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if we contend for that which is no right at all; for that which is but a profitable wrong.

Sir, if there be a situation in life, public or private, where a wise and just man will set jealous guard on his reason, it is, when he bends its powers to decide a question of disputed right, to which he is one of the parties. The best of us are but men. Our longings tinge our judgments. That which we desire should be, how readily do we find, or frame, a plea to justify! When our wishes urge, or our interests solicit, how prone are we all to rush upon conclusions, to which our unbribed reason would never have assented!

In a spirit of scrupulous self-watchfulness, then, let us approach this question. In the great cause now pending between us and England, before the tribunal of the civilized world, let us adopt the principles of her declaration rather than those of our own; let us take the testimony of her witnesses, rather than of those it is our equal privilege to summon. And if, even out of these materials, of our opponent's own selection, we can still erect an impregnable title, not only to what we have claimed but to much that we have offered to relinquish, then even self-jealousy may be satisfied; and the judgment of a candid world must, perforce, be given in our favor.

England, pending this negotiation, has virtually abandoned all claims founded on discovery or prior settlement; a very sufficient proof, that she does not consider them tenable. In the official statement by her plenipotentiaries, appended to the protocol of the sixth conference held in December 1826, they declare:

"Whatever title may have been, however, either on the part of Great Britain, or on the part of Spain, prior to the convention of 1790, it was, from thence forward, no longer to be traced in vague narratives of discoveries, many of them apocryphal, but in the text and stipulations of that convention itself."—Doc. 199 H. R. 26th Cong. 1st sess. p. 52.

This proposition, if it be admitted, narrows down the whole controversy to a very simple point; to an examination, namely, of the "text and stipulations" of the convention in question, as the only just source of title, in either nation, to territory on the Northwest coast.

Our negotiators have argued, that this Convention, being but of a temporary character, was annulled by the war between Spain and Great Britain, declared in 1796. But Mr. Pakenham still stoutly maintains the contrary. In his letter to Mr. Buchanan of July last, he says:

"The Nootka Sound Convention has continued in full and complete force up to the present moment."

He argues, in another part of the same letter, in regard to this Convention, that

"It must be considered as an acknowledgment of existing rights, an admission of certain principles of international law, not to be revoked at the pleasure of either party, or to be set aside by a cessation of friendly relations between them."

In so far as the Convention actually recognises territorial rights, then existing, there is force in the above view. And, at all events, after such a declaration, England is for ever barred from demurring to any conclusion, to which, following the text and stipulations of that Convention, we may justly arrive.

Now, taking the words of that Convention thus expressly appealed to by Great Britain, interpreting these in their plain and obvious sense, corroborated and elucidated by the most authentic contemporaneous

commentaries thereon, I assert, broadly and positively, that this very document recognises in Spain—and consequently in us as Spain's assignee—an ABSOLUTE AND UNDIVIDED RIGHT OF TERRITORY, UP TO THE LATITUDE OF FORTY-NINE AND A HALF; and, IN BOTH NATIONS, A JOINT RIGHT OF SETTLEMENT THENCE TO THE BOUNDARY SINCE AGREED UPON WITH RUSSIA.

I repeat it: by the Nootka Sound Convention, England wholly abandons to Spain all territorial right south of latitude forty-nine and a half; and acknowledges in that country equal rights with her north of that parallel.

As to the accuracy and justice of this view of the case, I submit it, without one doubt as to the result, alike to scrupulous friends at home, and to just-minded enemies abroad. If to the learned gentleman from Virginia, [Mr. BAYLY,] who did not allude to it yesterday in his argument on title, or to any one else, it seem overstrained, his attention I ask to the proofs I am about to adduce. Let him suffer me, in the first place, to refer him to an episode in British history, instructive in itself, as a specimen of the temper and policy of that powerful government, and especially interesting in connexion with her diplomacy at the present day.

It was in 1790. William Pitt, the ablest of tory statesmen, the best friend of negro freedom in England and of feudal slavery in France.—William Pitt was prime minister. In May of that year, a royal message declared to Parliament, that certain British vessels had been seized on the northwest coast of America, by a Spanish officer, and that a demand for satisfaction had been fruitlessly made upon Spain. The message therefore recommended vigorous preparation for war.

In confirmation of this alleged outrage on the British flag, a memorial was, a few days afterwards, presented to Parliament, signed by one John Meares, commander of the vessels in question, in which he stated, that he had reached Nootka, on a trading voyage, in 1788; that he had then purchased from Maquinna, the native chief, "a spot of ground whereon he built a house for his occasional residence;" that he afterwards proceeded to China; and in 1789 sent two vessels to the northwest coast; that these had been seized in the name of the Spanish King, while at anchor in Nootka Sound, by Don Martinez, who had previously made a Spanish settlement there; that their crews had been sent, as usurpers, to a Spanish prison; and that the flag of Spain had been hoisted on "the lauds" belonging to the memorialist.

A negotiation ensued. Spain offered to submit the matter to arbitration, by any one of the Kings of Europe, to be chosen by England; but the British Government, not then as much in favor of that mode of settling a dispute as now, refused all arbitration and hastened her military preparations; equipping, by incredible exertions and at a cost of fifteen million dollars, seventy ships of the line in five months. Spain, in this emergency, applied for aid to the National Assembly of France; and Mirabeau reported in her favor. The language of his report might almost be supposed to have supplied a text for use in our own day:

"Shall we do so much injustice (said he) to the character of two enlightened nations, as to suppose they would lavish their blood and treasure for the acquisition of so distant, so barren a spot of ground?"

With many high compliments to England the report concludes, that Spain must not be deserted,