council for Vancouver's Island, and requested Colonel Hawkins, and myself, to remain present. His Excellency then addressed the meeting, and laid before them the state of affairs, and requested their opinion thereon. A discussion of several hours ensued, which resulted in a written Minute being handed to the Governor embodying the views of the gentlemen present, and which was all but unanimous, and was to the effect that the magistrate should be withdrawn, under a strong protest to the United States' authorities; that the landing of troops should be dispensed with, as, under the peculiar circumstances attending the landing on the island by United States' troops, a joint occupation could not but fail to result in a collision, and which it was in every way desirable to avoid. 1 am.  
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17. The Council also recommended that the project of sending an officer to overtake the homeward mail at San Francisco should be carried out; and his Excellency accepted Colonel Hawkins' services, and gave me a requisition to convey him to San Francisco in Her Majesty's ship "Pylades," she being at that time the only available vessel present, and it being then too late to enter into any arrangement for hiring a vessel from the Hudson's Bay Company.

18. Just as the meeting broke up Captain Prevost arrived, having failed in his endeavour to meet Mr. Campbell, and presented me with a report of his proceedings.

19. I then wrote to Captain Hornby, of the "Tribune," directing him to conduct the duties of senior officer during my temporary absence, and to Captain Prevost to proceed to San Juan and place himself under Captain Hornby's orders. I also urged his Excellency the Governor to send Captain Hornby explicit instructions, which he promised to do, without loss of time.

20. On Colonel Hawkins receiving the Governor's despatches, I sailed immediately with him for San Francisco; and on Wednesday afternoon the 13th instant, when in latitude  $44^{\circ} 27'$  north, and longitude  $124^{\circ} 5'$  west, the wind being strong from south-south-east, and finding all efforts to overtake the homeward-bound mail fruitless, I deemed it necessary to bear up, and return to Vancouver's Island, so as not to delay the ship longer than was necessary, in the event of her services being required. Had there been a prospect of arriving at San Francisco within a reasonable time after the departure of the homeward mail, I should have still gone on, and Colonel Hawkins would have proceeded home by the overland route.

I have, &c.

(Signed) MICHAEL DE COURCY..

## Inclosure 3 in No. 33.

*Mr. Young to Captain De Courcy.**Government House, Victoria, Vancouver's Island,  
July 23, 1859.*

Sir,

I AM desired by his Excellency the Governor to acquaint you that he has received complaints of disturbances having been occasioned in the Island of San Juan by certain individuals who have recently squatted there, and in consequence thereof he has appointed Mr. John de Courcy to be Justice of the Peace and Stipendiary Magistrate of Vancouver's Island, for service at San Juan, to preserve peace and good order in that district.

2. As his Excellency is very desirous that Mr. de Courcy should be installed into his office with due formality, and should be conveyed, if possible, in a ship of war, and as Captain Prevost, of Her Majesty's ship "Satellite," is so intimately acquainted with all the circumstances connected with that island, the pretensions of the United States' Government, and the instructions issued by Her Majesty's Government with regard to it, I am to state that his Excellency would particularly wish, if it would not interfere with any of his other duties, that the services I have mentioned might be performed by the "Satellite."

3. Mr. de Courcy will not, probably, be ready to proceed before the middle of next week.

I have, &c.  
(Signed) WILLIAM A. G. YOUNG.

## Inclosure 4 in No. 33.

*Orders issued to Captain Prevost.*

By Michael de Courcy, Esq., Captain of Her Majesty's ship "Pylades," and Senior Officer at Vancouver's Island.

HIS Excellency Governor Douglas, C.B., having expressed his wish that Mr. de Courcy, Justice of the Peace and Stipendiary Magistrate, should be conveyed to San Juan by you in Her Majesty's ship "Satellite," as you are so intimately acquainted with all the circumstances connected with that island, and the pretensions of the United States' Government respecting it, it is my direction you receive Mr. de Courcy, Justice of the Peace, on board accordingly, and convey him to the Island of San Juan, where his Excellency is very desirous he should be installed into his office with due formality.

And having performed this service you are to return to this anchorage.

Dated on board Her Majesty's ship "Pylades," Esquimalt, Vancouver's Island, July 26, 1859.

(Signed) MICL. DE COURCY.

To Captain James Prevost,  
Her Majesty's ship "Satellite."

## Inclosure 5 in No. 33.

*Captain Prevost to Captain De Courcy.**"Satellite," Esquimalt, Vancouver's Island,  
July 28, 1859.*

Sir,

WITH reference to your orders to me to receive on board Her Majesty's ship "Satellite" under my command, for conveyance to San Juan, Mr. John F. de Courcy, recently appointed Justice of the Peace and Stipendiary Magistrate of that district, I have the honour to acquaint you that I received that gentleman on board the "Satellite," and weighed

from Esquimalt at 3.20 P.M. on the 27th instant, and arrived in Griffin Bay, San Juan, the same evening at 6.40.

2. The next morning I landed M. de Courcy, accompanied by Lieutenant Peile, the Senior Lieutenant, and Mr. de Courcy was duly installed into office, his commission being read in the presence of the English residents in the island, and with the English flag flying at the flag-staff of the Hudson's Bay Company's post.

3. Having thus carried out my instructions, I weighed from San Juan at 4 P.M., and anchored in the harbour at 7.30 P.M.

4. I have to report to you that I found the United States' revenue vessel "Shubrick" in Griffin Bay, and upon the shore an encampment of fifteen tents, containing about fifty soldiers of the United States' army, under the command of Captain Pickett, with a flagstaff having the United States' flag flying, and a field-piece stationed near it. Being myself engaged as a Commissioner in an international duty in connection with the United States, I did not wish to compromise myself in any manner, and therefore abstained from landing; but, from Mr. Griffin, of the Hudson's Bay Company's service, who visited the ship, I gleaned the particulars in connection with the landing of the troops contained in the accompanying paper.

5. Mr. Campbell, the United States' Boundary Commissioner, was on board the "Shubrick," professedly on a deer-shooting expedition. The "Shubrick" sailed from Griffin Bay for Bellingham Bay in search of the "Constitution" steamer at the same time that I quitted San Juan.

I have, &c.

(Signed) JAMES C. PREVOST.

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Inclosure 6 in No. 33.

*Memorandum.*

BETWEEN 8 and 9 o'clock on the evening of Tuesday, July 26, 1859, I received intelligence of the arrival of a steamer in Griffin Bay, and on the following morning early, I heard that the United States' steamer "Massachusetts" had also arrived, with a party of soldiers on board, at the same place. I immediately went down to the wharf, and there saw a number of soldiers, civilians, provisions, and stores, landed and being landed, amongst whom I recognized Mr. Mason, Commander of the United States' revenue-cutter "Jefferson Davis." In course of conversation with this gentleman he gave me to understand that the United States' Government was landing these forces to build a military station on the island. I then left for my establishment. Nothing more transpired till the afternoon, when I received a friendly visit from Captain West, of the United States' steamer "Shubrick." I also asked this gentleman what the Americans proposed doing. He confirmed Mr. Mason's statement. About 6 o'clock in the evening, on seeing Her Majesty's ship "Satellite" enter the harbour, I rode down to the wharf, and there found the troops encamped in tents, fifteen in number, the American flag flying, and under it a field-piece. I then went on board the "Satellite," and communicated with Captain Prevost. On returning to the shore about half-past 8, I found a watch-fire near the Hudson's Bay wharf, two sentries on either end of the wharf, whom I cautioned to be careful of the fire.

The "Massachusetts" left the harbour about 2 o'clock, I suppose, as I saw her off Sinclair's Island about 4 o'clock yesterday going in the direction of Port Townsend.

(Signed)

CHAS. JNO. GRIFFIN.

July 28, 1859.

## Inclosure 7 in No. 33.

*Governor Douglas to Captain De Courcy.*Sir, *Victoria, Vancouver's Island, July 27, 1859.* 29

HAVING received positive information that a body of soldiers belonging to the United States of North America have been landed on the Island of San Juan, and have usurped an armed occupation of the same, and having reason to believe that it is purposed to augment that body by landing other armed forces, I have to call upon you, in the name of the Queen, to assist me to prevent the occupation of territory which is regarded as a dependency of this Government, and I beg you will immediately dispatch a powerful vessel of war to San Juan, and instruct the officer in command to prevent the landing of any further armed parties of United States' soldiers for purposes of occupation, and also the erection of fortifications of any description by the parties already on the island.

I have, &amp;c.

(Signed) JAMES DOUGLAS.

## Inclosure 8 in No. 33.

*Governor Douglas to Captain De Courcy.*Sir, *Victoria, Vancouver's Island, July 29, 1859.*

WITH reference to my letter to you of this date, making requisition upon you for assistance to prevent aggressions, by armed parties, upon the territories of Her Majesty the Queen, I deem it right to explain to you that I do not desire the force you are about to dispatch to interfere in any way with such persons as may be actually landed upon the island, except in the single case, as mentioned in my aforesaid letter, of throwing up fortifications or erecting military works; the only action I wish to proceed from the officer in command of the ship you may detach, is to prevent the landing of armed men to take possession of the territory as aforesaid.

2. The parties actually landed upon the island will be dealt with by the Civil power, and if resistance be shown to the execution of any civil process the Magistrate will call upon all subjects of Her Majesty, civil, military, or naval, to render him such assistance as may enable him to carry out the law; and in this case I request you will instruct the officer in command to render every assistance in his power, but always remembering that, in such case, no action is to proceed from him, except by direct by direct requisition from the Civil power.

3. Mr. Cary, the Attorney-General of British Columbia, is about to be dispatched to San Juan, and, as he will counsel the Resident Magistrate, there need be little fear of the legality of the action that functionary may take.

I have, &amp;c.

(Signed) JAMES DOUGLAS.

## Inclosure 9 in No. 33.

*Captain De Courcy to Captain Hornby.*Sir, *"Pylades," Esquimalt, July 29, 1859.*

I HAVE the honour to transmit you a copy of a letter from his Excellency Governor Douglas, C.B., informing me that an armed force, belonging to the United States of America, have been landed on the island of San Juan, and that another armed force is expected to arrive.

You are hereby required and directed to put to sea immediately in Her Majesty's ship under your command, and proceed to Griffin Bay, in the Island of San Juan, and prevent the further landing of armed parties of

United States' soldiers for purposes of occupation, and also the erection of fortifications of any description by the parties already on the island.

2. You will be most careful that you in no way interfere with the parties who may be already in the island (excepting the single case above mentioned), unless the Civil power should call upon you for assistance to carry out the requirements of the law.

The parties actually landed will be dealt with entirely by civil process, and it is competent to the Magistrate to call upon all subjects of Her Majesty, civil, military, or naval, to render him such assistance as may enable him to carry out the law; and should you, in such case, be called upon by the Magistrate to afford assistance, you must do so to such extent as may be necessary, but always remembering that, in affording such assistance, no direct action is to proceed from yourself, but all action is to be at the requisition of the Civil power simply to ensure the execution of the law.

I have, &c.  
(Signed) MICHAEL DE COURCY.

Inclosure 10 in No. 33.

*Captain Hornby to Captain De Courcy.*

*"Tribune," Griffin Bay, Island of San Juan,  
July 30, 1859.*

Sir,

IN obedience to your orders, given to me yesterday, I weighed from Esquimalt Harbour at 5 P.M., and anchored here at 9 P.M.

2. This morning, I perceive the Americans have formed a camp about 200 yards from the beach, in which they have two howitzers; the ground rises considerably behind the camp, and on either side, at a distance of about 300 yards, it is flanked by woods.

3. I have communicated with the Stipendiary Magistrate, and showed him my orders.

4. A written notice is about to be served on the Captain of the American detachment to-morrow, as being trespassers on the land occupied by the Hudson's Bay Company. If this notice fails (which the Stipendiary Magistrate deems probable), he will issue a summons; and if that is not attended to in twenty-four hours, it would be his duty to issue a warrant for the apprehension of the Captain of the detachment and of any persons aiding him in resistance, *i.e.*, the American force.

5. He warns me, however, that he should not feel justified in calling upon me to act without a larger force were at my disposal—sufficient, in fact, to line the bush on each side of their camp, so as to prevent their taking refuge there, as such a position would be more embarrassing to him than even their present one.

6. I am assured that the force at the disposal of the American Captain consists of 50 soldiers, with the two howitzers above mentioned, and about the same number of armed civilians; and if they take to the bush, the Magistrate does not see how they could be arrested, at the same time that they might be expected to commit serious depredations on the cattle of the Hudson's Bay Company.

7. I take the opportunity of the "Beaver" going to Victoria to send this letter.

I remain, &c.  
(Signed) GEOFFREY PHIPPS HORNBY.



## Inclosure 11 in No. 33.

*Governor Douglas to Captain De Courcy.*Sir, *Victoria, Vancouver's Island, July 30, 1859, 7:30 P.M.*

I HAVE this evening received a letter from Mr. Cary, Attorney-General, dated San Juan, July 30, 1859, in which occurs the following passage:—

“There are from a hundred to a hundred and fifty Americans, with three guns, prepared to contest the question, and fifty men armed with rifles could not, if they retreated to the woods, be made prisoners by the force under Captain Hornby's command, without a strong probability of resistance. The position of the American camp is between two woods, and Captain Hornby informs me that he could not, with his present force, prevent a retreat to one or other of the woods.

“Captain Hornby may have communicated with you; but in case he should not, I would request you to dispatch another powerful vessel of war to the spot, so as, happily, by the show of an overwhelming force, to prevent the probability of any resistance being shown to the actions of the law, and the consequent prospect of bloodshed.”

I have, &amp;c.

(Signed) JAMES DOUGLAS.

## Inclosure 12 in No. 33.

*Governor Douglas to Captain De Courcy.*Sir, *Victoria, Vancouver's Island, August 1, 1859.*

I HAVE the honour to request that, under the urgency of the present question relating to San Juan Island, you proceed, with all possible expedition to San Francisco, with Colonel Hawkins, R.E., the bearer of special and urgent despatches to the Home Government, in Her Majesty's ship “Pylades,” under your command.

I have, &amp;c.

(Signed) JAMES DOUGLAS

## Inclosure 13 in No. 33.

*Captain Prevost to Captain De Courcy.*Sir, *“Satellite,” off Victoria, Vancouver's Island,**August 1, 1859.*

WITH reference to the requisition handed to me by you from his Excellency the Governor, for me to place myself in immediate communication with Mr. Campbell, the United States' Boundary Commissioner, upon the subject of the armed occupation of the Island of San Juan by a body of United States' soldiers, I have the honour to inclose herewith, for your information, the copy of a report of my proceedings in endeavouring to carry out the desire of his Excellency.

I have, &amp;c.

(Signed) JAMES C. PREVOST.

## Inclosure 14 in No. 33.

*Captain Prevost to Governor Douglas, August 1, 1859.*

[See Inclosure 3 in No. 14.]

## Inclosure 15 in No. 33.

*Order issued by Captain Pickett, dated July 27, 1859.*

[See ante, p. 13.]

## Inclosure 16 in No. 33.

*Captain De Courcy to Captain Hornby.*

Sir,

*"Pylades," Esquimalt, August 1, 1859.*

HIS Excellency Governor Douglas, C.B., having urgently requested me to convey Colonel Hawkins, R.E., to San Francisco, to save the mail, with despatches to the Government, I have the honour to request you will take charge of Her Majesty's ships and the duties of this part of the station until my return.

I request you will carry out all the requisitions made by his Excellency the Governor of Vancouver Island respecting the occupancy or otherwise of the Island of San Juan, and I have requested him to communicate with you without delay, and I have ordered Captain Prevost to proceed to Griffin Bay and place himself under your orders.

I have, &amp;c.

(Signed) MICHAEL DE COURCY.

## Inclosure 17 in No. 33.

*Orders issued to Captain Prevost.*

By Michael de Courcy, Esq., Captain of Her Majesty's ship "Pylades," and Senior Officer at Vancouver's Island.

IT is my direction you proceed to Griffin Bay, San Juan, and place yourself under the orders of Captain Hornby, of Her Majesty's ship "Tribune."

Dated on board Her Majesty's ship "Pylades," Esquimalt, August 1, 1859.

(Signed) MICHAEL DE COURCY.

To Captain Prevost,  
Her Majesty's ship "Satellite."

## Inclosure 18 in No. 33.

*Captain Hornby to Rear-Admiral Baynes.**"Tribune," Griffin Bay, Island of San Juan,  
August 5, 1859.*

Sir,

IN obedience to an order from Captain Michael de Courcy, a copy of which I inclose, I came to this place on the 29th instant.

2. I found a body of United States' troops, consisting of about fifty men, with three field-pieces, encamped near the beach.

3. On the 31st I received a further order from Captain De Courcy rescinding his previous one, as far as related to the interference with the movements of United States' troops in or arriving at the island; a copy of this I also inclose.

4. On the 1st the accompanying proclamation was exhibited in a public spot on shore, which I send for your information. a c 71

5. On the 2nd, the "Plumper" arrived with a detachment of forty-six Marine and fifteen Royal Engineers, whom I transferred to this ship. In the evening I received a letter from Captain De Courcy acquainting me with his departure for San Francisco, and orders from his Excellency Governor Douglas for me to open a direct communication with the officer commanding the United States' troops. This I did the next day, and accompanied by Captains Prevost and Richards (the former had just arrived) I had an interview with Captain Pickett at his camp. As he requested me to send him the substance of what had passed in writing, I did so, and I inclose a copy of that paper, together with his reply; also Governor Douglas' instructions to me. 3

6. On the morning of the 4th I dispatched the "Plumper" to Victoria with these papers and a letter for the Governor.

7. The "Satellite" sailed for Semiahmoo to look for Mr. Campbell, the North-West Boundary Commissioner deputed by the United States' Government, who I am told was here on my arrival, but who seems not to have interfered with the movements of his national troops.

8. The force at present at my disposal consists of sixty-nine Marines and fifteen Royal Engineers, besides my own ship's company, and these I hold in readiness to land if the security of English rights or property seem likely to be endangered. But, excepting under that necessity, I shall not, without his Excellency's direct instructions, follow the example of the United States in violating territory whose sovereignty is now under the consideration of Commissioners of the two States.

9. The only force with which they could at present oppose us consists of the party I found here on my arrival. They do not seem inclined to strengthen it, nor have any preparations for entrenching or other defence been made by them, though the camp has been shifted from its first site to one close to the sea on the other side of the island, and equally exposed to the fire of ships as was their original one. Their armed transport "Massachusetts," with 120 disposable troops on board, was here from the 1st to 3rd instant, but landed nothing but a few provisions, and sailed to the northward.

10. The "Satellite" has just appeared at the northern end of the channel, as the United States' steamer "Active" anchored. The latter brings me a note from Captain Richards, telling me that your flag-ship is reported to be a few miles outside the Race Rocks: I accordingly shall order Captain Prevost to proceed immediately to join you; but I shall not detain him for the routine papers which I had not intended to forward till to-morrow. They will be sent by a boat from this ship.

I remain, &c.  
(Signed) G. P. HORNBY.

Inclosure 19 in No. 33.

*Captain Prevost to Rear-Admiral Baynes.*

Sir, *"Satellite," Esquimalt, Vancouver's Island,  
August 5, 1859.*

I HAVE the honour to report to you, that in pursuance of orders from Captain Hornby, the senior naval officer at Vancouver's Island, I left Esquimalt in Her Majesty's ship "Satellite," under my command, at 9:15 A.M., on the morning of the 3rd instant, to join him at Griffin Bay, San Juan, where I anchored at 12:30 P.M.

2. I shortly afterwards accompanied Captain Hornby and Captain Richards to hold an interview with the officer commanding the forces of the United States in occupation of San Juan. The particulars of this interview have, I doubt not, been reported to you by Captain Hornby, and therefore it is needless to trouble you with a repetition.

3. After consultation with Captain Hornby, upon its termination, it was deemed advisable that I, in my capacity as Commissioner, should obtain a meeting with Mr. Campbell, the United States' Commissioner, to ascertain whether it would be possible to concert some joint action which would lead to an adjustment of matters, and prevent any movement that might be calculated to disturb the friendly relations subsisting between Great Britain and the United States by the unprecedented and unjustifiable act complained of. I accordingly left for Semiahmoo Bay yesterday morning, and remained there till noon to-day, but I regret to say I could not induce Mr. Campbell to co-operate with me in any way. On the contrary, he evaded my direct questions, and in angry and discourteous terms questioned the right to put those questions. I therefore left for Griffin Bay, where I arrived at 3 P.M.; and after communicating with Captain Hornby, Her Majesty's ship "Tribune," I proceeded towards Esquimalt, where I have the honour to report my arrival at 6:30 P.M.

4. The United States' surveying-vessel "Active," and the revenue cruiser "Jefferson Davis," were both lying at San Juan.

I have, &c.  
(Signed) J. C. PREVOST.

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Inclosure 20 in No. 33.

*Captain Prevost to Rear-Admiral Baynes.*

Sir,

"Satellite," *Esquimalt*, August 7, 1859.

WITH reference to my report of proceedings dated the 5th instant, in which I allude to the hopelessness of expecting any co-operation on the part of Mr. Campbell, the American Commissioner, in instituting measures to guard against any collision resulting from the occupation of the Island of San Juan, by a body of United States' troops, I have the honour to forward to you herewith, for your information, copies of the correspondence on the subject which has passed between Mr. Campbell and myself, from which you will observe that Mr. Campbell not only evades the principal question at issue, but denies in angry and discourteous terms my right to appeal to him at all on the subject.

I have, &c.  
(Signed) JAMES C. PREVOST.

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Inclosure 21 in No. 33.

*Captain Prevost to Mr. Campbell, July 31, 1859.*

[See Inclosure 4 in No. 14.]

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Inclosure 22 in No. 33.

*Mr. Campbell to Captain Prevost, August 4, 1859.*

[See Inclosure 1 in No. 15.]

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Inclosure 23 in No. 33.

*Captain Prevost to Mr. Campbell, August 4, 1859.*

[See Inclosure 2 in No. 15.]

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Inclosure 24 in No. 33.

*Captain Prevost to Mr. Campbell, August 4, 1859.*

[See Inclosure 3 in No. 15.]

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Inclosure 25 in No. 33.

*Mr. Campbell to Captain Prevost, August 5, 1859.*

[See Inclosure 4 in No. 15.]

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No. 34.

*Mr. Elliot to Mr. Hammond.—(Received October 7.)*

Sir,

*Downing Street, October 6, 1859.*

WITH reference to the letter from this Department dated the 27th of September, inclosing copies of two despatches from the Governor of Vancouver's Island, with inclosures relative to the occupation of the Island of San Juan by General Harney, with a detachment of troops of the United States, I am directed by the Duke of Newcastle to transmit to you, for the information of Lord John Russell, copies of two further despatches from the Governor on this subject.

I am, &amp;c.

(Signed) T. FREDK. ELLIOT.

Inclosure I in No. 34.

*Governor Douglas to Sir E. B. Lytton.**Government House, Victoria, Vancouver's Island,  
August 1, 1859.*

Sir.

I HAVE the honour to acknowledge the receipt of your despatch of the 30th April last, inclosing, for my information and guidance, the copies of a correspondence with the Foreign Office, on the subject of the attempts then being made by certain American citizens to survey and occupy the Island of San Juan, in the Gulf of Georgia, and instructing me to pursue the course indicated by the Earl of Malmesbury for maintaining the rights of the British Crown to the island.

2. In pursuance of those instructions I appointed John F. de Courcy, Esquire, to the office of Justice of the Peace for the district of San Juan, vice J. C. Griffin, Esquire, whose Commission as Justice of the Peace had lately expired.

3. I have now the honour to communicate, for the information of Her Majesty's Government, that a detachment of United States' troops landed some days ago on the Island of San Juan, without any previous intimation to this Government, for the purpose of permanently occupying the same, as you will observe from a communication which I received from Mr. de Courcy on the 30th July, that officer having, according to his instructions, proceeded to introduce himself to Captain Pickett (the United States' officer in command of the detachment), in his official capacity, and to inform that officer that his instructions required him to warn off all persons attempting to assert any right of occupancy as against the British dominions in the Island of San Juan.

4. Mr. de Courcy's communication contains Captain Pickett's reply, which only goes to show that the sovereignty of Her Majesty over the Island of San Juan was not acknowledged by the Government of the United States, and that the occupation of the island by United States' troops was to be permanent.

5. Mr. de Courcy also relates that he overheard Captain Pickett promise protection to any and every American citizen who might think proper to squat on the Island of San Juan, adding also that they had a right so to squat on any part of the island.

6. On receiving intelligence of that proceeding, I lost no time in making a demand on Captain M. de Courcy, senior naval officer in command of Her Majesty's ships stationed here, for a powerful vessel of war to be dispatched immediately to San Juan, and required him to instruct the officer in command to prevent the landing of further armed parties of United States' soldiers for purposes of occupation, and also the erection of fortifications of any description by the party already on the island. A copy of these instructions, dated the 29th July, is herewith transmitted.

7. Her Majesty's ship "Tribune," under command of Captain Hornby, was dispatched the same day with instructions to that effect. Mr. Cary, Her Majesty's Attorney-General, who zealously volunteered his services for the occasion, also repaired to the Island of San Juan for the purpose of preventing any illegality in the proceedings of the Magistrate there, as it was resolved that all our measures against the persons who had landed, and were occupying the land on San Juan, would be carried out by the ordinary exercise of the civil power.

8. These are the first hurried steps which I adopted, feeling assured that bold and decided measures in the first instance would have the effect of arresting further attempts to occupy the island; and that, as a collision was inevitable in the event of both Governments asserting extreme rights of possession, it was better to have to cope with a small detachment than to wait until reinforcements from Washington territory should make their dislodgment impracticable with our present force.

9. My own duty was also clearly defined by the instructions conveyed to me in Secretary Sir George Grey's despatch No. 4 of the 21st September, 1854, which authorizes me to continue to treat those islands as part of the British dominions.

10. On the evening of the 31st July, I received a despatch from Mr. Attorney-General Cary, a copy of which is herewith transmitted, representing the American force as more powerful than had been reported to us, and that the British force under Captain Hornby could not effect the object we proposed without a strong probability of resistance.

11. I therefore immediately entered again into communication with Captain De Courcy, suggesting that another powerful vessel of war might be dispatched to the spot, trusting that the exhibition of an overwhelming force might prevent resistance, and the probable effusion of blood.

12. In a personal conference the same evening with Captains De Courcy and Richards, R.N., they expressed a very strong opinion of the proposed employment of Her Majesty's forces against the troops of the United States, and suggested that milder measures should be first tried; professing, however, their readiness to receive my instructions, at the same time entering their protest against any forcible demonstration.

13. Out of respect to the opinion of these officers, and especially feeling assured that the measures of Government could not be carried into effect with the requisite spirit and vigour unless the officers entrusted with their execution were cordial in their support, I agreed to a modification of the instructions issued to Captain Hornby, directing him to prevent the landing of armed parties of United States' troops, and the erection of military works by the party already on the island, which part of his instructions was revoked, and the Magistrate was directed not to issue any process against the United States' detachment of troops then on San Juan.

14. Captain De Courcy further suggested that the detachment of supernumerary Marines, stationed in British Columbia, should be recalled for service under his command in San Juan, and Her Majesty's ship "Plumper" was accordingly dispatched yesterday morning to New Westminster for that purpose.

15. It was also suggested that Captain Prevost, R.N., Her Majesty's Commissioner for the Settlement of the Water Boundary, should immediately enter into communication with Mr. Campbell, the United States' Commissioner, to ascertain if the military occupation of the Island of San Juan by United States' troops had taken place with the sanction of the United States' Government, and, if not, to urge him to use his influence with General Harney, commanding the troops in Washington territory, to refrain from taking a course which was likely to produce collision, and interrupt the harmonious relations subsisting between the United States and Great Britain.

16. I addressed, in consequence, a communication to Captain Prevost directing him to pursue that course. It was also arranged, in the same personal conference, that the "Pylades" should leave to-day, to reinforce the detachment of ships under command of Captain Hornby at San Juan.

17. That measure has, however, not been carried into effect, as

Captain De Courcy waited upon me at 11 A.M., accompanied by Colonel Hawkins, Her Majesty's Boundary Commissioner, to suggest the importance of conveying intelligence of the occupancy of San Juan to Her Majesty's Government without delay, and as, with diligence, there is still time to overtake the mail-steamer leaving San Francisco on the 5th of August, Captain De Courcy proposes to convey such intelligence immediately to San Francisco by Her Majesty's ship "Pylades." To that course I see many serious objections, especially the detachment of so powerful a ship on a distant service, at such a critical time.

18. I ought here to inform you that I submitted my plan of operations with respect to the Island of San Juan, to the Legislative Council of Vancouver's Island for their consideration, and that it met with their entire approval, and they promised to give me their earnest and most cordial support in my attempts to assert the rights of the British Crown over San Juan.

19. I thought it due to the suggestions of Captain De Courcy this morning to summon a Council, composed of the chief officers of Vancouver's Island and British Columbia now present in Victoria, at which Captain De Courcy and Colonel Hawkins were present and assisted.

20. The result of their consultation has been handed to me, and is embodied in the accompanying Address, recommending, for the reasons therein set forth, the withdrawal of all British subjects from the Island of San Juan, under protest against the act of hostility which has rendered such a step necessary.

21. I feel assured that not one of the gentlemen who have attached their signatures to that Address would hesitate for one moment in hazarding life and property in their country's defence. The difficulty in the present case is that they do not know that San Juan is their country. I, therefore, profoundly respect their motives, though I still believe that vigorous measures on our part would soon dispose of the question in our favour. A policy of national concession is always mischievous, and, in the case of these colonies, dangerous.

22. I have thrown these hurried remarks together for your information on the subject of this dispute, so recklessly excited by the acts of the United States, which appear the more remarkable as they appear causeless; adding neither to the force nor to the justice of whatever claims they may have to the Island of San Juan.

23. I have not had time to weigh the measures recommended by the Council held to-day, neither am I certain that they can be carried out, without a complete sacrifice of British interests; but Her Majesty's Government may rest assured that I will not adopt any reckless or inconsiderate course.

24. I have further to request that you will favour me with your instructions by the return of post.

25. Colonel Hawkins having volunteered to take home this despatch, I beg to refer you to that officer for further information respecting this virtual invasion of San Juan, as I must dispatch him immediately, in order to save the mail.

26. At the moment of closing this despatch, Captain Prevost has returned from an unsuccessful mission in search of Mr. Campbell, and has handed me the report of his proceedings which I now inclose.

I have, &c.

(Signed) JAMES DOUGLAS.

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Inclosure 2 in No. 34.

*Mr. de Courcy to Mr. Young.*

Sir,

*San Juan, July 29, 1859.*

I HAVE the honour to report, for the information of his Excellency the Governor of Vancouver's Island and British Columbia, the occurrences which have taken place this day in the district for which I was appointed a Stipendiary Magistrate.

Having been informed, in the early part of the morning, that the detachment of United States' troops which landed on this island, and encamped on the shore of Griffin Bay, was receiving provisions and stores of every kind, I was no longer left in doubt as to the motives and object of the officer in command of the detachment. I judged that a permanent settlement by military occupation was about to be attempted.

Having come to this conclusion, my line of conduct was clearly indicated to me by my general duties as a magistrate, as well as by the first paragraph of instructions contained in your communication of the 27th instant.

I therefore proceeded at about 3 o'clock P.M. to the spot where the United States' troops were encamped; on reaching which the officer commanding the troops was pointed out to me, and I immediately introduced myself to him in my official capacity. He likewise communicated his name and official position, as per margin.\*

I then asked him "by what right or for what reason he had landed and occupied this island." To which he answered, that "he did not consider that I, or any other person, had the right to ask such a question; but as it was generally known to every one about, he had no objection to state that he occupied and landed on the island by order of his Government." I then informed him that his acts were illegal; that he was trespassing, and that it was my duty to warn him off the premises and island. Captain Pickett then called up a Mr. Crosbie, and introduced him to me as the President Stipendiary Magistrate of this island. Mr. Crosbie informed me that he intended acting in that capacity here, and warned me against acting on my appointment. I declined entering into any discussion with this gentleman.

There the official conversation and incident was brought to an end by mutual consent. Shortly after the above had taken place, I overheard Captain Pickett promise protection to any and every American citizen who might wish to squat on this island. He further said that they had a right so to squat on every part of the island.

To these words, as well as to what passed between Captain Pickett and myself, Captain Gordon was an ear and eye-witness. Captain Gordon did this at my request.

I have, &c.  
(Signed) JOHN F. DE COURCY,  
*Stipendiary Magistrate.*

Inclosure 3 in No. 34.

*Governor Douglas to Captain De Courcy, July 29, 1859.*

[See Inclosure 7 in No. 33.]

Inclosure 4 in No. 34.

*Mr. Cary to Governor Douglas.*

Sir,

*San Juan, July 30, 1859.*

I HAVE the honour to inform you of the advice which I have thought it my duty to give with regard to the settlement of the San Juan question. As I understand, my position here is simply to advise the resident Magistrate with regard to the steps to be taken in order to enforce obedience to his process, and also to take care that in enforcing such process your Excellency's representative shall not place you in a false position. There are from 100 to 150 Americans, with 3 guns, prepared to contest the question; and 50 men armed with rifles could not, if they retreated to the

\* Captain Pickett, United States' Army.



woods, be made prisoners by the force under Captain Hornby's command, without a strong probability of resistance.

The position of the American camp is between two woods, and Captain Hornby informs me that he could not, with his present force, prevent a retreat to one or other of the woods. I conceive that the only steps which could be taken by the naval in aid of the civil authorities would be to bring the persons against whom the warrants will issue before the Magistrate, after their refusal to attend upon the warrant. I have, therefore, advised the service of a summons upon Captain Pickett, the American officer in command, and the postponement of the warrant until Sunday morning, by which time your Excellency will have had an opportunity of sending reinforcements, should you think proper.

I have, &c.

(Signed) **GEORGE HUNTER CARY,**  
*Attorney-General of British Columbia.*

Inclosure 5 in No. 34.

*Governor Douglas to Captain Prevost, R.N.*

*Government House, Victoria, Vancouver's Island,  
July 30, 1859.*

Sir.

A BODY of the troops of the United States of North America having been landed on the Island of San Juan, I conceive it to be a matter of the utmost importance that you should immediately enter into communication with Mr. Campbell, the United States of North America Commissioner for the settlement of the boundary, with the view of ascertaining from him if such occupation has taken place with his previous cognizance, or by instructions from his Government. Also that you inquire whether he has received information of the settlement of the water-boundary south of the 49th parallel of north latitude.

If he has received no such information, it is suggested that you urge him to use his influence as Commissioner with the military authorities in Washington territory, to induce them to refrain from any course which may lead to acts of violence or disturb the amicable relations at present existing between the Governments of Great Britain and the United States which the armed occupation of the Island of San Juan may produce.

I have, &c.

(Signed) **JAMES DOUGLAS.**

Inclosure 6 in No. 34.

*See pp 55 & 56 Minutes of a Council of the Principal Officers of Vancouver's Island and British Columbia, held on the 1st August, 1859.*

IF there were no doubt about the territorial right, if the outrage now committed had taken place on any part of the Island of Vancouver itself, or on any undisputed part of the colony of British Columbia, we feel sure that no question of expediency or in expediency, no question of inadequacy of force or of ultimate success, would have been submitted to be debated by us at all, and we all, without hesitation, would unanimously refuse to entertain any debate upon such a question.

But in the present case the whole embarrassment arises from the fact of the Island of San Juan being under a disputed sovereignty; although in our eyes, and under the instructions from the Colonial Office, undoubtedly to be considered as part of Her Majesty's dominions. Still it is not to be lost sight of that the United States have denied that sovereignty—have claimed the island—and that our own Government have long been aware of this adverse claim.

Under these circumstances a variety of considerations arise upon

which we should have thought it unnecessary to deliberate if the question of territorial right had never been disputed.

In our opinion the present occupation of San Juan Island appears to be the result of instructions from the Federal Government at Washington. This appears from the following considerations:—

1. The presence of Mr. Campbell, the "Shubrick," the "Massachusetts," and the troops of the line, show that four Departments must have been communicated with, not General Harney alone.

2. The officers in the United States' troops in the island are alleged to assert that they are acting under such orders.

3. Reinforcements are reported to be on the road from San Francisco.

(2.) Admitting that we could sweep out to-day the United States' troops and citizens from San Juan, it is evidently impossible that we could do so without bloodshed; and we think it extremely probable that, blood once shed, the remnant would disperse in different directions, possibly into this island. And, if the first proposition be true, that this is a Federal movement, there are no forces at your Excellency's disposal which can be confidently relied upon sufficiently to defend Vancouver's Island and British Columbia.

It appears also probable that, if a collision take place at San Juan, insurrectionary and filibustering movements will ensue both in Vancouver's Island and British Columbia, the great majority of the inhabitants being either citizens of the United States or imbued with their feelings.

If, on the contrary, no collision take place at this instant, it is probable that a collision may be avoided until reinforcements and instructions arrived from the Home Government.

In the present state of European politics it is extremely desirable that the Home Government be, as far as possible, left unfettered by a war with the United States, over which they have in the inception had no control.

It is in our opinion impossible to raise any local militia which could be depended upon, without exciting a number of foreigners, most of whom are extremely well-affected in time of peace, but, under the pressure of filibustering expeditions, would be compelled to declare on their side.

We consider it under these circumstances more prudent to abstain from everything that can excite a collision at present.

It appears that your Excellency could, for the moment, amply vindicate Her Majesty's sovereignty in San Juan. But we are by no means sure that your Excellency could maintain that sovereignty for more than a short time. It seems clear that it could not be vindicated without bloodshed, and bloodshed would endanger the safety of both these colonies and involve the Imperial Government in a war.

Your Excellency is imperatively instructed to maintain the sovereignty in San Juan. But the latest despatch containing these instructions refers expressly to the civil power, having doubtless been written without contemplating the circumstances actually present, and with which your Excellency has now to deal. And the first object as it appears is, not to assert the sovereignty for an hour, but to assert it in the most permanent way, and to maintain it in the way most consistent with the safety of these two colonies; and we believe that all these objects, as well as the permanent sovereignty of San Juan, will be best secured by reference to the Home Government.

Colonel Hawkins, R.E., having volunteered to proceed home with despatches at a moment's notice, and it being of the utmost importance to save the mail from San Francisco of the 5th instant, we beg to recommend that Her Majesty's ship "Pylades" be employed on that service, it being impossible to embody all the matters connected with the present inquiry in a written despatch.

The proceedings of the troops and citizens of the United States amounting to an act of war, and having endangered, in our opinion, the safety of the lives and property of British subjects in San Juan, we have to recommend that they be all withdrawn under the strongest protest.

entered against the act of hostility which has rendered such a course necessary.

(Signed) RODK. FINLAYSON.

(Except as to the withdrawal of British property from San Juan.)

JOHN WORK.

D. FRASER.

DAVID CAMERON.

MICH. DE COURCY.

J. HAWKINS. M. S. 1. 6766

MATT. B. BEGBIE.

I cannot but dissent from these views.

(Signed) GEORGE HUNTER CARY.

Inclosure 7 in No. 34.

*Captain Prevost, R.N., to Governor Douglas, August 1, 1859.*

[See Inclosure 14 in No. 33.]

Inclosure 8 in No. 34.

*Order issued by Captain Pickett, July 27, 1859.*

[See ante, p. 13.]

Inclosure 9 in No. 34.

*Governor Douglas to Sir E. B. Lytton.*

*Government House, Victoria, Vancouver's Island,*

*August 8, 1859.*

Sir,

See p 64 IN continuation of my despatch of the 1st August, I have the honour to acquaint you that after mature reflection, and with every deference to the opinion of the Council I had called, upon the subject of the occupation of the Island of San Juan by a body of American troops, I came to the conclusion that I could not abandon the island to such an occupation, and I determined to land a body of British troops, so that the occupation might at least be a joint one.

2. For this purpose I addressed a letter of instructions to Captain Hornby, of Her Majesty's ship "Tribune," a copy of which I inclose; but I regret to say that Captain Hornby did not deem it advisable to carry out those instructions, for the reasons which will be found detailed in his report.

3. I cannot but regret that circumstance, for I feel satisfied that the absence of a movement of this kind has only increased the confidence of the occupying party, and it places me in a difficult position; for so much time having elapsed, the carrying out of the movement at this period deprives it of most of its force.

4. I shall, therefore, now act as circumstances may demand.

5. The greatest excitement has arisen all over the country, and rumours are rife that a large body of men are arming in Washington territory and Oregon, to move northward to assist, if need be, in the protection of their flag.

6. I am happy to say that Admiral Baynes arrived at Vancouver's Island in Her Majesty's ship "Ganges" on the 5th instant, so that the naval force now on the spot consists of Her Majesty's ships "Ganges," "Pylades," "Tribune," "Satellite," "Plumper."

7. I forward the undermentioned documents, all having bearing upon the subject under discussion:—Copy of a Message I addressed to the Legislative Council and House of Assembly; and copy of a report from Captain Prevost, dated 5th August, forwarding correspondence with the United States' Commissioner.

8. I trust you will pardon the brevity of this despatch, but the departure of the mail being earlier than was anticipated, I am much pressed for time.

I have, &c.  
(Signed) JAMES DOUGLAS.

Inclosure 10 in No. 34.

*Governor Douglas to Captain Hornby.*

*Government House, Victoria, Vancouver's Island,  
August 2, 1859.*

Sir,

I HAVE the honour to acknowledge the receipt of your letter of yesterday's date, upon the subject of immediate instructions being forwarded to you as to the course of action you are to pursue; I, therefore, beg to lay before you, as concisely as possible, the line of bearing I have determined to adopt, and I trust with confidence to your discretion and experience to carry out my wishes to the best of your ability.

2. In the first place, my most earnest desire is to prevent any action that might lead to a collision with the troops of the United States now encamped upon San Juan; but I cannot, without sacrificing the honour and dignity of Her Majesty's Government, permit those troops to commit any act of violence as against the persons or property of British subjects on the island; nor can I abandon the island to a military occupation, and to a squatter population of American citizens. I, therefore, propose that you should enter into a full and frank communication with the officer in command of the United States' troops, with a view of completing arrangements, which I am given to understand he is most anxious to do, to prevent any interruption of the friendly relations at present existing between Her Majesty's Government and that of the United States.

3. The Island of San Juan has always been regarded as a dependency of Vancouver's Island, but the question of sovereignty has been disputed by the Federal authorities at Washington territory, and as the line of boundary has not yet been determined, the action of occupying the island by an armed body of United States' soldiers without the slightest previous intimation is as unjustifiable as it is discourteous. I am, however, willing to waive this act, and let it be judged by higher authority; but it compels me, notwithstanding, to take steps that the interests of Her Majesty's Government, and of British subjects, be in no way prejudiced thereby.

4. For the following reasons, therefore, I deem it necessary to land a body of British troops upon San Juan:—

To prevent our claim to the sovereignty of the island being in any way vitiated;

To maintain the national honour and dignity;

To maintain our control and influence over the Indian tribes;

To protect British subjects and property;

To carry out any action which circumstances hereafter may compel me to take.

5. From the copy of a notice or general order forwarded to me by Captain Prevost, issued by Captain Pickett, the officer in command of the United States' troops, it would seem that the occupation of the island is or was wholly a military one; and I think this circumstance might be taken advantage of to guard against the collisions that may take place, by having two contending Civil Magistrates on the island. If the joint occupation were wholly a military one, I conceive that peace and a good

understanding might be preserved, provided the officers in command were mutually desirous of maintaining friendly relations.

6. Upon a guarantee that the Civil Magistrate of the United States should be withdrawn, or that the action of his Court should be suspended under military occupation of his district, I will withdraw our Magistrate, or suspend his functions, as may be agreed upon.

The officers of the United States may say that they do not admit that the island is other than United States' territory, and that they cannot take any measures in consequence; but they must remember that we do not admit any claim of the kind, but maintain that it is British territory, both in justice and equity and by Treaty right, and that, therefore, any precipitate or arbitrary action upon their part only impels us to a course which we really have no desire to take, but which is forced upon us in defence of national character and honour. We are sincerely desirous of maintaining harmony, but they must show an equal desire, or the grave responsibility of provoking a collision will rest entirely upon their own heads.

7. I trust that the "Plumper" has joined you, and I leave to you, with much satisfaction, the details of arrangements as to landing the body of troops.

8. I forward to you herewith the copy of a protest which I have this day entered against the occupation of the Island of San Juan; and I request you will publish the said protest upon the island, and furnish a copy thereof to the officer commanding the United States' troops.

I have, &c.

(Signed) JAMES DOUGLAS.

Inclosure 11 in No. 34.

*Protest by Governor Douglas, dated August 2, 1859.*

[See *ante*, p. 19.]

Inclosure 12 in No. 34.

*Captain Hornby to Governor Douglas.*

*"Tribune," Griffin Bay, Island of San Juan,  
August 4, 1859.*

Sir,

IN pursuance of the directions contained in your letter of the 2nd instant, I held a frank communication with the officer commanding the United States' troops on this island, with a view to make such arrangements as might, under the present circumstances, prevent an interruption of the friendly relations of the two States.

2. As he requested to be furnished with a note of the conversation, I complied with his request, and I inclose a copy of it, and his subsequent letter, for your information.

3. He professed an equal desire to your own that no collision should should take place, and expressed himself confident that none would arise from the action of the United States' subjects of every grade; at the same time, he earnestly hoped that our forces would not be landed, as his orders as a soldier gave him no discretion but to seize a small force, to attack an equal one, or to protest against the advance of a superior. He deprecated such a measure principally on the ground that, as we were here in such overwhelming force, our motive in not forcing landing could not be misunderstood.

4. As you will see by the notes of the conversation, I proposed to him the arrangement pointed out in paragraph 5 of your letter; but, as he refused to accept these terms, and as those which he proposes, viz., a reference of mine to General Harney and yourself, did not seem to meet the immediate danger, I threw upon him the responsibility of any difficulties that might arise. I told him that after his refusal, I held myself

free to act in any way that might be desirable or convenient, as regarded the landing of the troops; and I added that they would certainly be landed the instant that I thought that the honour of the flag, or the protection of our rights or subjects, demanded it.

5. In accordance with paragraph 8 of your instructions, I delivered to him a copy of your protest, and shall publish it on the island immediately.

6. I shall now venture to give your Excellency my reasons for not having landed Marines, and for not at present considering such a measure desirable:—

1st. From our notorious and confessed power to land when and where we choose, the reasons for not doing so cannot be mistaken, or the honour of our flag thereby in any way compromised.

2ndly. That, as regards the action of the United States' troops, we are in a better position to protect our subjects and properties by keeping our men on board ready to land at any point, than if they were established in, and so tied by a camp.

3rdly. That as we protest against the action that they have taken in landing on territory whose sovereignty is now under the discussion of a Commission of the two nations, we should clearly weaken our position by landing, similarly, except we were forced to do it by them to protect our honour and rights.

4thly. That there is an understanding of old date between the two Governments that "neither shall attempt to exercise complete and exclusive sovereign rights" (that of occupying with an armed force is clearly one) "within the fairly disputed limits," and the perpetration of such an act by an officer of the United States is no argument for our following so blameable a course.

7. The above are the reasons that have induced me not to use the discretionary power to land immediately, which was, I conceive, given to me by your Excellency's despatch; nor shall I do so, unless called on in the cases above alluded to, or ordered to do so by your Excellency.

8. If I might be allowed to make a suggestion to your Excellency, it would be that a protest should be made to, and explanation sought from General Harney immediately, as now for the first time we have ascertained, officially, that the troops have committed this act of aggression by his orders.

9. The United States' troop-ship "Massachusetts," with about 120 disposable troops on board, anchored here on the 1st, and sailed with them again northward yesterday.

10. I have sent the "Plumper" to you with this letter. Captain Richards will receive your directions for his future proceedings, and she is available to proceed to Olympia to communicate with General Harney if you require her; if not, I should be glad of her presence, as well as that of the "Satellite," here. The latter has again started for Semiahmoo, Captain Prevost hoping to find Mr. Campbell there.

I have, &c.

(Signed) GEOFFREY PHIPPS HORNBY.

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Inclosure 13 in No. 34.

*Captain Hornby to Captain Pickett, U.S. Army.*

*"Tribune," Griffin Bay, Island of San Juan,  
August 3, 1859.*

Sir,

IN accordance with your request for a written communication, I have the honour to transmit the substance of the declarations and propositions made by me to you to-day.

Having drawn your attention to the extract of a despatch from Mr. Marcy, Secretary of State, to his Excellency Governor Stevens, dated 14th July, 1855, prescribing the conduct that should be pursued by the officers of the United States in respect to the disputed grounds, I asked

if that was the tenour of your present instructions, or if the relations of the two States had been placed on other than a friendly footing by any of a more recent date.

To this you replied by referring to the date of the despatch.

I then asked you, in the name of Governor Douglas, the terms on which you now occupied the Island of San Juan; to which you replied that you did so "by order of the General commanding," to protect it as a part of the United States' territory, and that you believed he acted under orders from the Government at Washington.

I then presented to you the Governor's protest against any such occupation or claim; I represented to you that the fact of occupying a disputed island by a military force necessitated similar action on our part; that that again involved the imminent risk of a collision between the forces, there being a Magistrate of each nation now acting on the island, either of whom might call on those of their country for aid.

To prevent the chance of such a collision, I suggested that a joint military occupation might take place, and continue until replies could be received from our respective Governments, and during such time that the commanding officers of the forces should control and adjudicate between their respective countrymen: the Magistrates being withdrawn on both sides, or the action of their Courts suspended for the time being, their employment not being necessary under a joint military occupation.

I suggested this course as apparently the only one left (short of entire evacuation by the troops under your command) likely to produce the object so much to be desired, viz., the prevention of a collision between the forces or authorities of the two countries landed on, or in the harbour of, San Juan—an event which must necessarily lead to still more disastrous results by permanently endangering the friendly relations subsisting between Great Britain and the United States of America.

You replied that you had not authority to conclude such terms, but suggested the reference of them to General Harney and Governor Douglas, without interference in any way with our liberty of action.

I pointed out that my proposition was strictly in accordance with the principles laid down in Mr. Marey's own despatch, and that yours, on the other hand, offered no security against the occurrence of some immediate evil.

That as officers of the United States' Government had committed an act of aggression by landing an armed force on this island, pending the settlement of our respective claims to its sovereignty, without warning to us, and without giving you a discretionary power of making any necessary arrangements, that the United States and its officers alone must be responsible for any consequences that might result, either immediate or future.

I agreed to your request to furnish you with the substance of the conversation in writing, and concluded by informing you that, having now made what seemed to me a most equitable and simple proposition, I reserved to myself, in the event of your non-acceptance of it, entire liberty of future action, either for the protection of British subjects and property, or of our claims to the sovereignty of the island, until they are settled by the North-West Boundary Commission now existing, or by the respective Governments.

I believe I have now given you the substance of our conversation and have only to add my regret that you were not able to agree to a course which, it appears to me, would totally avoid the risk of a collision.

The responsibility of any such catastrophe does not, I feel, now rest on me or on Her Majesty's Representative at Vancouver's Island.

I have, &c.

(Signed)

GEOFFREY PHIPPS HORNBY.

## Inclosure 14 in No. 34.

*Captain Pickett, U.S. Army, to Captain Hornby.**Military Post, Island of San Juan, Vancouver's Island.**August 3, 1859.*

Sir,

I HAVE the honour to acknowledge the receipt of your communication of this date in reference to the conversation which was held to-day between ourselves and Captains Prevost and Richards. Your recollection of said conversation seems to be very accurate. There is one point, however, which I shall dwell upon particularly, and which I must endeavour, as the officer representing my Government, to impress upon you, viz. :—

That, as a matter of course, I, being here under orders from my Government, cannot allow any joint occupation till so ordered by my Commanding General; and that any attempt to make such occupation as you have proposed, before I can communicate with General Harney, will be bringing on a collision which can be avoided by awaiting this issue.

I do not, for one moment, imagine that any difficulty will occur on this island which will render a military interference necessary, and I, therefore, deem it proper to state that I think no discredit can reflect upon either of us, or our respective flags, by remaining in our present positions, until we have an opportunity of hearing from those higher in authority.

I hope most sincerely, Sir, you will reflect on this, and hope you may coincide with me in my conclusion; should you see fit to act otherwise you will then be the person who will bring on a most unfortunate and disastrous difficulty, and not the United States' officials.

I have thus hurriedly answered your communication in order to avoid any delay, and its consequences.

I remain, &amp;c.

(Signed) GEORGE E. PICKETT.

## Inclosure 15 in No. 34.

*Message to the Legislative Council and House of Assembly,*  
*August 3, 1859.*[See *ante*, p. 14.]

## Inclosure 16 in No. 34.

*Order issued by Captain Pickett.*[See *ante*, p. 13.]

## Inclosure 17 in No. 34.

*Certificate.*[See *ante*, p. 42.]

## Inclosure 18 in No. 34.

*Mr. Marcy to Mr. Crampton, July 17, 1855.*[See *ante*, p. 20.]



Inclosure 19 in No. 34.

*Mr. Marcy to the Governor of Washington Territory, July 14, 1855.*

[See *ante*, p. 19.]

Inclosure 20 in No. 34.

*Captain Prevost to Governor Douglas.*

*"Satellite," Esquimalt, Vancouver's Island.*

*August 5, 1859.*

Sir,

WITH reference to your Excellency's requisition upon me of the 30th ultimo, and to my Report of the 1st instant, of my endeavours, in compliance with your request, to place myself in communication with Mr. Campbell, the United States' Commissioner, upon the subject of the armed occupation of the Island of San Juan by a body of the United States' troops, I have the honour to acquaint your Excellency that, having conferred with Captain Hornby, at San Juan, on the 3rd instant, it was thought advisable that I should again proceed in search of Mr. Campbell. I therefore left San Juan yesterday morning, and arrived at Semiahmoo Bay, the head-quarters of the United States' Boundary Commission, when I received from Mr. Campbell a reply to my communication of the 31st ultimo. I inclose herewith a copy of Mr. Campbell's reply, together with my answer, for your Excellency's information, and also the copy of a subsequent communication which I addressed to Mr. Campbell, together with Mr. Campbell's answer.

2. Those documents will show your Excellency how hopeless it is to expect any co-operation on the part of Mr. Campbell in any action that may be undertaken for the purpose of preventing any interruption to the amicable relations at present subsisting between the Governments of Great Britain and the United States. Mr. Campbell evades the direct questions I put to him, by angry and discourteous reflections upon the fact of those questions having been put at all.

3. I left Semiahmoo Bay at 11:30 A.M. this day; arrived at Griffin Bay at 3 P.M.; communicated with Her Majesty's ship "Tribune," and left at 3:45 P.M. for Esquimalt.

4. The United States' steam surveying-vessel "Active," and the revenue cruizer "Jefferson Davis," are both lying at San Juan. No movement of consequence has taken place since you received the last reports.

I have, &c.

(Signed) JAMES C. PREVOST.

Inclosure 21 in No. 34.

*Mr. Campbell to Captain Prevost, August 4, 1859.*

[See Inclosure 1 in No. 15.]

Inclosure 22 in No. 34.

*Captain Prevost to Mr. Campbell, August 4, 1859.*

[See Inclosure 2 in No. 15.]

Inclosure 23 in No. 34.

*Captain Prevost to Mr. Campbell, August 4, 1859.*

[See Inclosure 3 in No. 15.]

nclosure 24 in No. 31.

*Mr. Campbell to Captain Prevost, August 5, 1859.*

[See Inclosure 4 in No. 15.]

No. 35.

*Captain Prevost to the Earl of Malmesbury.—(Received October 8.)*

(No. 10.)  
My Lord,

*"Satellite," Esquimalt, Vancouver's Island,  
August 11, 1859.*

I HAVE the honour to forward to you herewith the copy of a letter which I have received from Mr. Campbell, the United States' Commissioner, dated the 8th instant, in reply to my letter of the 4th instant, a copy of which forms Inclosure No. 4 to my despatch No. 9 of the 6th August, 1859.

2. Your Lordship will observe that the tenour of this letter is equally discourteous with the other communications lately received by me from Mr. Campbell.

3. The letter having been delivered to me personally, I have not returned any reply to it whatever, being quite content to leave to others the inferences to be drawn from the correspondence with Mr. Campbell relative to San Juan.

I have, &c.  
(Signed) JAMES C. PREVOST.

Inclosure in No. 35.

*Mr. Campbell to Captain Prevost.*

Sir,

*Camp, Semiahmoo, August 8, 1859.*

I HAVE received your letter of the 4th instant, acknowledging the receipt of mine of the same date.

In reply thereto I have to say that I fully agree with you in your observation that my letter of the 4th instant is not a reply to your communication of the 31st ultimo, if you mean thereby an answer, either general or particular, to the series of questions therein embodied. But that there is any evasion of either the principal question, or any other question you propound to me, I flatly deny. I did not recognize your right to question me, and therefore declined giving any answer whatever to your queries.

In the discharge of my official duties, it has ever been my desire and disposition to exhibit towards you a spirit of courtesy and frankness. In my private relations I have never been backward in meeting your most cordial advances. But how far, outside of our legitimate official duties, you have a right to expect me to reciprocate with you in a "friendly intercourse," in my official capacity as Commissioner, is not for you alone to judge.

It is hardly necessary for me to add, that I am equally desirous with yourself for the preservation of the peace and harmony which now subsists between the United States and Great Britain, and which I trust most sincerely may long remain unbroken.

I have, &c.  
(Signed) ARCHIBALD CAMPBELL.

*Captain Prevost to the Earl of Malmesbury.—(Received October 8.)*

(No. 13.)  
My Lord.

"*Satellite,*" *San Juan, Haro Archipelago,*  
*August 20, 1859.*

I TRUST you will pardon me for bringing to your notice an argument respecting the right of Great Britain to the Islands of the Haro Archipelago, which has not, I believe, hitherto been used, but which strikes me as being of great weight, and which I should have advanced and maintained during my discussions with the United States' Commissioner, had I at the time been in possession of the data upon which it is founded.

2. I have recently accidentally met with part of the correspondence which preceded the conclusion of the Treaty of June 15, 1846, and from that correspondence it appears that, upon the occasion of the United States' Government offering to settle the Oregon question by dividing the territory by a continuation of the boundary along the 49th parallel to the sea, the proposition was unhesitatingly rejected by Her Majesty's Ambassador, for the reason that such an arrangement would deprive Great Britain of part of Vancouver's Island, the British title to the whole of which was good as against all the world; the island now called Vancouver's Island having been first circumnavigated and determined as an island, and named by a British navigator in a British ship of war.

3. The proposition was then withdrawn by the United States' Government, but that fact would not weaken the claim of Great Britain to the island.

4. The next proposition came from Her Majesty's Government, and that proposition was in the identical words of the Treaty as they now stand. From the fact of that proposition having been accepted by the United States, it may fairly be inferred that some weight was attached to the claim advanced by Great Britain to the title to Vancouver's Island.

5. If, therefore, the argument be sound as regards Vancouver's Island *per se*, so also must the argument apply with equal force to the title to the islands to the westward of the British navigator's track, and some of which islands were, indeed, conceived by him to form part of the mainland of the larger island.

6. It is true, undoubtedly, that some of those islands, and more particularly one or two of those at present in dispute, were first named by Spanish navigators, but it is not necessary now to encumber the question by a dissection of the Spanish title to any of the territory. The validity of that title, though strongly pressed by the United States, was never, I believe, admitted by Great Britain, but, on the contrary, was always strongly opposed. No Spanish title could be advanced to the waters of Puget's Sound, to Bellingham Bay, Whitby's Island, Birch Bay, &c.; for, as was pointedly and justly remarked by Mr. Benton in his speech to the Senate upon the ratification of the Treaty, the names of those places indicate their discoverers, and nothing but the Treaty could give them to the United States.

7. The Americans appear to centre their claim to the islands in the argument that the 49th parallel was the principle of the Treaty, and that the southern cape of Vancouver's Island was only given up on account of the manifest inconvenience that would ensue if the island were divided between the two Powers, and, therefore, such being the case, the line of boundary should be carried through that channel which is nearest to Vancouver's Island.

8. The consideration that the proposition came from the British Government, and that such propositions afterwards became the Treaty without the alteration of a single word, added to the argument I have before given, will, I humbly conceive, be an incontrovertible chain of evidence to refute the favourite and most plausible argument advanced on behalf of the United States' claim to the islands in dispute.

9. The whole of the foregoing is matter extraneous to the Treaty. I am still of opinion, that if all such matter be cast aside, and the words of

the Treaty alone adhered to, no possible construction which can be put upon those words will carry the line of boundary through the Canal de Haro.

I have, &c.  
(Signed) JAMES C. PREVOST.

## No. 37.

*Captain Prevost to Mr. Hammond.—(Received October 8.)*

(Private.)

My dear Sir,

*"Satellite," San Juan, August 23, 1859.*

I HAVE been stationed at this island, watching the movements of the United States' troops, ever since the 18th instant. All is at present peaceful and quiet. As many as 500 soldiers are in possession of this island, under the command of Lieutenant-Colonel Casey, formerly quartered at Steilacoom; his camp is very strongly placed, in the most commanding position in this end of the island, well sheltered in the rear and on one side by the forest, on the other side by a commanding eminence. He has with him six field-pieces, and I am told there are six others kept out of sight, which I have not seen. On a ridge about a quarter of a mile from the camp and about 2,000 yards from our anchorage, eight 32-pounders have been placed—ship's guns (iron) landed from one of their steamers, the "Massachusetts."

Colonel Casey called on me on the 21st, and, as far as I can judge, both by his words and his actions (now the troops are securely placed in possession of the island), he will use every endeavour to prevent any collision between the Magistrates.

Squatters are settling in various parts of the island, but do not interfere with the Hudson's Bay Company's property, which consists principally of sheep.

Mr. Campbell is at present at Semiahmoo: a small vessel, the "Shubrick," is in constant attendance on him. I have seen him here once since I received my last official letter from him, a copy of which I have already sent home.

The "Northerner" mail-steamer has called in here *en route* to Victoria. She left San Juan the 13th instant, and I am told the excitement then was very great; some wicked designing persons had spread a report that the "Satellite" had fired on the American camp, and with her shells had killed thirty of the troops; it was doubtless spread to increase popular excitement. Judging from general appearances the troops here, I should think, are preparing and supplying their camp for a steady occupation of the island.

I am obliged to close in a great hurry.

Believe me, &c.  
(Signed) JAMES C. PREVOST.

## No. 38.

*Lord Lyons to Lord J. Russell.—(Received October 8.)*

(No. 198.)

My Lord,

*Washington, September 22, 1859.*

GENERAL SCOTT sailed from New York the day before yesterday on board the Californian mail steamer "Star of the West." It is thought that he will reach San Juan about the 16th October.

I have the honour to inclose an extract from a Washington journal of this morning, giving news from San Juan, which has been telegraphed to the newspapers from Saint Louis, from Missouri, and from New Orleans.

The date of the news from San Juan by way of St. Louis is stated to be the 22nd ultimo. The date of that by way of New Orleans is not

stated, but from the date of the San Francisco paper, from which it appears to be taken, it would seem to be about ten days later.

General Cass informed me this morning that the Government had received no intelligence, and that consequently he was unable to say what degree of credit was to be given to these newspaper accounts. He thought, however, that the distance between Victoria Harbour and San Juan proved the absurdity of the assertion that that harbour was commanded by guns planted on the island.

General Cass told me further that he had not directed Mr. Dallas to make any official communication to your Lordship respecting the affair of San Juan: but that he should send that Minister full information respecting it, which would enable him to acquaint your Lordship with any details which you might desire to hear from him.

I have, &c.  
(Signed) LYONS.

Inclosure in No. 38.

*Extract from the "National Intelligencer" of September 22, 1859.*

*St. Louis, September 20, 1859.*

THE California mails have been received here, with San Francisco papers to the 26th ultimo.

The Victoria papers of the 22nd August state that five companies of infantry and four of artillery, with a battery of eight 32-pounders, from the United States' steamer "Massachusetts," had landed on San Juan Island. The House of Assembly of British Columbia on the 12th adopted an Address to Governor Douglas, urgently requesting him to enforce upon the British Government the necessity of demanding from the Government of the United States not only the immediate withdrawal of all troops, but strenuously, and at all risk, of maintaining her right to the island, as well as all the other islands in the same Archipelago, now clandestinely invaded. A motion was also adopted urging the Governor to form volunteer military companies. All was quiet up to the latest dates.

The shipments of gold from Victoria for the previous fortnight amounted to 140,000 dollars.

*New Orleans, September 21, 1859.*

The steam-ship "Habana," from Minatitlan, with San Francisco dates of the 5th instant, has arrived.

Five hundred American troops were at the Island of San Juan. Earthworks had been thrown up, and the harbour of Victoria was commanded by their field-pieces. The island was in a complete state of defence. General Harney says he will call for volunteers from the territories if attacked. He had written to Governor Douglas that he (Harney) had occupied the island to protect the American citizens from insults by the British authorities at Vancouver and the Hudson's Bay Company's officers. The British Admiral refused to obey the order of Governor Douglas to bring on a collision, and also refuses to bring the North Pacific British fleet near the island. He says he will await orders from the Home Government, and disclaims all hostile intentions. The American and British officers are on friendly terms with each other.

No. 39.

*Lord Lyons to Lord J. Russell.—(Received October 8.)*

(No. 199. Confidential.)

My Lord,

*Washington, September 22, 1859.*

THE American Secretary of State has told me this morning very confidentially that General Scott will, immediately upon his arrival, with-

draw from San Juan any additional United States' troops which may have been sent to that island since the first detachment under Captain Pickett landed there.

I have, &c.  
(Signed) LYONS.

## No. 40.

*Lord J. Russell to Lord Lyons.*

(No. 77.)

My Lord,

*Foreign Office, October 8, 1859.*

HER Majesty's Government approve your Lordship's despatch to Governor Douglas, respecting General Scott's mission to San Juan, a copy of which is inclosed in your despatch No. 194 of the 19th ultimo.

I am, &c.  
(Signed) J. RUSSELL.

## No. 41.

*Lord Lyons to Lord J. Russell.—(Received October 8.)*

(No. 202.)

My Lord,

*Washington, September 27, 1859.*

I HAVE the honour to inclose extracts from New York and Washington newspapers, giving detailed intelligence from Victoria, Vancouver's Island, up to the 22nd of last month. No collision between the British and American forces appears to have taken place at San Juan up to that date; but if these newspaper accounts be correct, it would seem that a considerable addition had been made to the numbers of the United States' troops upon that small island, and that further reinforcements were on their way to them.

General Cass told me yesterday that he had read these statements in the newspapers; that they appeared to him to be in many particulars improbable; but that he had not received any official information which enabled him either to confirm or to contradict them. He could only, he said, repeat to me that General Scott was instructed to withdraw from San Juan any additional troops sent to that island since the first detachment; and, moreover, that General Scott had been officially informed that the President considered that Captain Pickett had done wrong in not acceding to the proposal made by the British authorities for a joint occupation of the island.

I have, &c.  
(Signed) LYONS.

## Inclosure I in No. 41.

*Extract from the "Washington Intelligencer" of September 24, 1859.*

THE overland mail from California arrived at St. Louis on Tuesday night, with San Francisco papers to the 26th of August. The news is not so late by several days as that received at New Orleans, a telegraphic report of which, showing that there was no immediate danger of a collision between the British and American troops, was published on Thursday. The following paragraphs, however, are of interest, as affording information of the movements of our troops up to the 10th ultimo. They are extracted from the California papers.

The "Steilacoom Herald" of the 12th August, has the following news relating to the imbroglio at San Juan Island;—

"On the 9th there was considerable excitement at Steilacoom owing to the departure of the United States' troops for San Juan. In pursuance of orders from General Harney, Colonel Casey left Steilacoom on that day, with the troops under his command, for San Juan (or Bellevue) Island, Captain Pickett's small force of some forty men being deemed insufficient to hold possession in the event of an attempt being made by the British to drive them off. Companies A, C, and H, Captains Maloney, Hunt, and

English, and Lieutenants Kellogg and Bonner, all under the command of Lieutenant-Colonel Casey, went on board the steamer 'Julia' at about noon, taking with them two heavy brass field-pieces and a large quantity of ammunition. The whole force numbered about 150 men, leaving at Steilacoom a simple guard of about twenty men and about thirty more in the hospital and guard-house. This will increase the force on San Juan Island to some 200 men, which will probably be further increased by the addition of Captain Woodruff's company from Semiahmoo. Lieutenant Harvie is left in charge of Steilacoom. Four companies of Artillery are on the way from Fort Vancouver to Steilacoom, *en route* for San Juan Island. Two companies left Vancouver on Monday, 8th August, and two more on Tuesday. The first two will reach Steilacoom on Saturday, the 13th, and the last on the following day."

A correspondent of the "Victoria Gazette" writes thus from San Juan under date of August 10th :—

"This morning the United States' steamers 'Active' and 'Shubrick,' and the mail-steamer 'Julia' steamed simultaneously into the harbour. The 'Julia' had on board an express from General Harney at Vancouver, and a portion of three companies of United States' troops, under command of Lieutenant-Colonel Casey, which, with some fifty tons of munitions of war, stores, &c., with two howitzers, were duly landed. The American force upon the island at present consists of Lieutenant-Colonel Casey and his aids; Lieutenant Kellogg of the Artillery; Lieutenant Reynolds and Lieutenant Conner, Adjutant; Company D, Captain Pickett; Company H, Captain English, of the 9th; Company A, Captain Maloney; and Company C, Captain Hunt, of the 4th Infantry; making in all about 200 rank and file in occupation of the island.

"I understand the instructions of General Harney were to maintain the occupation of the island at all hazards. I have no hesitation in saying that the landing of British troops, if attempted, will be considered a hostile measure, and resisted.

"At noon the British ship 'Satellite' steamed into the harbour, and shortly after Captains Prevost and Hornby, and Commissioner Campbell, from the 'Shubrick,' paid together an official visit to Lieutenant-Colonel Casey. The interview was said to be of the most amicable and friendly nature, and I really cannot see how any discordant element can intervene, except through such persons as will take care to prevent jeopardy of person to themselves."

The "Steilacoom Herald" condenses other letters from San Juan Island, under date of the 8th and 9th, thus :—

"Notwithstanding the very frequent arrivals and departures of steamers from and to Victoria, with despatches to the commanding officer of the 'Tribune,' Captain Hornby, no definite or extreme measures have thus far been adopted; and I am pleased to learn that all intercourse between Captains Pickett and Hornby has been marked by the most courteous and gentlemanly feelings. The American officers speak in the highest terms of Captain Hornby and his brother officers, and attribute the continued harmony to the discreet and able manner in which he has discharged the duties devolving upon him. It is generally understood that Governor Douglas has it in his power to preserve peace or involve in war by the course which he may pursue in the premises. Captain Pickett is of course acting under the orders of a superior—it is immaterial whether that superior be General Harney or the Secretary of War—in the occupation of his present position, and any one who knows his character for decision and bravery, and the nature of his duties as an officer, must feel that any attempt to land the troops of another nation upon the island will be deemed an invasion, which, regardless of all questions of title between the Governments, he would doubtless resist to the extent of the force under his command. No one will doubt for a moment that the force at the command of his Excellency Governor Douglas could annihilate the little band of men now here, with a loss, perhaps, of not far from an equal number; but the question whether the results to be gained would justify the sacrifice should be pondered well before so dire a calamity is forced upon the two nations."

## Inclosure 2 in No. 41.

*Extract from the "New York Times" of September 24, 1859.*

**THE BOUNDARY DIFFICULTY.**—The overland mail brings us further particulars of the difficulties at San Juan Island, received at San Francisco by the steamer which left Victoria on the 22nd August. The report of the landing of another detachment of United States' troops on the island is confirmed. The camp had been removed to a piece of wood immediately behind the barns belonging to the Hudson's Bay Company's station, and a company of Sappers and Miners were expected from Vancouver, for the purpose of erecting fortifications.

A correspondent of the "Gazette," writing from the island under date of August 17, thus describes the condition of matters there:—

"I left Victoria last Sunday evening (13th August), on the United States' mail-steamer 'Julia,' Captain Bushnell, for this port, and upon arriving found at anchor in the harbour Her Majesty's ships 'Tribune' and 'Satellite,' and United States' steamers 'Massachusetts,' 'Active,' and 'Shubrick,' which, with our own steamer and the scow-schooner 'General Harney,' gave the place quite an air of business importance.

"The 'Harney' was engaged in landing a battery of eight 32-pounder guns from the 'Massachusetts,' which were placed 'in due form' upon the ridge of the peninsula, six commanding the anchorage, the other two turned to the westward and commanding the waters beyond and in front of the United States' troops. Everything on shore was quiet, and nothing had transpired of a nature calculated to provoke or threaten a landing and consequent collision."

Prompt legislative action in relation to the difficulty had been taken by the House of Assembly of British Columbia. On the 12th August the House adopted the following Address to Governor Douglas:—

"The House acknowledges the receipt of your Excellency's communication of the 3rd instant (published in the 'Bulletin' of the 10th August), relating to the clandestine invasion of San Juan Island by United States' troops, and the steps to be adopted in relation thereto. Since that communication, it is well known that additional forces have been landed. The House would, therefore, respectfully inquire why the British forces were not landed, to assert our right to the island in question, and to uphold the honour of our country and our Queen.

"The House would most urgently impress upon your Excellency to enforce upon Her Majesty's Government the necessity of demanding from the Government of the United States not only the immediate withdrawal of all her troops, but also strenuously and at all risks to maintain her right to the island in question, and also to all other islands in the same Archipelago, now so clandestinely, dishonourably, and dishonestly invaded. It is not for our country to be wantonly and insolently insulted, but redress must be demanded.

"The weakness of the colony is its greatest danger, and at the same time an inducement for the repetition of similar offences by similar persons. Let it, therefore, be urged upon Her Majesty's Government, that sending out colonists rapidly from Great Britain is the surest way not only of maintaining peace, but of preserving intact Her Majesty's possessions. Coupled with this, the House would propose that free and liberal grants of land be given to such emigrants, after settling thereon for a certain time."

On the same day, Mr. Skinner gave the following notice of a recommendation to embody a militia force:

"Considering the critical state of political affairs throughout the world, and the position of the whole of the British Empire in relation thereto, it is desirable this Colony of Vancouver Island should not be behind the rest of the other Colonies in making such preparations as shall enable it well to defend its loyalty, should occasion at any time arrive for it; this House would earnestly recommend your Excellency to take such steps for forming such volunteer corps as may appear the best adapted to meet the above object."



On the 16th this motion was adopted, and the following debate took place :

Mr. Yates offered a resolution, calling upon the Governor to furnish the House with a copy of the instructions to the naval officers, relating to the landing of British troops on San Juan Island. He stated that the reason of his offering the resolution was, that he had heard that Governor Douglas gave positive orders for the landing of troops, and he wanted to know why they had not been landed.

Mr. Pemberton objected to the motion, thought it an unusual proceeding, and it might be detrimental to the public interest.

Further opposition being expressed to the motion by other members, it was withdrawn.

Mr. Skinner brought forward his motion (given above), urging upon the Governor the great importance of forming volunteer military companies, in view of the present state of affairs throughout the world, and the threatening relations existing between this Colony and American officials at San Juan Island. Mr. Skinner was in favour of organizing efficient military companies, not such tomfooleries as he had seen in this Colony in times past.

Mr. Helmcken thought the boys in our schools should be taught the use of arms and the soldier's manual.

Mr. Yates remarked, it would be a long war if it was not over before the boys became serviceable.

Mr. Pemberton was opposed to teaching the boys anything of the sort. He was of opinion that boys learned to fight too soon already.

The motion was adopted.

The "Victoria Gazette" of the 18th, says :

"There is a report on the street that a 'Council of War' was held at Government House on Tuesday (18th) : the subject, the difficulties growing out of the occupation of Bellevue Island by American troops, and more particularly their avowed intention of erecting fortifications. The 'war party' have taken renewed offence at the proceedings of Lieutenant-Colonel Casey to fortify the island, which they declare, under present circumstances, is little less than an open declaration of war, and this Council was called at their instigation. The Council consisted of his Excellency Governor Douglas, Admiral Baynes, Colonel Moody, Judge Begbie, and Captains De Courey, Prevost, and Hornby, and very exciting speeches are said to have been made. Explanations from the United States' officers were strongly insisted upon by several members of the Council, which, if unsatisfactory, then active hostilities were to be inaugurated. The final result was, that the 'fire-eaters' failed in their efforts, and the previously agreed upon course of awaiting orders from home was determined upon. We cannot vouch for the entire truth of these rumours and street conversations, and merely put them in print as portions of current history."

The "Victoria Colonist," of the 22nd, intimates that a Memorial to the Queen is in preparation.

The latest report is to the effect that the American forces on the island would soon be increased to 2,000 men.

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#### Inclosure 3 in No. 41.

*Extract from the "New York Herald" of September 24, 1859.*

#### OUR SAN FRANCISCO CORRESPONDENCE.

*San Francisco, August 26, 1859.*

THE steamer "Pacific" arrived this morning from Victoria, bringing dates from the Island of San Juan to August 22. Though all was quiet, the movements of troops and ships were very active. The "Massachusetts" arrived the day before with another company of soldiers. The whole number on the island was five companies of Infantry and four companies of Artillery. A company of Sappers and Miners were expected

from Vancouver by the "Northerner," for the purpose of erecting fortifications. The American camp, now garrisoned by 400 men, exhibits a fine military aspect. The eight 32-pounders lately received have been placed in a commanding position, besides which there are six field-pieces. Colonel Casey is in command. It was expected, in the course of a fortnight, that 2,000 United States' soldiers would be on the island, as General Harney, in case of necessity, intended to call for volunteers. The Washington territory papers say that General Harney has called for reinforcements from California and for two men-of-war. The messenger arrived in this city last week.

**AFFAIRS AT SAN JUAN.**—"This morning (10th August)," says a correspondent, "the United States' steamers 'Active' and 'Shubrick,' and the mail-steamer 'Julia,' steamed simultaneously into harbour. The 'Julia' had on board an express from General Harney, at Vancouver, and a portion of three companies of United States' troops, under command of Lieutenant-Colonel Casey, which, with some fifty tons of munitions of war, stores, &c., with two howitzers, were duly landed. The American force on the island at present consists of Lieutenant-Colonel Casey and his aides; Lieutenant Kellogg, of the Artillery; Lieutenant Reynolds and Lieutenant Conner, Adjutant; Company D, Captain Pickett; Company H, Captain English, of the 9th; Company A, Captain Malony; and Company C, Captain Hunt, of the 4th Infantry: making in all about 200 rank and file in occupation of the island. I understand the instructions of General Harney were to maintain the occupation of the island at all hazards. I have no hesitation in saying that the landing of British troops, if attempted, will be considered a hostile measure, and resisted. At noon Her Majesty's steamer 'Satellite' steamed into the harbour, and shortly after Captains Prevost and Hornby, and Commissioner Campbell, from the 'Shubrick,' paid together an official visit to Lieutenant-Colonel Casey. The interview was said to be of a most amicable and friendly nature, and I really cannot see how any discordant element can intervene, except through such persons as will take care to prevent jeopardy of person to themselves."

**A MEMORIAL.**—"The "British Colonist" of August 22 says that "a Memorial will shortly be circulated for signatures, addressed to Her Majesty's Secretary of State for Foreign Affairs, representing our right to San Juan, and the necessity for the Imperial Government to maintain it. Whilst we heartily second its spirit, we differ as to the manner in which it is to be introduced to the public. There is ample time to call a public meeting for that purpose, and if a full and fair expression of British feeling is called out, it will have a far better effect, and receive many more signatures than it would otherwise."

**THE PRESS ON THE BOUNDARY QUESTION.**—"From the time when the occupation of Bellevue Island was first made public, the greatest uncertainty has prevailed as to the probable immediate consequences of the step, and especially as to the action the British authorities would take in the matter. Shortly after the landing of American troops a report was circulated that a joint occupation had been agreed upon, and there are still those who predict that an agreement to that effect will yet be arrived at. But the satisfaction resulting from this announcement of a summary settlement of the difficulty had scarcely become general, when the statement was contradicted; and since that time the public mind has been kept in a feverish state by the conflicting rumours that have prevailed from day to day. The protest of Governor Douglas, which according to usage should have been a final step in the matter (so far as the action of authorities here is concerned), was followed up by a Message to the Assembly, in which it was stated that British troops would be landed on the island; and to the latter document, and vague rumours of discussions in Council, the present inquietude is attributable.

"The question as it stands is a very simple one, and can only be complicated by action based on prejudice and passion. The American

occupation is an accomplished fact; it cannot be prevented or recalled by any steps on the part of British authorities; and although temporary redress may be had by a collision, no remedy can be obtained by such a consummation. And action that might have been excusable in the heat of the first excitement, cannot be justified after the lapse of such a period as has passed since the inception of the difficulty. No good can possibly result from measures that will lead to a collision, while the harm that will follow is incalculable. The matter must ultimately be settled by the two Governments. Is it not, then, clearly the duty of the authorities here to allow it to be presented in a shape which will admit of an amicable adjustment? If hasty action be taken now, war will exist before the British Government has been informed by its officials here of the alleged aggression which has led to such a result. Can it for a moment be supposed that a policy will be approved by that Government, which, if extended, would give every Colonial Governor the right to involve the nation in hostilities with previously friendly Powers? Assuredly not"—(From the "Victoria Gazette," August 20.)

**NO JOINT OCCUPATION.**—"It is well understood that all efforts of the Commissioners to settle the dispute about the right to San Juan had proved perfectly fruitless. The ultimatum of their instructions left the matter still a bone of national strife and contention. General Harney will employ, if necessary, all his force to maintain military possession of the island, in defiance of the British men-of-war, and we think he will not suffer a joint military occupation of the island by American and British arms.

"We firmly believe that no Representative of British authority should be permitted for a moment upon that soil, if his presence there was to indicate British dominion. We believe the floating of British colours as a token of British occupancy over the Island of San Juan offensive, invasive, and unjustifiable.

"But while maintaining these views, as the matter is in the hands of the Commissioners here—as both sides will soon be heard by the two Governments—let us await their action in the premises, and let not our people by any acts, either with British residents or with those usurping authority there, entangle and render the question more complicated."—(From the "Pioneer and Democrat," Washington territory, August 13.)

**CALL OUT THE MILITIA.**—"We know no movement better calculated to unite the various element of the British population in this Colony than by carrying out, as soon as practicable, the proposition made in the Assembly to organize the Militia. One moiety, perhaps, of all British subjects here are from the United Kingdom; the other from the British North American Provinces and other Colonies. By organizing the Militia it would be known who are British subjects and who are not. The occasional meetings for drill would have its social advantages, and besides, foster a healthy national feeling.

"Both are desirable, and both would have a good tendency. Hence the movement deserves encouragement from the powers that be. We do not believe that the time required for drill would be generally felt as a burdensome tax; but that a cordial assent would be given, and drill-days hailed with pleasure. Independent of any possible contingency arising from our unsettled relations with the United States, making it necessary to call the militia into active service, it is advisable as a precautionary measure against an Indian outbreak. The extension of our Settlements, the encroachment on their hunting and fishing-grounds, the altered policy in relation to punishment for crime, render the chances of collision greater every day. We are unwise if we expect to live always at peace with them. Then to be ready to protect our hearths against a ruthless attack from savages is pre-eminently a duty, and in organizing the militia, we but follow the dictates of self-preservation."—(From the "British Colonist," of the 22nd August.)

**COMMISSIONER CAMPBELL AND THE SAN JUAN DIFFICULTY.**—"The 'British Colonist' of the 3rd instant has an article headed 'Boundary.

Commission,' in which certain strictures are made upon the conduct of the American Commissioner, Mr. Campbell, at San Juan Island, accusing him of using undue influence, as chief of the United States' Boundary Commission, with General Harney, to bring about the occupation of that island by the military forces of the United States.

"In justice to Mr. Campbell, we state, from reliable information, that he knew nothing of the movements of General Harney until Captain Pickett was under orders, nor has he been officially informed of it, except through Captain Pickett on the island.

"The responsibility of the whole matter rests with General Harney, and on him alone. He decided to protect the Americans on the island, after hearing their position on his recent visit. He takes the position that the British authorities of Vancouver's Island forfeited any claims to Treaty stipulations by attempting to take an American citizen from the island to Victoria for trial.

"Captain Prevost, the Commander of Her Britannic Majesty's ship 'Satellite,' on his visit to San Juan Island immediately after the arrival of Captain Pickett's command, was disposed to assume much importance to himself, and did not treat Captain Pickett with that courtesy and consideration to which he is entitled as an officer of the American army, occupying the responsible position in which he has been placed by General Harney. When Captain Prevost visited the 'Shubrick' afterwards in San Juan harbour, Commissioner Campbell told him he had been wanting in courtesy to Captain Pickett. Captain Prevost appeared surprised, and changed his manner towards that officer; and it is very evident, and may be relied upon, that the British presses are now attacking Commissioner Campbell for the purpose of covering the conduct of Captain Prevost. The whole course of the British authorities in the matter of these disputed islands has been arrogant and insulting to the American Government.

"A joint Commission was appointed to run the boundary. The American Commissioner had full powers and discretion to run the boundary line according to the Treaty. The British Commissioner did not have such powers and discretion, but the Treaty was construed for him, and he had positive orders not to give up a portion of the disputed territory.

"While the question was being arbitrated and arranged, the British authorities at Vancouver's Island undertook to decide it by force, and they committed the high-handed outrage of endeavouring to seize an American citizen and take him to Victoria to try him for an alleged violation of British law.

"We thank God we have, in the commanding officer of the Department of Oregon, a man equal to any and all emergencies in the protection of American citizens on this North-West Coast. And we will say to our cotemporary of the 'Colonist,' and to British officials generally, that, notwithstanding their 'Ganges,' their 'Tribune,' their 'Satellite,' and their 'Plumper,' we have no fears that American rights will be trifled with hereafter in this quarter."—(From the "Pioneer and Democrat.")

No. 42.

*The Secretary to the Admiralty to Mr. Hammond.—(Received October 11.)*

Sir,

*Admiralty, October 11, 1859.*

WITH reference to your letter of the 2nd instant, relative to sending ships to Vancouver's Island and to the North America and West India Station, I am commanded by my Lords Commissioners of the Admiralty to acquaint you, for the information of Lord John Russell, that the "Topaze" and "Clio" have been ordered to proceed to the Pacific Station, and the "Nile" to Halifax, to join the squadron under Vice-Admiral Sir Houston Stewart.

I am, &c.  
(Signed) W. G. ROMAINE.

*Lord Lyons to Lord J. Russell.—(Received October 16.)*

(No. 211.)

My Lord,

*Washington, October 3, 1859.*

I HAVE the honour to inclose extracts from articles which have recently appeared in American newspapers with respect to the affairs of San Juan.

The tone of the press is perhaps more moderate than it has usually been on similar subjects. General Harney's proceedings appear to have found little favour; but the claim of the United States to the ultimate possession of the Island of San Juan is maintained with much positiveness; and the determination to defend American rights, at all hazards, is asserted with the profusion of strong and figurative language commonly used by the newspapers of this country upon such occasions.

I have, &c.  
(Signed) LYONS.

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Inclosure 1 in No. 43.

*Extract from the "New York Herald" of September 22, 1859.*

REPLY OF GOVERNOR DOUGLAS TO GENERAL HARNEY.—Governor Douglas has sent the following reply to General Harney's answer to the protest made by the former in regard to the occupation of San Juan:—

*"Government House, Victoria, Vancouver's Island,*

"Dear Sir,

*"August 13, 1859.*

"ON the evening of the 10th instant I had the honour of receiving your despatch dated Fort Vancouver, August 6, 1859.

"In reply thereto, I must thank you for the frank, straightforward manner in which you communicate to me your reasons for occupying the Island of San Juan, in the Haro Archipelago, with a portion of the military forces of the United States under your command.

"I am glad to hear that you have done so under instructions from the President of the United States as Military Commander of the Department of Oregon, and not by direct authority emanating from the Cabinet of Washington.

"You state that the reasons which induced you to take that course are the insults and indignities which the British authorities of Vancouver's Island, and the establishment of the Hudson's Bay Company, have recently offered to American citizens residing on the Island of San Juan, by sending a British ship-of-war from Vancouver's Island to convey the Chief Factor of the Hudson's Bay Company to San Juan, for the purpose of seizing an American citizen, and transporting him to Vancouver's Island to be tried by British laws.

"I will explain, for your information, that the agents of the Hudson's Bay Company hold no official position in Vancouver's Island, nor exercise any official power or authority, and are as entirely distinct from the officers of the Executive Government as are any of the other inhabitants of Vancouver's Island. To the reported outrage on an American citizen I beg to give the most unhesitating denial. None of Her Majesty's ships have ever been sent to convey the Chief Factor, or any other officer of the Hudson's Bay Company, to San Juan, for the purpose of seizing an American citizen, nor has any attempt ever been made to seize any American citizen and to transport him forcibly to Vancouver's Island for trial, as represented by you.

"Up to a very recent period but one American citizen has been resident on San Juan. About the commencement of the present year, a few American citizens began to squat upon the island, and upon one occasion a complaint was made to me by a British subject of some wrong committed against his property by an American citizen; but no attention

was paid to that complaint, out of consideration and respect to the friendly Government to which the alleged offender belonged, and whose citizens, I think it cannot be denied, have always been treated with marked attention by all the British authorities in these parts. With reference to San Juan in particular, I have always acted with the utmost caution to prevent, so far as it might lie in my power, any ill feelings arising from collisions between British subjects and American citizens, and have in that respect cordially endeavoured to carry out the views of the United States' Government, as expressed in a despatch from Mr. Marcy, dated 17th July, 1855, to Her Majesty's Minister at Washington, a copy of which I herewith inclose for your information, as I presume that the document cannot be in your possession. (This despatch was published in the 'Bulletin' of August 11.) Following the dignified policy recommended by that despatch, I should, in any well-grounded case of complaint against an American citizen, have referred the matter to the Federal Authorities in Washington territory, well assured that if wrong had been committed reparation would have followed.

"I deeply regret that you did not communicate with me for information upon the subject of the alleged grievance. You would then have learned how unfounded was the complaint, and the grave action you have adopted might have been avoided. I also deeply regret that you did not mention the matter verbally to me when I had the pleasure of seeing you at Victoria last month, for a few words from me would, I am sure, have removed from your mind any erroneous impressions, and you would have ascertained personally from me how anxious I had ever been to co-operate to the utmost of my power with the officers of the United States' Government, in any measure which might be mutually beneficial to the citizens of the two countries.

"Having given you a distinct and emphatic denial of the circumstances which you allege induced you to occupy the Island of San Juan with United States' troops, having shown you that the reasons you assign do not exist, and having endeavoured to assure you of my readiness on all occasions to act for the protection of American citizens, and for the promotion of their welfare, I must call upon you, Sir, if not as a matter of right, at least as a matter of justice and of humanity, to withdraw the troops now quartered upon the Island of San Juan; for those troops are not required for the protection of American citizens against British authorities, and their continuance upon an island the sovereignty of which is in dispute, not only is a mark of discourtesy to a friendly Government, but complicates to an undue degree the settlement in an amicable manner of the question of sovereignty, and is also calculated to provoke a collision between the military forces of two friendly nations in a distant part of the world.

(Signed)

"JAMES DOUGLAS."

AFFAIRS AT SAN JUAN.—A correspondent of the "San Francisco Herald," writing from Victoria, August 28, says:—

"The excitement regarding the San Juan Island difficulty has nearly ceased. Meantime the American troops on the island are quietly erecting their winter quarters and extending the line of their fortifications. A number of sappers were landed on the island by the 'Northerner,' together with a large quantity of stores, &c. I have seen a gentleman who arrived from the island this morning, and he says everything is quiet. The 'Satellite' lies at anchor in the harbour, and the American and English officers are on the most friendly terms. Governor Gholson, of Washington territory, visited the island during the week, and reviewed the nine companies of soldiers now stationed there. An invitation was sent him by Captain Prevost to come on board the 'Satellite' and dine with him, which he accepted.

"A site for a town has been laid out, and already quite a number of little houses have been built, and they are doing a brisk business there. I believe every acre of land on the island has been selected and located by Americans, except that portion occupied by the Hudson's Bay Company as a sheep station."

A correspondent of the "Victoria Gazette" writes from San Juan, August 24:—

"The mail steamer 'Julia' arrived here this morning (August 24), at 1 o'clock, from Semiahmoo and all the ports of the Sound, bringing some munitions, provisions, and other freight to the United States' troops at Camp Picket. His Excellency Governor Gholson, of Washington territory, being on board at about 8 A.M., an Aide of Colonel Casey appeared to invite the presence of his Excellency at the camp.

"Most of the passengers, among whom were several American ladies, having landed, the Governor was pulled ashore, and under a Civil escort, marshalled by Commodore Scranton, proceeded to an eminence near to and commanding a fine view of the new camp site. Here the Governor was received by two aides of Colonel Casey, and a short distance nearer camp by the Colonel in person. As the party advanced toward camp, a detachment, commanded by Lieutenant Kellogg, fired a salute of seventeen guns, using for the purpose the five 12-pounder mountain howitzers composing the main portion of their present field-battery, and the nine companies were under arms, and passed in review upon the broad and grassy plain, a portion of which was formerly the site of Camp Pickett. The drilling was excellent, and displayed a practical knowledge and skill in the art of war which would make the rapid evolutions and steady charge effective against an equal force. Colonel Casey remained in the saddle during the drill, riding from point to point during deploys, &c., after which he conducted his Excellency to his marquee.

"Governor Gholson having received a message from Her Majesty's ship 'Satellite,' inviting him to a conference, he was induced to remain until the return of the steamer 'Julia' from Victoria, before taking his departure. As the steamer is leaving, I understand that Governor Gholson is to visit the 'Satellite.'

"The site of the new camp, located about half a mile to the north and east of the former, and immediately inland from the Hudson's Bay Company's sheep farm, is in a little valley, and was selected with a view to protection against the cold and disagreeable winds to which the camp has hitherto been exposed. It is hard to conceive a more romantic spot; the white tents peeping up and out from among the green foliage with which the place abounds, the glittering arms of the sentinels as they turn in the sun upon their beats, and the line of artillery which faces upon a small, clear, sward-covered square, combine to make up an effective picture.

"Shortly after the removal of the camp, Lieutenant-Colonel Casey issued an order to the effect that no infringement upon the rights or property of the Hudson's Bay Company, contiguous to the spot, would be permitted by any attaché of the force under his command. This was a just and commendable order, and meets the hearty approval of all Americans on the island.

"Some parties are sinking two wells upon the elevation fronting the harbour, and on washing a portion of the gravel minute particles of gold were discovered, thus proving that the entire country hereabouts, archipelago as well as mainland, is to a certain extent auriferous.

"The 'Massachusetts' lies here with about 200 tons of freight put on board from the 'Northerner,' for the troops. The 'Active' left this morning. The 'Shubrick' is at Semiahmoo, and the 'Jeff. Davis' at Port Townsend."

**PUBLIC MEETING OF BRITISH INHABITANTS.**—The correspondent of the "San Francisco Herald" at Victoria writes:—

"On Thursday evening last, the 25th of August, a large meeting of British residents was held in the Court House, to express their sentiments and vent their indignation towards the Yankees for their filibustering propensities.

"The meeting was not very enthusiastic; in fact, were it not for the active part which two clergymen took in it, it might be called stupid. But the Rev. Dr. Evans got up, and, in a long and rather polemical speech, denounced the action of the Americans in taking possession of the

island, in which he characterized them as being grasping and insatiate in their desires for the acquisition of new territory. Taken as a whole, his speech was most extraordinary as coming from a Minister of the Gospel.

“As soon as he sat down, the Rev. Mr. Clarke, who arrived here only two weeks ago, got up, and, in a long and rather undignified speech, inveighed against the occupation of the island by American troops. He was particularly severe on General Harney, whom he stigmatized as a man ‘wanting in self-respect and in respect to Governor Douglas,’ and abused him in round terms—calling him some hard names.

“But neither of the gentlemen could enlighten the meeting as to whether the island belonged to England or the United States. They were, however, loudly applauded, and if they came there seeking notoriety they certainly obtained it to their hearts’ content.

“After the foregoing speeches were made, the Secretary of the meeting read a long Memorial addressed to the Queen and Privy Council, setting forth their attachment and loyalty to the Crown, their grievances at the ‘furtive occupation’ of the island by the American troops, and requesting their immediate attention to the settlement of the matter in dispute. The memorial has been signed by all the British residents, and goes forward to England by the ‘Forward’ to-day.”

**GOVERNOR DOUGLAS.**—The San Juan affair has been a perfect godsend to Governor Douglas and his officials, as the attention of the people has been wholly withdrawn from them and their acts to the ‘recent outrage’ committed by the Americans, of which they (the Governor and friends) have not been slow to avail themselves, it having been industriously circulated by their adherents, that Governor Douglas was most anxious to ‘vindicate the honour of the Crown,’ and drive the Yankees into the sea; so that he is now lauded by those very persons who, only a few weeks ago, were most loud in their denunciation of his acts. Such is the mutability of the human mind.

The Royal Marines, which were lately brought down from Frazer River to be landed on the Island of San Juan, are now stationed in the new barracks behind the Governor’s residence.”

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Inclosure 2 in No. 43.

*Extract from the “New York Herald” of September 27, 1859.*

**THE NORTH-WESTERN BOUNDARY DISPUTE WITH ENGLAND.**—We received by telegraph, last night, later news from the Island of San Juan relative to the movements of the Americans and British troops there; and by the arrival of the “Arabia” at Halifax, from England, we learn of the effect produced in that country by the news of General Harney’s occupation of the island in question.

The news from the Island of San Juan indicates that there will be no collision between the forces of the two Governments; for, although Governor Douglas seemed determined to provoke an encounter with the Americans, the British Admiral on that station has proved a man of cooler temperament, having refused to obey the orders of the Governor, and determined to await orders from the Home Government before taking any decided action. Meanwhile General Harney had notified Governor Douglas that his object in taking possession of the island was solely to protect the Americans there from the insults of the British authorities of Vancouver Island and of the Hudson Bay Company—the head of the last named being none other than Governor Douglas himself. The discreet decision of the British Admiral will prevent hostilities, and the arrival on the ground of General Scott will secure peace until the two Governments can come to an understanding.

The news from England is that the organ of Lord Palmerston, the London “Post,” had taken the view which we had reason to expect it would assume. It asserts, with Palmerstonian indignation, that the



British Government cannot tamely submit to the occupation of the island by the Americans, and that they will see that justice be done to British subjects. This is simply carrying out the established policy of the British Government to make extensive claims in cases of dispute, in order to secure even a small share in the end.

But the matter is one for diplomacy, and can be settled easily between the two Governments, if England is sincere in her protestations of a desire for peace with the United States, and will consent to be guided by common sense and equity. We have already surrendered a large portion of territory on our North-Western boundary for the sake of peace. Our Government will not give up this Island of San Juan, which is clearly ours, and should by all means remain in our possession.

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Inclosure 3 in No. 43.

*Extract from the "New York Herald" of September 28, 1859.*

**THE DISPUTED NORTH-WESTERN BOUNDARY.**—The above map represents the region of country on our north-western frontiers, with the Arroo Islands, about which the present difficulty with Great Britain has arisen; the English claiming possession of the Island of San Juan, which has always heretofore been considered the property of the United States, and an appendage of Washington territory. It has been occupied by American citizens for over eighteen months, whose rights there were never disputed, and it was at the instigation of those residents that General Harney recently dispatched a body of American troops to protect them from the alleged aggressions of certain English residents there, aggressions since denied by Governor Douglas. Upon the appearance of our troops Governor Douglas, of British Columbia, issued a protest against their military occupancy, claiming the island as belonging to England, and at the same time sent three British ships of war and a force of Sappers and Miners there. Thus the island remains in the joint possession of the two nations.

The boundary line between Washington territory and Vancouver's Island has been in controversy for several years, and Commissioners were appointed not long since to arrange it. It seems, however, that they have not been able to do so. The Treaty of 15th June, 1846, established the boundary as being along the "49th parallel of north latitude to the middle of the channel which separates the Continent from Vancouver's Island, and thence southerly through the middle of said channel and of Fuca's Straits to the Pacific Ocean." Here it will be seen that there are two apparent channels separating the Continent from Vancouver's Island. One of them is to the west of the Arroo Archipelago, through Haro Strait, and would give these islands to us; the other is to the east, through Rosario Strait, and would give them to Great Britain. The question is, which of them was meant to be designated in the Treaty. Our Government has always maintained that it was the former, because it is deeper, wider, and more direct, and because the islands naturally belong, not to Vancouver's Island, but to the mainland. The British hold the contrary view, but would be satisfied to compromise by giving us all but this identical Island of San Juan, which contains about seventy square miles, is valuable for its fisheries and minerals, and is particularly important, in a military point of view, as commanding the Straits of Fuca, the entrance to both channels, and the navigation of the Georgian Gulf. In fact, the propriety of fortifying it and making it a second Cronstadt has been recently discussed in England.

We have indicated on our map the boundary line claimed by the American and British Governments respectively. With regard to which of these two water routes may be considered "the channel" referred to in the Treaty, which separates the Continent from the British possession of Vancouver's Island, the soundings as established by the United States' Coast Survey, show in favour of the one claimed by our Government through Haro Strait.

The following is a Table of the soundings, showing the maximum

depth of water from the point in the Gulf of Georgia, where the channel is in dispute, down to the centre line of the Strait of Fuca, where the two claimed boundary-lines may be said to become common :—

American Channel.	British Channel.
Fathoms.	Fathoms.
37	37
170	45
90	50
65	66
96	160
100	43
150	45
150	49
115	48
115	67
84	—

It will thus be seen that the channel claimed as the American boundary has the decided advantage in depth of water, besides being wider at every point. When there is any dispute about the right of property in an island the rule is that, *cæteris paribus*, it is within the jurisdiction of, and belongs to, the mainland, rather than that of any neighbouring island; hence the Arroo group have been always considered to attach to the American Continent and not to Vancouver's Island, as now claimed by Governor Douglas. From the above map our readers can form their own judgment as to which of the two boundary lines is the correct one.

The subjoined extracts from journals published on the Pacific side, in the vicinity, and doubtless possessing a knowledge of the region of country in dispute, and the facts attending its previous history, afford very strong evidence that the claim of the United States is a just one, and has heretofore remained undisputed, as the action of the territorial Legislatures of Oregon and Washington, mentioned below, clearly establishes :—

“ CONCLUSIVE EVIDENCE OF OUR RIGHT TO THE ISLAND OF SAN JUAN.—The recent occurrence on the Island of San Juan, in asserting jurisdiction and the right of occupancy of that and the neighbouring islands by the two great Powers, the United States and Great Britain, are matters of deep and abiding interest, not only to Washington Territory, but to the nation at large. What must be the final result, the future alone can determine. But it becomes our people, in investigating this matter, to look upon this question gravely and seriously, for out of it may grow events of vast magnitude. A difference between two great nations entailing the possibility of an appeal to arms, at this juncture in the world's history, is a subject requiring calm deliberation, dispassionate patriotism, a desire on the part of every American to see his Government with all the right upon her side. Let us, then, be prudent and watchful of our acts; let us do nothing with hot and impetuous haste; let every American settler upon these islands, with calmness, dignity, and propriety of conduct, act as though convinced of the right of their presence. We feel assured they will be guilty of no act of outrage or wrong which may embroil them with the British subjects now temporarily stopping there. Let them remember that every violation of right gives strength to their opponents; and let them remember that the time is not yet come for decisive action, for between the two Governments, the High Contracting Parties, negotiations are now pending which we sincerely trust will ultimately accomplish a peaceable solution of the question; and we are confident that there is but one way in which that question can be settled—and that must be that the Canal de Haro is the channel through the middle of which runs the boundary, and thereby Great Britain must surrender to us the possession of that Archipelago.

“ But while we commend this moderate course to our people, let it not be understood that we yield an inch to what we deem the intrusion of

the British occupants of San Juan. Our right to that and the neighbouring islands, under the Treaty, we assert to be as clear as the sun at noonday. We see no shadow of claim of Great Britain for these islands, and we denounce as an intrusion the late acts of the British residents, and particularly the British authorities of Vancouver's Island and the British naval officers.

“The history of the Oregon controversy need not be revived. The undue magnanimity of our Government in yielding, for the sake of peace, our title to the territory north of the 49th degree—the surrender of Vancouver's Island and Queen Charlotte's Island, which naturally would have come to us by the Law of Nations under the recognized doctrine ‘that islands are appurtenant to a continent,’ should at least have been respected by Great Britain, without setting up the ridiculous claim in regard to the construction and meaning of the words of the Treaty of 1846, defining our North-west boundary. The language of that Treaty leaves no room for misconstruction or doubt:—‘The line of boundary shall be continued westward along the 49th parallel of north latitude to the middle of the channel which separates the continent from Vancouver's Island, and thence southerly through the middle of said channel and of Fuca's Straits to the Pacific Ocean.’ That section of the Treaty, instead of running the 49th parallel due west to the Pacific Ocean, had no other intent or meaning than to give to Great Britain all of Vancouver's Island and the small islands lying immediately adjacent thereto, appurtenances, if we may use the expression, of said Vancouver's Island, and which laid west of said middle channel. And here, without referring to the map or geography of the Gulf of Georgia, we might rest our case; but that comes to our support, and a reference to that establishes, beyond the possibility of a doubt, the preposterous and egregious folly of the claim trumped up by Great Britain. Adopt the Straits of Rosario as the boundary, the line is lengthened—it becomes crescentic, and runs in every direction—in fact more easterly than southerly; whilst a southerly line carries us naturally through the Canal de Haro, and leaves to the east the Archipelago, which, by a fair construction of the Treaty, is indisputably ours. But take another view of the case, and admit that the term ‘channel’ is a word which can here be a subject of difference and doubt—the Treaty saying the ‘channel,’ and there being two channels, then the question is solved even more clearly in our favour—not only from its directness of course, but by the amount of water. If the terms ‘the channel’ mean the main channel, then the Canal de Haro—lying next adjacent to Vancouver's Island, almost a direct south line from the point constituting the west termination of the 49th parallel, used as a north boundary, having much the largest body of water, as settled by all the hydrographic parties who have examined it—is the channel through which the boundary line, by the terms of the Treaty, must run; and the American side of the question is the only tenable one consistent with good sense, right reason, and a fair construction of language.

“Over this land we have heretofore exercised territorial jurisdiction. While this territory was still a part of Oregon, in the winter of 1852-53, the Legislature created the county of Island, clearly defining its western boundary to be the Canal de Haro. That act, then a matter for the approval of the national Congress, is still in force, for Congress never disapproved it, and hence it is notice of our occupancy to the whole world. In 1854 the Legislative Assembly of the Territory of Washington, in creating the county of Whatcom, reasserted the same position, and established the west boundary of that county in the middle of the Canal de Haro; and till now the islands in dispute have been a part of our territory, included in that county—and never has this act been disapproved of by Congress (which has the authority to disapprove of our territorial legislation), nor by any officer of our Government. But another fact still more important, has been the creation of the office of Inspector of Customs for that island, and his official action there since the establishment of Port Townsend as the port of entry for his collection district.

“Within the past few weeks our military have occupied it, and by order of General Harney a military post has been established there. Our

assertion of title and supremacy has been continuous from the ratification of the Treaty till now. The islands have been included within our national and territorial domain, by a series of acts showing the exercise of sovereignty over the land, and until recently without any pretence of adverse claim.

"We firmly believe that no representative of British authority should be permitted for a moment upon that soil, if his presence there was to indicate British dominion. We believe the floating of British colours as a token of British occupancy over the Island of San Juan, offensive, invasive, and entirely unjustifiable. But while maintaining these views, as the matter is in the hands of Commissioners here—as both sides will soon be heard by the two Governments—let us await their action in the premises, and let not our people, by any acts, either with British residents or with those usurping authority there, entangle and render the question more complicated.

"Consistently with national honour, there can be but one decision of this arrogant pretence of Great Britain, and we are confident that our Government will never peaceably yield an inch of soil to this shallow, absurd, and preposterous claim of a Power who for hundreds of years has pursued the policy of claiming strong and important military and naval stations, girdling the earth with her strongholds, as witness Gibraltar, Malta, Singapore, the Falkland Isles, the Bahamas, and more lately the Island of Perim in the Persian Gulf, and now the Island of San Juan, which the London "Times" calls the Cronstadt of the North Pacific. With weak and second-rate Powers, these jewels of their Crowns have been ravished by diplomacy or force. It remains to be seen if the Government of these United States are of the same complexion, or if we are the legitimate sons of the men of '76 and '12, "who knew their rights, and knowing dared maintain them."—(From the *Olympia* (Washington territory) "*Pioneer and Democrat*," August 12.)

**THE ORIGIN OF THE PRESENT DISCUSSION.**—The "*San Francisco Home Journal*" publishes the following story of the commencement of the difficulty, showing that it originated about the hogs of an English squire, though it has since grown to somewhat formidable dimensions:—

"The Island of San Juan, or Bellevue, is considered to be a disputed point between American and English territory. It is between fifteen and eighteen miles long, by seven at the widest part. It is populated chiefly by a few American squatters, an English squire (an employé of the Hudson's Bay Company), and a number of unruly hogs, some of whom belong to the squire. The quarrel is all about these hogs. Said hogs persisted in breaking through the hedges, and digging up and eating the potatoes of Mr. Cutter, an American settler. He gave them, that is, their masters, a fair warning, and then shot one of them, which turned out to be a boar belonging to the squire. Mr. Cutter was sorry, or offered to pay, but the squire had sworn vengeance; he attempted to have Cutter arrested and brought to Victoria, there to be tried and transported. Now, there happened to be some United States troops, under General Harney, at hand, and when a British war-steamer arrived from Victoria to carry off Mr. Cutter, General Harney refused to deliver him up. It was then that the question arose as to whose jurisdiction the Island of San Juan belongs."

**HISTORY OF SAN JUAN.**—A correspondent of the "*Victoria Gazette*" gives the following notes in regard to the population of San Juan Island:—

"Somewhere in December 1853, or the early part of 1854—about the time of the meeting of the Legislature of Washington territory, which, in apportioning county boundaries, described San Juan and other islands of the Archipelago as part and the parcel of county of Whatcom—the Hudson's Bay Company sent hither, per steamer "*Beaver*," a flock of sheep, some 1,300 in number, in charge of Mr. C. J. Griffin, then a clerk, and now a chief trader in the Hudson's Bay Company service, who has since resided upon the island in charge of the Company's property. For three preceding years, during the proper seasons,

salmon fisheries, for which this locality offers superior inducements, had been pursued by employes of the Company, who returned to the fort at Victoria so soon as each season ended; and no permanent occupation of the island was effected until the landing of the sheep at the time above-mentioned, or nearly seven years after the ratification of the Treaty. Up to the present time no English subject has become a settler upon the island, except the representative of the Company alluded to in the foregoing, nor do the colonization laws which bear upon the north-west coast possessions of Her Majesty, recognize the existence of either possessory right or claim to property in this island, or fealty in any inhabitants who at a subsequent period might erect houses thereupon.

“Superiority of soil or pasturage facilities were the considerations inducing the transportation hither of Hudson’s Bay Company stock, as their influence over the Indians obviated those difficulties which less fortunate individuals had to overcome or submissively bear, in the onslaught of savage marauders. It is hardly reasonable to suppose that had the Company no doubt as to the Crown’s rights in the island, so much superior and more eligible soil, where white oak, cedar, fir, and pine abound, and where broad acres of unobstructed grass-covered plain invitingly promise abundant and almost spontaneous crops, would have been neglected, and a comparative Eden turned into a sheep pasture, at a time when such strenuous efforts were, or are, at least, supposed to have been made to populate the neighbouring northern Indians.”

Such is the history of the difficulty with Great Britain respecting the right to the Arroo Islands and the north-west boundary of the United States, from which we presume every intelligent mind will come to the conclusion that our Government are fully sustained in maintaining the possession we have assumed in opposition to the assumption of title to the Island of San Juan on the part of Great Britain.

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#### Inclosure 4 in No. 43.

*Extract from the “New York Herald” of September 29, 1859.*

**THE NORTH-WESTERN BOUNDARY DIFFICULTY WITH ENGLAND.—WHO OWNS THE HARO ISLANDS?**—The difficulty with the English Government officials in British Columbia relative to the boundary line of our territory through the Gulf of Georgia and the Fuca Straits, and the right of possession to the Haro group of Islands lying between Washington territory and Vancouver’s Island, unless General Scott succeeds in keeping the peace, may prove somewhat difficult of solution. In the present aspect of affairs in that region—with both nations having established a military occupancy of San Juan Island, the most important of the group, and the hostile attitudes assumed by the British Governor Douglas, and General Harney—the question has already become highly interesting and important. In order that the public may form an intelligent opinion on the disputed claims of the two Governments, we give to-day an accurate map of that district of country, expressly drawn and engraved for the “Herald.” On this map we show the north-western boundary line between our own territory and the British American possessions, as agreed to by the Treaty of June 15, 1846, along the 49th parallel north latitude, and the water-boundaries claimed by the two nations respectively, and now in dispute.

The Treaty of 1846 settled that the boundary shall run along the 49th parallel of north latitude to “the middle of the channel separating the continent from Vancouver’s Island, thence southerly through said channel and the Straits of Fuca to the Pacific Ocean.”

The question involved is, as to what is meant by “the channel,” for there may be said to be two channels, one running between the islands and the American territory of Washington, the other running between them and the British possession of Vancouver’s Island. The English claim that the former was the channel indicated in the Treaty, which would give the group to Vancouver’s Island; while we claim that the latter was clearly intended as the boundary, which, of course, would give them to us. We

think that the American claim holds good for many reasons: first, the channel which we maintain is the boundary, is the widest and most direct from the Gulf of Georgia to the Straits of Fuca, and is most free from the obstructions of small islands; next, the soundings made by the coast surveyors show that it is the deepest channel of the two, as will be observed by the table of figures which we append to our map; and, lastly, it is a known rule that islands are always held to belong to the nearest mainland rather than to any other adjacent island.

We hope, therefore, that the Government will resist any attempt to wrest from us these islands, which, since the execution of the Treaty, have been considered American territory, notwithstanding that the right of property in them has been the subject of discussion at various times. Since the discovery of gold in the Fraser River region, these islands have attracted more attention, commanding as they do the entrance to Frazer River, and it is important that our possession of them should be maintained at all hazard. The aggressive spirit of the British Government, always encroaching where it can find a pretext, must be resisted, and now is the opportune time to do so effectively. In defining the boundary of 1846, we gave more to England than she was entitled to, because of right the 49th parallel would leave nearly three-fourths of Vancouver's Island to American territory; but in order to give her the whole island, we ceded our rights in that particular. England has had all that she claimed, and more than she was fairly entitled to at that time. We had a perfect right to claim up to the fifty-four-forty line, and it is a fact worth mentioning, that at the time when Mr. Polk made the compromise of the 49th parallel boundary, Mr. Buchanan, then Secretary of State, and Robert J. Walker, Secretary of the Treasury, stood out to the last in favour of the fifty-four-forty line, and never yielded our claim to it, though they were outweighed in the Cabinet. It is not likely, then, that the present Administration will make any concessions in the present controversy.

The British journals are clamorous in favour of the English interpretation of this boundary line, and, in the usual grasping spirit of their nation, insist upon securing the Island of San Juan for themselves; but the fact is, that they neither know nor care what the lawful boundary is; if they can acquire an additional piece of territory by bamboozling or bullying us, that is all they care. As an instance of how little British journalists know of the boundaries of the United States, the London "Post," the Premier's own organ and mouthpiece, the other day had the cool assurance to assert that by the Ashburnham Capitulation of 1842, England had ceded to the United States the whole State of Maine, including the fine harbour of Portland, to which she was now about to send her great triumph of marine architecture, the 'Great Eastern.' Now the fact is that, instead of England ceding any territory to us, we gave up that portion of Maine known as the Aroostook country to England, to settle the boundary difficulty, and she had no more claim to Portland than she had to the port of New York. So much for the impudent, encroaching disposition of England. She must be watched and checked, or she will filch her neighbour's territory upon some pretext or other. Hence the necessity of meeting her claims to the Haro Islands boldly, and upholding our right to every inch of ground on the north-western frontier to which the Treaty stipulations entitle us. There must be no compromising or yielding, though we should be compelled to bring the controversy to a bitter end.

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Inclosure 5 in No. 43. p 28

*Extract from the "New York Times" of September 30, 1859.*

THE SAN JUAN QUARREL.

*Olympia, Washington Territory, August 21, 1859.*

SINCE your correspondent reached this remote spot, so suddenly become a centre of world-wide interest, things have assumed a daily

increasing importance. As I should be sorry to lend any fuel to the easily-fanned flame of international excitement and jealousy, I shall devote myself not to reproducing for your readers the sound and fury prevalent about me, but simply to state the facts in relation to the dispute between England and the United States, touching the right to this Island of San Juan, and how the quarrel now stands.

The island, which is fully described in the United States' Coast Survey Report, was taken possession of as a portion of Washington territory, by Captain Pickett, of the 9th Infantry, with Company D of his regiment. On the 10th of August the garrison was strengthened by Companies A and C, 4th Infantry, Captains Maloney and Hunt, and by Company H, 9th Infantry, Captain English; the whole force falling under command of Lieutenant-Colonel Casey, of the 9th Infantry, by order of General Harney. On the 16th instant Companies A, B, D, and M, of the 3rd Artillery, sent to Fort Steilacoom by General Harney, but ordered here by Lieutenant-Colonel Casey, arrived under Lieutenants J. Kellogg, L. Kellogg, Ihrie, and Dandy, and last night came in Major Heller's Company from Fort Townsend. Lieutenant Kellogg's command, Company B, 5th Artillery, is in charge of a mountain howitzer battery of five pieces, and of one 6-pounder cannon. The remaining eight companies are organized as a battalion of Light Infantry, according to the rank of their present commanders, and are drilled every day by Lieutenant-Colonel Casey in skirmish drill, &c. On an eminence of the island, which commands the English fleet lying in the harbour, are posted eight guns (medium 32-pounders), from the United States' steamer "Massachusetts." This is a complete summary of the American force now in Puget Sound. But General Harney, on the 9th instant, sent an overland express to California for a United States' man-of-war.

The English force amounts to 165 guns, carried on board of four screw steamers and one sailing vessel. The guns range from 68's to 32's. The fleet is manned by 2,200 sailors, making with about 800 marines, sappers and miners, some 3,000 men. Lieutenant-Colonel Casey and Captain Pickett have express orders "to resist the landing of English troops, and maintain our sole and exclusive occupancy of the island at all hazards," or words to that effect. It is thought, however, by the best informed here that there is no risk whatever of a collision at present, as the English authorities have decided to refer the whole affair to London, and wait instructions, having despatched a special messenger for that purpose.

Should any English force make a landing, however, under the existing American "orders," there will assuredly be a fight and bloodshed, the end of which who can tell. As you will perceive, we are badly prepared in everything to cope successfully with them.

General Harney is severely condemned by the most intelligent and educated of our countrymen on the spot for this action, on the ground that no matter how clear and indisputable may be our title to the island, as long as it is a subject of controversy or correspondence between the two Governments, or their Commissioners, it is disputed territory, and neither party has a right to sole and exclusive occupancy or jurisdiction over it. By the "sovereigns," of course, he is applauded and indorsed.

**A BRITISH SURVEY ORDERED.**—"A detachment of the Royal Engineers, consisting of one lieutenant, one serjeant, a quartermaster and commissary, and twelve non-commissioned officers and men, are expected to embark at Southampton on or about the 2nd proximo, for British Columbia, via Panama, to join the Boundary Surveying Expedition, under Colonel J. S. Hawkins, R.E., Her Majesty's Commissioner. The non-commissioned officers and men who are now being selected will consist of Topographical Surveyor Hill, and other draughtsmen, photographers, mechanics, &c. Their working pay and allowances will be on a very liberal scale. The expedition for the survey of the boundary between the United States and British America, along the 49th parallel of latitude, which sailed in April 1858, is making rapid progress in defining and marking out on the ground the disputed boundary, and, with the excep-

ion of one casualty by death, all enjoy excellent health."—(From the London "Times.")

12 *San Juan* Our companies here are weak in men, and weaker in officers, there being but one officer to each company. Wagon road expeditions, boundary survey, and arrests, have consumed their force. Had a collision taken place before the 10th August, the "enemy" could have "wiped us out."

I am told that there are about sixty pre-emption claims on this island, of arable land, half of which are settled upon. It was first settled upon by Americans about January 1854. From 1850 to 1854 it was used by the Hudson Bay Company, two to three months of each year, as a fishing station. This Company has now a settlement upon it, with several fields under cultivation, and a great many sheep. About the justness and legality of our claim to it, there can be no reasonable doubt—hardly a question. It does not, however, command the main channel, or Canal de Haro, or Straits of Fuca, the said channel being five miles wide.

Colonel Casey did not land his three companies of infantry at the small wharf in the harbour, but slipped them in by a little cove, south of the main harbour. His force came up on board a small stern-wheel steamer, the "Julia."

We are indebted to the forbearance and magnanimity of the English *John Baynes* naval officer for the continued peace between the two countries, as Governor Douglas, of British Columbia, ranking as Vice-Admiral, had decided to land the English troops. Admiral Baynes, commanding the British fleet, opportunely arrived, countermanded Douglas' insane order, and hence our continued peaceful relations.

General Harney, who is here called "Goliath,"—for two reasons, first, that he is a very large man; and second, that he is all matter and no mind—ought, I think, to be court-martialled, and dismissed the service for his conduct in this case. In Europe he could not have retained his commission a minute, after the flagrant and outrageous act was known to the Government. The man is not half so fit to be a General as to be a hostler of a livery stable, and he is indebted, I am assured, to his intimacy with Mr. Floyd for his commission.

'Tis said the General's real object is political popularity, with the insane idea of using the same at the Charleston Convention, à la Taylor and Pierce. We shall all be much surprised if General Lewis Cass does not read him a lesson on international law, which he will never forget, and which, it is to be hoped, will send him to the "shades of private life."

Things looked very dark here for a while, and war seemed inevitable. We must thank God for the opportune arrival of the English Admiral, of whose name I am not certain.

I conclude with a detailed list of the companies and officers. As I have already said, we are weak in men, and weaker in officers, in consequence of detachments from companies on duty as escorts to waggon-road expeditions and boundary survey:—

#### Third Regiment United States' Artillery.

- Company B.—First Lieutenant John Kellogg, commanding.
- Company D.—First Lieutenant George Ihrie, commanding.
- Company A.—First Lieutenant Lyman M. Kellogg, commanding.
- Company M.—Second Lieutenant G. J. B. Dandy, commanding.

#### Fourth Regiment United States' Infantry.

- Company I.—Brevet-Major G. O. Haller, commanding.
- Company A.—Captain Maurice Maloney, commanding.
- Company C.—Captain Lewis C. Hunt, commanding.

#### Ninth Regiment United States' Infantry.

- Company D.—Captain George E. Pickett, commanding.
- Company H.—Captain Thomas C. English, commanding.



## Commanding Officer and Staff.

Lieutenant-Colonel Silas Casey, 9th Infantry, commanding.

Second Lieutenant Edward J. Connor, 4th Infantry, Adjutant.

Second Lieutenant James W. Forsyth, 9th Infantry, Quartermaster and Commissary.

Assistant-Surgeon Robert Orr Craig, Medical Department.

## No. 44.

*Lord Lyons to Lord J. Russell.—(Received October 16.)*

(No. 212.)

(Extract.)

*Washington, October 3, 1859.*

DURING the few hours which Colonel Hawkins passed here on his way home, he related to me many particulars respecting the obstacles thrown by the American Commissioner, Mr. Campbell, in the way of the proceedings of the Joint Commission. I did not, however, think it advisable, at that moment, to remonstrate with the United States' Government against Mr. Campbell's conduct. I was, on the contrary, particularly careful to avoid raising any collateral point of debate, which might add to the difficulty of inducing this Government to replace matters at the Island of San Juan on the footing which had been so wantonly disturbed by General Harney.

I was confirmed in the determination to postpone making any complaints against Mr. Campbell, by my desire to avoid adding complication to the negotiation which I had commenced, in obedience to the instructions conveyed to me by your Lordship's despatch No. 42 of the 24th August last. I considered that the effect of this negotiation was to transfer from the Commissioners to the Governments themselves the settlement of the sea boundary, and that if the two Governments could come to an agreement upon this point, the differences between the Commissioners might be reduced to questions regarding the details of their own proceedings, which might be readily adjusted.

If, therefore, Colonel Hawkins were still at his post, I should certainly advise him to avoid bringing his differences with Mr. Campbell to an issue, and, in particular, rather to suspend, for the present, all operations for marking out the boundary than proceed without the concurrence of his American colleague.

Whenever affairs at San Juan and the negotiation here may be in such a state as to render it possible for the Commission to resume active work with advantage, it will, perhaps, be desirable for the two Governments to come to an understanding with each other upon certain points of expense and detail, and to give identical instructions respecting them to the Commissioners. For Mr. Campbell would seem to have taken advantage of the absence of such instructions in order to obstruct the proceedings, by raising unnecessary questions with his British colleague.

No allusion has been made either by General Cass or me, in our communications with each other, to the existence of differences between the British and American Commissioners. With reference, however, to another subject, General Cass read to me, on the 30th ultimo, part of a report from Mr. Campbell, dated the 18th August last. I ought, perhaps, in fairness to Mr. Campbell, to inform your Lordship that in this Report he states that he was not aware of General Harney's intention to occupy San Juan, and that his own arriving there nearly simultaneously with the troops was entirely accidental. The only other point which struck me as worth noting in his Report, was an assertion that Her Majesty's ship "Satellite," when she came to San Juan, soon after the landing of the United States' troops, had on board a Magistrate appointed by the British authorities to exercise jurisdiction in the island.

*Lord Lyons to Lord J. Russell.—(Received October 16.)*

(No. 213.)

My Lord,

*Washington, October 3, 1859.*

I RECEIVED, on the 30th ultimo, your Lordship's despatch No. 57 of the 13th ultimo, in which you have done me the honour to express to me the sentiments of Her Majesty's Government, upon receiving the newspaper account of the occurrences at San Juan which was contained in my telegraphic despatch of the 3rd of last month.

I called upon General Cass the morning after your Lordship's despatch reached me, and stated its contents to him verbally. The General expressed his satisfaction with the tone of the despatch, and went on to say that he was well aware that he owed me two official notes: one in answer to the proposal for a final settlement of the North-West Boundary; the other, on the subject of the recent events at San Juan. He was, he said, anxious to write to me on the latter subject without delay, and had only been deterred from doing so by difficulties (arising, in part, out of the peculiar institutions of the United States), which would, he hoped, be soon satisfactorily solved. He trusted that, in the meantime, the information which he had placed Mr. Dallas and me in a position to give to your Lordship, would suffice to convince Her Majesty's Government of the upright and friendly intentions of the Cabinet of Washington.

I answered that, as far as I was concerned, I had taken very great pains to place the information which he had given me in the fairest light, and had made every exertion to transmit it as speedily as possible to your Lordship; still I thought it a pity that he should make any delay in giving to Her Majesty's Government the formal explanation to which they were entitled, and which they would, doubtless, expect. I proceeded to tell General Cass that, with a view to obtaining this formal explanation as soon as possible, I had thought of addressing a note to him in the sense of your Lordship's despatch, but that I had determined to state its contents to him verbally before doing so.

The General encouraged me to communicate to him the substance of your Lordship's despatch in writing, and I have accordingly sent in to him the note of which I have the honour to inclose a copy.

I have, &c.  
(Signed) LYONS.

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Inclosure in No. 45.

*Lord Lyons to General Cass.*

Sir,

*Washington, October 1, 1859.*

I HAVE received a despatch from Her Majesty's Principal Secretary of State for Foreign Affairs, in which his Lordship adverts to the note which I had the honour to address to you on the 12th of May last, on the subject of the reports which had reached Her Majesty's Government, of an intention on the part of citizens of the United States to take possession of the Island of San Juan. In that note I stated the conviction of Her Majesty's Government that the Cabinet of Washington would regret as much as Her Majesty's Government that any local collision should arise tending to embitter a discussion which might otherwise be conducted with cordiality and goodwill, and also the hope of Her Majesty's Government that citizens of the United States would be restrained, so far as the institutions of their country permitted, from attempts to settle, by unauthorized acts of violence, a question which there would probably be little difficulty in arranging by amicable communication between the two Governments.

No answer has yet been made to this note; but Her Majesty's Government are so convinced of the friendly disposition and loyal intentions of the Cabinet of Washington, that they might not have thought it necessary to revert to the subject had they not learnt that a report had

reached this city that troops of the United States had actually taken possession of the Island of San Juan.

Under these circumstances Her Majesty's Government are anxious that my note should not remain unanswered. They cannot doubt that you, Sir, will be ready to disclaim on the part of the Government of Washington, the having authorized, or having been in any way privy to, these reported proceedings, and to give an assurance of their determination to discountenance, and to repress, so far as the institutions of the United States will allow, all attempts to settle, by unauthorized acts of violence, a question which ought to be arranged by friendly discussion between the two Governments, and with respect to which Her Majesty's Government justly anticipated that I should already have entered into communication with you, under the instructions contained in the despatch from Lord John Russell dated the 24th August, of which I had the honour to place a copy in your hands on the 12th ultimo.

I have thought it my duty thus to make known to you the sentiments expressed by Her Majesty's Government upon becoming acquainted with the concise telegraphic intelligence which appeared in the newspapers of this city on the 3rd ultimo. I will not encroach upon your time by adding any observations of my own either upon the detailed accounts which have since, from time to time, been received here from San Juan, or upon the frequent conversations which I have had the honour to hold with you respecting them. I will beg you merely to accept my best thanks for the information you have so courteously given me in the course of these conversations, and to believe that if I await with some impatience a more formal and explicit communication from you, it is because I am persuaded that such a communication would be the most effectual means of displaying in their true light the just and friendly sentiments of the Cabinet of Washington.

I have, &c.  
(Signed) LYONS.

No. 46.

*The Secretary to the Admiralty to Mr. Hammond.—(Received October 19.)*

Sir,

*Admiralty, October 19, 1859.*

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of Her Majesty's Secretary of State for Foreign Affairs, a copy of a letter from Rear-Admiral Baynes, dated the 19th August, with copies of its inclosures, on the subject of the occupation of the Island of San Juan by the troops of the United States.

I am, &c.  
(Signed) W. G. ROMAINE.

Inclosure 1 in No. 46.

*Rear-Admiral Baynes to the Secretary to the Admiralty.*

*"Ganges," in Esquimalt Harbour, Vancouver's Island,  
August 19, 1859.*

Sir,

I BEG you will submit, for the consideration of the Lords Commissioners of the Admiralty, my reasons for pursuing the line I have taken with regard to the occupation of the Island of San Juan by the Federal troops of the United States.

2. On my arrival at Esquimalt, in the "Ganges," on the afternoon of the 5th instant, I received the report and correspondence of Captain De Courcy, of the "Pylades," and on the same evening that of Captain Hornby, of the "Tribune," which ship was in Griffin Bay, in the Island of San Juan. The "Pylades" had joined my flag off the Race Rocks.

These documents are already before their Lordships as Inclosures 1 and 2 in my letter dated the 8th instant.

3. After carefully looking into all the papers connected with the unprovoked, and I must say unjustifiable, act of the United States' authorities, in establishing a military post on the island without giving notice or assigning any reason to the Governor, although General Harney had been off the harbour of Victoria a few days previously, and had a long interview with him, I thought there were only two courses open :—

1st. To eject them from the island by force ; or,

2ndly. Having protested against the occupation pending the decision on the water boundary, and on which the sovereignty of the island would rest, to await the issue of the event from England, keeping, in the meantime, a ship-of-war in Griffin Bay to watch over British interests.

4. To employ force to expel them from the island, which is at present disputed territory, would, I was convinced, inevitably end in a conflict, and consequently, in all probability, bring on a war between the two countries. This, I felt, was, if possible, to be avoided, which I expressed personally and strongly to the Governor.

Had they been filibusters, and not Federal troops, the case would be very different.

5. I was decidedly averse to a joint military occupation, which could in no way strengthen our claim, and was very likely, from various causes, to bring about a collision.

It would oblige us to have a superior force in the island, that, in the event of any dispute, the result might not be doubtful. This would, of course, involve an increase of men to keep pace with the Americans. We could only muster, including the Royal Engineers within reach, the detachment of Marines from British Columbia, and all the Marines from the ships (under 400 men), rendering the ships in a great measure inefficient. The Americans have already 400 men on the island, with six field-pieces, besides between 100 and 150 people, armed with rifles, whom they have encouraged to come over with them. They have 400 more (Artillery) at Steilacoom ready to embark. This will show the impossibility of a joint occupation.

6. The Governor of these Colonies had sent a protest by Captain Hornby previous to my arrival, and at the same time there appeared in the "Victoria Gazette" his Message to the Council and House of Assembly in Vancouver's Island, in which he treats San Juan as a dependency of Vancouver's Island. How far we can consider it such whilst the boundary question is under discussion appears questionable, as both parties claim it. It certainly is disputed territory, and the Americans have had for several years a Deputy Collector of the Customs residing there, with the knowledge of the authorities here. The Governor tells the House, in his Message, that he intends landing a military force there for the protection of the lives and property of British subjects. This drew from some of the members strong and irritating expressions against the United States, and which, I believe, has been one cause for the reinforcements being sent. At first, there was only a detachment of fifty men ; they have since increased them to the present number, and have landed eight 32-pounder iron guns. As we never had a soldier on the island, nor for some considerable time a Magistrate, it cannot be said we have withdrawn from San Juan ; consequently there has been no compromise of dignity or honour.

If the authorities of the United States have taken a false step, it renders it the more necessary that we should avoid doing so, and endeavour, if possible, not to complicate the boundary question still more, and embroil the two nations.

7. In my numerous interviews with Governor Douglas, I have always combated anything like active interference, or the exercise of those powers vested in the Resident Magistrate which could lead to a collision ; and I felt borne out in this opinion by the order of Captain De Courcy to Captain Hornby, dated July 30, in which he communicates to him that the Governor had instructed the Resident Magistrate to postpone proceedings in the summons issued against Captain Pickett, commanding the United States' forces : and Captain De Courcy revokes that part of his former orders to Captain Hornby, viz., "to prevent, by force, any further landing of the

United States' forces, or the erecting of fortifications by those already landed."

The Governor's Message to the Houses, referred to in paragraph 6, was six days later.

8. After perusing the orders under which the several officers were acting, I thought those given by Captain De Courcy to Captain Hornby, dated the 29th July, in compliance with a requisition from the Governor of the same date, and the subsequent instructions contained in the Governor's letter of the 2nd August to Captain Hornby, in the absence of Captain De Courcy, were not likely to lead to a pacific solution of the question. I therefore cancelled them by a Memorandum to Captain Hornby dated the 13th instant, communicating the same to the Governor by letter, which, with his reply dated the 15th instant, but only received this morning, is marked Inclosure 6.

9. My letter to Governor Douglas, with reference to his instructions to Captain Hornby, dated the 2nd of August, with his reply thereto dated the 17th instant, received this day, is marked Inclosure 8.

With reference to paragraph 3 in his confidential letter referred to, he states that he had received instructions from Her Majesty's Government to treat the islands in the Haro Archipelago as part of the British dominions, and to warn off all persons who attempted to assert any right of occupaney: I may observe that this has not been carried out, as he had permitted American "squatters" to locate themselves on the island without warning them off; also an United States' official, a Deputy Collector of the Customs.

There was no Magistrate or other local authority on the island; but immediately he heard of a party of troops landing he caused a gentleman to be sworn in as Justice of the Peace, and ordered him over to San Juan to issue a writ, and summon the officer commanding the United States' force for trespassing; and in the event of his refusing to obey the summons, to call to his assistance the captain commanding one of Her Majesty's ships. The officer was summoned, but fortunately no further proceedings took place, the Governor having revoked his order.

Had this been carried out, I fear the result would have been a serious collision, as an officer in command of a company of soldiers was not likely to surrender himself without resistance.

I must remark that the only British subjects on the Island of San Juan are some people in charge of a Hudson's Bay farm, consisting of a trader, two Englishmen, some Canadians, Sandwich Islanders, and Indians, in all about twenty men.

The confined and narrow views of the Hudson's Bay Company have prevented any settlers going there.

A few American squatters, as before-mentioned, have established themselves from the opposite coast.

10. On the evening of the 14th instant, I received Inclosure No. 10 from Captain Hornby, reporting that the guns of the "Massachusetts" had been landed on the Island of San Juan.

11. On the evening of the 16th instant, the Resident Magistrate at San Juan, Major De Courcy, brought me Inclosure No. 10 from Captain Hornby.

12. On consulting with the Governor, he assured me he would give such instructions, written and verbal, of which I should be furnished with a copy, to the Magistrate, as not in any way to involve Captain Hornby.

13. This copy not having been sent when I was communicating with the "Tribune," I forwarded to Captain Hornby such an order as I considered would prevent the possibility of anything arising.

14. In the event of a conflict Vancouver's Island would be completely isolated; dependent on the United States for the conveyance of our mails, no despatch could be forwarded to England except a ship-of-war was specially sent with it to Panamá, a passage of between thirty and forty days. Supplies of all sorts would be stopped from the opposite shore, which would equally affect British Columbia. Four-fifths of the popula-

tion of Vancouver's Island are foreigners, principally Americans; and in British Columbia the British population does not exceed 3 per cent.

15. I have now given their Lordships my view of the state of things here at this moment, and I trust they will approve of the course I have adopted.

I shall use every effort I can, short of a compromise of the honour of the British flag, to maintain our pacific relations with the United States until instructions shall arrive from home.

I have, &c.  
(Signed) R. LAMBERT BAYNES.

Inclosure 2 in No. 46.

*Captain De Courcy to Captain Hornby.*

Sir,

*"Pylades," Esquimalt, July 30, 1859.*

IN reply to your letter of this date, I acquaint you that his Excellency Governor Douglas has instructed the Resident Magistrate at San Juan to postpone further proceedings on the summons issued against Captain Pickett, an officer commanding the United States' forces.

The instructions already given to you to prevent by force the landing of any further forces of the United States, or the erecting fortifications by the forces already landed, are hereby revoked.

Captain Richards will give you further information, and I shall join you in the course of the day, or early on Monday.

I have, &c.  
(Signed) MICHAEL DE COURCY.

Inclosure 3 in No 46.

*Governor Douglas to Captain Hornby, August 2, 1859.*

[See Inclosure 10 in No. 34.]

Inclosure 4 in No. 46.

*Orders issued to Captain Hornby.*

*"Ganges," in Esquimalt Harbour,  
August 13, 1859.*

Memo.

THE orders under which you are now acting from Captain De Courcy, of Her Majesty's ship "Pylades," you will consider cancelled.

2. Whilst you remain in Griffin Bay watching the movements of the American force, you will strictly avoid all interference with them, either in landing or embarking, and by every means in your power prevent the risk of a collision taking place.

3. You will communicate with Major De Courcy, the Resident Magistrate, who I have no doubt will put you in full possession of any order, confidential or otherwise, he may receive from his Excellency the Governor.

4. Should the Resident Magistrate at any time require your assistance, I must press upon you the necessity of weighing well the requisition before you act, and not to do so unless you feel, after mature deliberation, that the insult offered, or any aggression on the part of the Americans, imperatively demands redress. You will then immediately acquaint me with the circumstances in order that I may take such measures as I may deem necessary to support you in the course you have adopted.

(Signed) R. LAMBERT BAYNES,  
*Rear-Admiral and Commander-in-chief.*

Captain Hornby,  
Her Majesty's ship "Tribune,"  
Griffin Bay, Island of San Juan.

## Inclosure 5 in No. 46.

*Rear-Admiral Baynes to Governor Douglas.*

Sir,

*"Ganges," in Esquimalt Harbour, August 13, 1859.*

I BEG to acquaint you that I have cancelled the orders under which Captain Hornby, of the "Tribune," was acting from Captain De Courcy, given in consequence of your Excellency's letter and requisition of the 29th July last, as I thought, if carried out, they could not but produce what I feel it my positive duty, if possible, to avert—a collision with the forces of the United States, and in which opinion I trust your Excellency will agree with me.

2. I inclose, for your information, copy of my confidential order to the senior naval officer in Griffin's Bay, and I would ask your Excellency to communicate to me the instructions with which you have furnished the Resident Magistrate for his guidance, that I may endeavour, to the best of my power, at this critical juncture to act in concert with you.

3. The ordinary powers of a single Magistrate, without any one to advise with, are much too irritating to be carried out in the face of a strong military force, and though the Resident Magistrate may possess all the qualifications to fit him for the office, yet the risk that he may at some moment overstep the line of prudence is great, and I would, therefore, suggest to your Excellency that no step of consequence shall be taken by the Resident Magistrate without previously consulting with the senior naval officer present, who will at all times be willing to afford his best advice and co-operation.

4. If your Excellency should take the same view of the question as myself, I think it will enable both Civil and Naval authorities to act with more effect.

5. You will oblige me with an answer to this communication at your earliest convenience.

I have, &amp;c.

(Signed) R. LAMBERT BAYNES.

## Inclosure 6 in No. 46.

*Governor Douglas to Rear-Admiral Baynes.**Government House, Victoria, Vancouver's Island,  
August 15, 1859.*

Sir,

I HAVE the honour to acknowledge the receipt of your confidential letter of August 13, acquainting me that you have cancelled the orders which Captain De Courcy had given to Captain Hornby, of the "Tribune," in consequence of my letter and requisition of the 29th July last, when that vessel was dispatched for the protection of British interests at San Juan.

2. Though differing in opinion with respect to the conclusions at which you have arrived, and believing that had those orders been vigorously carried out in the first instance, and the plan adopted for the protection of San Juan resolutely and consistently pursued, there would have been neither bloodshed nor collision with the United States' troops—that they would either have been withdrawn or would have attempted merely a nominal occupation, and that we should have avoided the humiliations and complications, involving the most serious risk of collisions, which will now daily arise in consequence of the increasing force of troops, and the position assumed by the Federal officers of the United States, yet I do not see any objection to the withdrawal of the orders in question, seeing that, in fact, they have been previously revoked by a subsequent letter of instructions from Captain De Courcy.

3. With reference to your desire to be supplied with a copy of the instructions with which I have furnished the Resident Magistrate at San Juan, I inclose herewith, for your information, a copy of those instructions.

but they have been modified to the extent that Mr. de Courcy has been verbally and privately advised not to interfere in any way with citizens of the United States, and to act with all possible judgment, so as to prevent the possibility of any collision arising through any act of his. I must, however, add that the ordinary duties of a Magistrate are clearly defined, and that it is a matter beyond my power to alter or modify them. The commission of a Magistrate binds him to hear and determine all applications for protection and redress within his jurisdiction, and to order that justice may be done in the premises. A Magistrate has, therefore, no discretionary powers as to what cases he will hear, and he must, in all cases within his jurisdiction, endeavour to do justice without favour. I have great confidence in Mr. de Courcy's prudence and discretion, and I will instruct him to confer with the Senior Naval Officer at San Juan should any serious case arise in which co-operation might be necessary.

4. I fear, however, in my own mind, that, under existing circumstances, and with every care and prudence on our part, cases will eventually occur which must involve conflicts with the United States' authorities.

I have, &c.  
(Signed) JAMES DOUGLAS.

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Inclosure 7 in No. 46.

*Mr. Young to Mr. de Courcy.*

*Government House, Victoria, Vancouver's Island,  
July 27, 1859.*

Sir,

WITH reference to my letter of the 23rd instant, acquainting you that his Excellency the Governor had been pleased to appoint you to be a Justice of the Peace and Stipendiary Magistrate for the District of San Juan, I have the honour now to communicate to you generally the nature of the principal duties you will have to perform:—

1. The Island of San Juan having been, and being still, considered and treated as part of Her Majesty's dominions, you will warn off all persons who may attempt to assert any rights of occupancy as against the British dominions in the Island of San Juan.

2. You will maintain the peace, and will hear and determine all cases that may be brought before you in your official capacity as Justice of the Peace, and that may be within the jurisdiction of that office.

3. You must, in particular, be most careful to avoid giving any occasion that might lead to acts of violence.

I have, &c.  
(Signed) WILLIAM A. G. YOUNG.

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Inclosure 8 in No. 46.

*Rear-Admiral Baynes to Governor Douglas.*

Sir,

*"Ganges," Esquimalt Harbour, August 13, 1859.*

WITH reference to your Excellency's communication to Captain Hornby, of the "Tribune," dated the 2nd instant, relative to your views of the occupation of the Island of San Juan by a Federal force of the United States, giving reasons why you deem it essential a British force should also be landed there, I must beg leave to differ with you as to the necessity which, in my opinion, after very mature deliberation, would, I am sure, be attended with the most mischievous consequences.

1. I do not consider that our claim to the sovereignty of the island would be in any way vitiated by our not having a force there, which must be decided by the agreement come to on the boundary line.



2. I think our national honour and dignity is best maintained by awaiting the decision of the two Governments. Landing a force would inevitably bring on a collision, and oblige us to eject them from the island, which must end in a war between the two nations.

3. With every deference to your Excellency's opinion, founded as it is on long experience, I fear the Indian tribes would be inclined to prey on all indiscriminately.

4. I cannot believe the United States' officers will molest, or allow to be molested, the few British subjects on the island, and if they do, we must seek redress, but with a power to render it effectual.

5. Whenever your Excellency may, from circumstances, feel yourself called on to take active measures on the point in question, I trust they may be such as I can cordially concur in.

I feel confident that a joint military occupation would complicate the Boundary question still more by the evils that would result from it. I will therefore conclude by trusting that your Excellency has modified your views on this subject, as it would be painful to me in the extreme to find that I could not act in accordance with your wishes.

I have, &c.

(Signed) R. LAMBERT BAYNES.

Inclosure 9 in No. 46.

*Governor Douglas to Rear-Admiral Baynes.*

*Government House, Victoria, Vancouver's Island,  
August 17, 1859.*

Sir,

I HAVE duly received, and perused with much attention, your confidential letter of the 13th instant upon the subject of my communication of 2nd instant to Captain Hornby, of the "Tribune," and acquainting me with the reasons which, in your opinion, formed after very mature deliberation, lead you to the conclusion that landing a British force upon San Juan would have been attended with most mischievous consequences.

2. I have carefully considered the reasons in question; but you must pardon me for saying that they fail to induce me to change my opinion in favour of the advantages arising from a passive and retrograde policy.

3. The course of action that I determined upon with reference to the unjustifiable occupation of San Juan by a party of American soldiers was founded upon my long experience and intimate knowledge of American character, and upon the clear and definite instructions I had received from Her Majesty's Government to treat the islands in the Haro Archipelago as part of the British dominions, to warn off all persons who may attempt to assert any right of occupancy as against the British dominions in the Island of San Juan, and to maintain the right of the British Crown to that island; and, as I have already informed you, I firmly believe that had the measures I intended been vigorously carried out, no collision would have ensued, no bloodshed would have followed, tranquillity would now exist, and we should not be placed in the complicated and humiliating position which we hold this day, and which by no means ensures a continuance of quiet, but, on the contrary, leaves us in such a condition that unless we submit to such further indignities and adopt such compromising measures as are neither necessitated by circumstances nor are compatible with national honour and dignity, we are in imminent peril of being forced into a collision of the most serious character. The Americans have strengthened their position, have fortified it with heavy guns, have increased their force, and have altogether assumed such an attitude that we could scarcely now ensure a landing without resistance on their part.

4. My letter to Captain Hornby, to which you particularly refer, and from the views contained in which you differ clearly expressed my earnest desire that he should at once land a British force upon the island. I acquainted him that I saw no surer way of avoiding a collision than by a joint military occupation of the island; but at the same time I impressed

upon him my anxiety that matters should be so arranged that no cause for offence should be given, and that harmony should be preserved.

5. Had that occupation been effected as I intended, I feel confident in my own mind that no further reinforcements of American troops would have been placed upon the island, no guns would have been landed, no fortifications would have been thrown up, and all the action in the case would have been in perfect accordance with our national character and feeling.

6. I have forwarded to Her Majesty's Government Captain Hornby's letter, in which he states his reasons for not landing a body of British troops, and I have expressed to Her Majesty's Government my regret that he should have thought fit to hesitate in following the course I indicated.

7. I have one further point to notice in your letter: you assert your belief that the Indian tribes would be inclined to prey on all indiscriminately. You are, perhaps, not aware of the intense hatred existing between the Indians and Americans. The Americans do not understand Indian character, and have invariably treated that people in such a manner as to arouse their worst passions. Three years ago the whole of Washington territory was engaged in war with the Indian tribes, and it was with great difficulty that they were prevented from overrunning the territory. No alarm, however, was felt at Vancouver's Island, and a feeling of perfect security prevailed everywhere in this neighbourhood. The Indians have never forgotten the occurrences of that war, and although peace was eventually made with them, yet but very recently an Indian Chief who had been engaged in the conflict was hanged in Puget Sound for deeds done during the war, and the Indians to this day never let pass any opportunity of gratifying their favourite passion of revenge. My acquaintance with Indian character is of many years' standing, and from personal communication with them I know the estimation in which they hold Englishmen, and I know their appreciation of Americans. If unhappily we were engaged in any conflict with the Americans, I know I could now with confidence rely upon Indian assistance, but it would be a fearful power to use, and one to which I would only resort in the very last extremity. Nothing could, therefore, be more disastrous than any proceeding on our part which would lessen the prestige we now hold; for if we were reduced in the opinion of the Indians to the level of the Americans, it would then be more than probable that in the event of conflict the Indians would prey on both parties indiscriminately.

I have, &c.

(Signed) JAMES DOUGLAS.

Inclosure 10 in No. 46.

*Captain Hornby to Rear-Admiral Baynes.*

*"Tribune," Griffin Bay, Island of San Juan,  
August 14, 1859.*

Sir,

I HAVE the honour to acknowledge the receipt of your orders, No. 174, and of a confidential Memorandum dated 13th August, 1859.

2. The United States' troops are landing eight 32-pounder guns from the steam-ship "Massachusetts," as if for the purpose of fortifying themselves. They also landed three field-pieces at the other side of the island on Friday morning, the 12th instant, in addition to the three that they originally had. A fifth company of soldiers is constantly on shore from the "Massachusetts," which, if permanently landed, will make their force amount to nearly 400 men.

3. I have sent a boat to give you this information.

I have, &c.

(Signed) GEOFFREY PHIPPS HORNBY.

## Inclosure 11 in No. 46.

*Captain Hornby to Rear-Admiral Baynes.*

Sir,

"Tribune," *Island of San Juan, August 15, 1859.*

I THINK it requisite to draw your attention to the position that the United States' authorities are now taking up, as it differs so materially from their original one.

2. At first, they landed fifty men, and professed that their object was to protect their citizens, especially against Indians. Now they have 400 soldiers on shore, with six field-pieces, eight 32-pounders mounted, and it is said six more iron guns, under cover, in their camp.

3. Six of their heavy guns are placed on the ridge of the hill overlooking this harbour, and by throwing up a parapet they would make them inaccessible to us, whilst they would command the harbour; even in their present position they would be difficult to silence. The other two heavy guns are placed to defend their camp.

4. They seem to me, therefore, not only to be prepared to defend themselves, but to threaten us.

5. It will be clear to you that I have now no chance of protecting our Magistrate by landing, and consequently that he cannot enforce English law here. Further than that, if they chose to call upon him to suspend his functions, or to haul down his flag (and these seem to be the natural sequences of the vigorous steps they are taking to seize the island), I conceive that, by your orders, I should have to embark him, and then fire on their camp, to resent the insult to the flag and country; and this I should do unless I hear from you to the contrary.

6. Meantime, I fear lest they should hereafter construe our tacit observance of all their operations into an admission of their right to the island, and say that we had, without dispute, allowed them to exercise every sovereign right, from administration of law to fortifying the island.

7. It is still reported that the Sheriff of Whatcom county is shortly to visit the island for the purpose of assessing the property and levying taxes on it. In case of their again levying the law from Mr. Griffin, on the Hudson's Bay Company's farms, I should wish instructions as to the steps I am to take.

8. It is also reported that General Harney is shortly expected with five companies of Artillery (420 men).

I have not hitherto mentioned reports to you, but all previous ones have been so exactly verified that I think it my duty to mention these.

9. They are continually landing supplies of all sorts, and have now on the beach large quantities of lumber fit for gun-platforms, scantling of barracks, &c., so that there is every symptom of their occupation being permanent.

10. Major De Courcy has received no instructions lately from Victoria, and would therefore be bound to act as a Magistrate if called upon by any Englishman.

11. The "Satellite" sailed this morning at daylight; the United States' steamer "Shubrick" started to the northward at 7 A.M., and the United States' steamer "Active," for the Columbia River, yesterday afternoon.

I have, &amp;c.

(Signed) GEOFFREY PHIPPS HORNBY.

## Inclosure 12 in No. 46.

*Orders issued to Captain Hornby.**"Ganges," in Esquimalt Harbour, Vancouver's Island,  
August 16, 1859.*

Memo.

I HAVE to acknowledge the receipt of your letter of yesterday's date, drawing my attention to the position the United States' troops are

now taking upon the Island of San Juan, as it differs materially from the original one: increasing their numbers, landing heavy ordnance, and placing guns on the ridge commanding the harbour.

In my memorandum to you of the 13th August, I desired you by every means in your power to avoid a collision with the troops of the United States. It is now my positive order that you do not, on any account whatever, take the initiative in commencing hostilities by firing on them or on any work they may have thrown up.

Should the troops of the United States commit any aggressive act by firing on the "Tribune," or on any of Her Majesty's ships or boats, you are at full liberty to resent the insult by adopting such measures as you think [desirable?], informing me of the circumstances as quickly as possible.

In the event of the Resident Magistrate, from any cause, deeming it necessary to embark, you will receive him; but ulterior measures in such a case must rest with his Excellency the Governor and myself.

(Signed) R. LAMBERT BAYNES.

Captain Hornby,  
Her Majesty's ship "Tribune,"  
Griffin Bay, Island of San Juan.

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No. 47.

*Mr. Hammond to the Secretary to the Admiralty.*

(Confidential.)

Sir,

Foreign Office, October 21, 1859.

See p 45

I HAVE laid before Lord John Russell your letter of the 19th instant, inclosing among other papers, a despatch of the 19th August from Rear-Admiral Baynes, reporting the course which he has adopted with regard to the recent occupation of the Island of San Juan by troops of the United States, and the considerations which have induced him to adopt that course.

I am, in reply, to request that you will express to the Lords Commissioners of the Admiralty the satisfaction which Lord John Russell feels at the conduct pursued by Rear-Admiral Baynes in these transactions, and which his Lordship considers to have greatly conduced to the maintenance of pacific relations with the United States.

I am further to request that you will state to the Lords Commissioners of the Admiralty that Lord John Russell wishes that Admiral Baynes should be directed to endeavour to concert with General Scott as to a temporary arrangement which shall keep uncompromised the British rights to the disputed territory, and at the same time prevent any collision between two friendly nations.

I am, &c.

(Signed) E. HAMMOND.

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No. 48.

*Lord Wodehouse to the Secretary to the Admiralty.*

(Confidential.)

Sir,

Foreign Office, October 24, 1859:

WITH reference to Mr. Hammond's letter of the 21st instant, containing the instructions which Lord John Russell was desirous should be given to Rear-Admiral Baynes with regard to the recent occupation of the Island of San Juan by troops of the United States, I am directed by his Lordship to request that you will state to the Lords Commissioners of the Admiralty that he also wishes that Rear-Admiral Baynes may be confi-

dentially informed that Her Majesty's Government have reason to believe that General Scott will withdraw that portion of the American force which has landed since the first detachment, and that the United States' Government will not object to a joint occupation of the island while the question of right is undetermined.

I am, &c.  
(Signed) WODEHOUSE.

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No. 49.

*Mr. Elliot to Mr. Hammond.—(Received October 24.)*

Sir,

*Downing Street, October 22, 1859.*

I AM directed by the Duke of Newcastle to send you, for the information of Lord John Russell, copy of a further despatch, with inclosures, received from the Governor of Vancouver's Island respecting the occupation of the Island of San Juan by the United States' troops.

I am, &c.  
(Signed) T. FREDK. ELLIOT.

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Inclosure I in No. 49.

*Governor Douglas to Sir E. B. Lytton.*

Sir,

*Victoria, Vancouver's Island, August 22, 1859.*

I BEG to communicate, for the information of Her Majesty's Government, that the Island of San Juan is still occupied by detachments of United States' troops, the force now assembled there being about 400 men, with eight 32-pounder guns, several field-pieces, and a large quantity of military stores, besides a number of labourers and artificers who are to be employed in erecting barracks for those troops: their occupation of the island has, therefore, assumed an unmistakeable character of permanence.

2. On our part we maintain Mr. de Courcy on the island as Resident Magistrate, and Her Majesty's ship "Satellite," with a complement reinforced by the addition of fifty-four supernumerary Marines, is anchored in the offing, for the protection of British subjects, but none of Her Majesty's troops have been landed there.

3. Every precaution has been taken on our part to avert the danger of collision, and conflicts are not expected to occur, unless the rights of British subjects should be violated by attempts on behalf of the United States to levy taxes on their property, or otherwise to spoil or oppress them.

4. I confess with regret that my views differ essentially from those expressed by Rear-Admiral Baynes, in reference to the maintenance of Her Majesty's rights to the Island of San Juan.

5. Rear-Admiral Baynes is opposed to the landing of troops on San Juan, as was intended by me, because he believes they would have been resisted on landing by the troops of the United States, while had no fears of any such result. Our respective views are fully explained in a correspondence with him on the subject, which is herewith forwarded.

6. The measures which I deemed it necessary to take in order to hold San Juan against the encroachments of the United States are therein set forth, and my opinion on the subject remains unaltered. I feel assured that a bold and resolute stand, as I proposed in the first instance, would have nipped their project in the bud, increased the influence and dignity of this Government, and prevented collisions, which a policy of concession may precipitate. I think the letter from General Harney, giving his reasons for occupying San Juan, will add force to that opinion, as it shows that the project was undertaken in a spirit of levity, and with a want of consideration hardly consistent with a settled and pre-arranged purpose.

7. Had we at once assumed that dignified attitude, Her Majesty's Government would, moreover, have been placed in a much better position than they now will be for dealing firmly with the question of the disputed territory.

I have, &c.  
(Signed) JAMES DOUGLAS.

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Inclosure 2 in No. 49.

*Rear-Admiral Baynes to Governor Douglas, August 13, 1859.*

[See Inclosure 5 in No. 46.]

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Inclosure 3 in No. 49.

*Orders issued to Captain Hornby, August 13, 1859.*

[See Inclosure 4 in No. 46.]

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Inclosure 4 in No. 49.

*Rear-Admiral Baynes to Governor Douglas, August 13, 1859.*

[See Inclosure 8 in No. 46.]

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Inclosure 5 in No. 49.

*Governor Douglas to Rear-Admiral Baynes, August 15, 1859.*

[See Inclosure 6 in No. 46.]

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Inclosure 6 in No. 49.

*Governor Douglas to Rear-Admiral Baynes, August 17, 1859.*

[See Inclosure 9 in No. 46.]

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No. 50.

*Lord Lyons to Lord J. Russell. —(Received October 25.)*

(No. 222.)

My Lord,

Washington, October 11, 1859.

BY your despatch No. 58 of the 13th ultimo, your Lordship did me the honour to inform me that you had directed Colonel Hawkins, the British Commissioner for ascertaining the land boundary westward of the Rocky Mountains, to be guided by such advice and directions as he might receive from me, with regard to the propriety of his proceeding to mark out the boundary without the co-operation of the American Commissioner.

In my despatch No. 212 of the 3rd instant, I had the honour to report to your Lordship that, had Colonel Hawkins been still at his post, I should have advised him rather to suspend for the present all operations, than to proceed without the concurrence of his American colleague.

I have now the honour to inclose a copy of a despatch, in which I have made Captain Prevost, the Commissioner for settling the sea boundary, acquainted with the nature of the advice which I should thus have given to Colonel Hawkins.

I have also the honour to transmit to your Lordship a copy of a

despatch to Governor Douglas, in which I inclosed, under flying-seal, a copy of my despatch to Captain Prevost; and at the same time made known to the Governor, in general terms, the substance of the communications which had recently taken place between the United States' Secretary of State and myself on the subject of the occupation of the Island of San Juan by United States' troops.

I have, &c.  
(Signed) LYONS.

Inclosure 1 in No. 50.

*Lord Lyons to Captain Prevost.*

Sir,

*Washington, October 4, 1859.*

HER Majesty's Secretary of State for Foreign Affairs has sent to me a copy of a despatch dated the 15th instant, which his Lordship has addressed to Lieutenant-Colonel Hawkins, with reference to a request from that officer for instructions as to whether, in case Mr. Campbell should continue to hold aloof, it would be advisable that he should himself proceed to mark out the boundary line without the co-operation of his American colleague. In reply to this request, Her Majesty's Secretary of State instructs Colonel Hawkins to be guided by such advice and directions as he may receive from me upon the point in question.

As it is probable that, in Colonel Hawkins' absence, it may be your duty to read the Secretary of State's despatch, I think it right to inform you that, in the exercise of full discretion left to me in the matter, I shall abstain for the present from addressing to the United States' Government any remonstrance against the obstructions which appear to be thrown by Mr. Campbell in the way of the labours of the Joint Commission, and shall, under existing circumstances, avoid, if possible, raising any question whatever respecting the Commission.

I have informed Her Majesty's Secretary of State of this determination; and I have stated to his Lordship that, if Colonel Hawkins were still at his post, and, consequently, the responsibility of giving him directions rested with me, I should certainly advise him to avoid bringing his difference with Mr. Campbell to an issue, and, in particular, rather to suspend for the present all operations for marking out the boundary, than proceed without the concurrence of his American colleague.

I can, indeed, perceive but little prospect of the labours of the Commission being pursued with advantage, until some satisfactory arrangement has been made respecting the affairs of the Island of San Juan; and in the meantime it is particularly desirable to avoid all cause of irritating discussion, either with the American Government, or its officials.

I have, &c.  
(Signed) LYONS.

Inclosure 2 in No. 50.

*Lord Lyons to Governor Douglas.*

Sir,

*Washington, October 4, 1859.*

I HAD, on the 28th ultimo, the honour to receive your Excellency's despatch of the 27th August inclosing copies of your correspondence with General Harney, respecting the occupation of the Island of San Juan by United States' troops under his orders.

I have been gratified by seeing that your admirable and convincing letter of the 13th August has been published in the principal American newspapers. Such being the case, I have thought it good to direct the attention of General Cass to it, and to point out to him the dignified and incontrovertible manner in which it disposes of the idle pretext alleged by General Harney as the ground of his ill-judged proceeding.

The assurances which I have continued to receive from this Government since I had the honour to address to your Excellency my despatch of the 16th ultimo, tend to confirm the hope that the result of General Scott's mission may be to replace things at San Juan upon the footing laid down in Secretary Marcy's letter to Governor Stevens of the 14th July, 1855.

At the date of the last despatches from London (the 15th ultimo), Her Majesty's Government were in possession only of the concise account of occurrences at San Juan up to the 6th August, which was telegraphed to the newspapers here from St. Louis, Missouri. I have addressed a note to General Cass, in accordance with a despatch from Lord John Russell, expressing the confidence of Her Majesty's Government in the friendly disposition and loyal intentions of the Cabinet of Washington, and their conviction that the Government of the United States will be ready to disclaim the having authorized, or the having in any way been privy to, General Harney's proceedings.

I take the liberty of inclosing, under flying seal, a despatch from me to Captain Prevost, and I shall be much obliged if your Excellency will cause it to be forwarded to its destination.

I have, &c.  
(Signed) LYONS.

No. 51.

*Lord Lyons to Lord J. Russell.—(Received October 25.)*

(No. 226.)

My Lord,

*Washington, October 11, 1859.*

I HAVE the honour to inclose a copy of a note to the United States' Secretary of State, in which, in execution of the instruction contained in your Lordship's despatch No. 67 of the 22nd ultimo, I have pressed for an answer to my note of the 12th May last, relative to the Island of San Juan, and have urged that instructions should be sent to the United States' officers not to use military force on disputed territory without direct authority from the President.

General Cass has told me this morning that he regrets very much the delay which has unavoidably taken place, but that he cannot say anything more definite without referring to the President, who is at this moment in Pennsylvania.

I have, &c.  
(Signed) LYONS.

Inclosure in No. 51.

*Lord Lyons to General Cass.*

Sir,

*Washington, October 10, 1859.*

HER Majesty's Government have received my report of the verbal communication which you did me the honour to make to me on the 5th of last month, with regard to the recent occupation of the Island of San Juan by United States' troops.

It is satisfactory to Her Majesty's Government to learn, as to the past, that General Harney did not act on that occasion upon any order from the United States' Government, but entirely on his own responsibility.

But as to the future, Her Majesty's Government cannot consider it satisfactory that my note of the 12th of May last should have remained without an answer.

They have consequently instructed me to press for an answer to that note, and to urge that orders be sent to the United States' officers not to use military force on disputed territory without direct authority from the



President; for Her Majesty's Government cannot but think that if such acts are to take place by the sole direction of subordinate officers, and the President does not disavow them, the consequences must be as evil as if the President had authorized them from the beginning.

I have, &c.  
(Signed) LYONS.

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