

the flag of the United States. In such an event, who that knows the restless and enterprising character of our people will hesitate to believe, that long ere this large and flourishing settlements would have been formed in every part of the territory? We say in every part of the territory, for the possession of Astoria, at the mouth of the river, was a virtual possession of the whole, and the restoration of Astoria was a virtual restoration of the whole. If such settlements had been formed by citizens of the United States, it would have become not only the right but the duty of our government to have extended to them the protection of our power and the benefits of our laws, otherwise they must have been settlements without laws; for if the United States, in possession, had not the right of empire, no other government, out of possession, could lay claim to any such right. This course of reasoning might be greatly extended; but the committee, throwing out these few hints for the consideration of the House, proceeds to the examination of the conventions of 1818 and 1827, to ascertain if the right of empire, thus in the United States, has been, by anything therein contained, divested or restricted.

By the third article of the convention of 1818, "it is agreed that any country that may be claimed by either party on the northwest coast of America, westward of the Stony Mountains, shall, together with its harbors, bays, and creeks, and the navigation of all rivers within the same, be free and open, for the term of ten years from the date of the signature of the present convention, to the vessels, citizens, and subjects of the two Powers; it being well understood that this agreement is not to be construed to the prejudice of any claim which either of the two high contracting parties may have to any part of the said country," etc.

By the first article of the convention of 1827, it is agreed that the provisions of the first article of the convention of 1818, above recited, "shall be, and they are hereby, indefinitely extended and continued in force in the same manner as if all the provisions of the said article were herein specifically recited."

By the second article it is agreed, "it shall be competent, however, to either of the contracting parties, in case either should think fit, at any time after the 20th of October, 1828, on giving due notice of twelve months to the other contracting party, to annul and abrogate this convention; and it shall, in such case, be accordingly entirely annulled and abrogated, after the expiration of the said term of notice."

The third article saves all rights and claims of the parties. The first remark we have to make upon these articles is, that they contain no reference whatever to the possession, which, by the treaty of Ghent, and subsequent acts under it, was acknowledged to be in the United States, in the most formal manner, and which could not be divested except in a manner equally formal, or by the consent of the United States, under the limitations of that acknowledgment. It is hardly necessary to observe that in neither manner is it divested by the stipulations of these conventions, or either of them.

What rights, then, were granted or acquired by these conventions? Clearly none inconsistent with our previously admitted possession. We have seen, from the highest authority, that the right to govern is incident to the possession. The right of the citizens of the United States, under this possession, and with the permission of this government, to cultivate the soil, navigate the rivers, fish, hunt, etc., is also clear. This right of our citizens existed with the possession before the war of 1812, and was restored with the restoration of the "settlement of Fort George," on the 6th day of October, 1818, prior to either of these conventions, and of course independent of both. If this be true, we acquired no new rights under the convention of 1818; all these accompanied our prior possession. That convention, then, was a concession to English subjects of a participation in individual rights, which, but for that convention, would have appertained exclusively to our own citizens. It contains no recognition of any authority in the British Government over the territory.