

Pacific Company, nevertheless," says Mr. Greenhow, "might, and probably would, have withstood all these difficulties, [alluding to the war with England,] if the directing parties on the Columbia had been Americans, instead of being, as the greater part of them were, men unconnected with the United States by birth, citizenship, or previous residence, or family ties." This statement is conclusive as to the character of the settlement, and shows unequivocally, that whatever American ingredients may have been mixed up in its formation, it was to all intents and purposes amenable to British influence. It could not have been otherwise, for the Americans had never subjected Oregon to their authority. They had no official servants in the country of any class, judicial, military, or naval. Suppose any civil question had arisen during the brief existence of Astoria, to what authority could it have been referred? If America had any rights in Oregon she must surely have had some machinery of government by which her rights could have been enforced and protected. But she never did establish any such machinery, and if the handful of Americans who were embarked in the Astoria speculation had been at any moment compelled into a civil procedure, they must of necessity have appealed to the English law, under which alone they could derive legal protection.

The failure of Astoria led, as we have stated, to the sale of the whole concern to the North-West Company in 1813, when the name of the establishment was immediately changed to that of Fort George. It was now English by purchase, and it has remained in the hands of the English ever since.

At the termination of the war, in 1814, America claimed the restoration of the post sold by the Pacific Company, as belonging to the United States, and as having been taken during the war. The answer was obvious, that it had been bought, not captured, that the territory had been taken possession of long before in the name of his Britannic Majesty, and that it had all along been considered as a part of his majesty's dominions. The discussions on this point were drawn to a close by leaving the question of title to be discussed in a future negotiation. While the main question was thus left in abeyance, the fort was restored; and the best proof that can be afforded of the slender faith placed by the Americans in their right of re-possession is to be found in the significant fact, that they have never occupied the fort up to the present hour. It is now in the hands of the Hudson's Bay Company. It ought to be observed, also, that while we thus consented to restore the fort, we have consistently and invariably protested against the American claim to any territorial rights. Early in 1818, Lord Castlereagh, writing to the British minister at Washington, says, "In signifying to Mr. Adams the full acquiescence of your government in the re-occupation of the *limited* position which the United States held in the Columbia at the breaking out of the war, you will, at the same time, assert the claim of Great Britain to that territory, upon which the American settlement must be considered as an encroachment." The same language was subsequently employed by Lord Bathurst, and has been persevered in throughout all the negotiations that since have taken place on the subject.

If any claim could possibly arise out of such a settlement as that of Astoria, unauthorized by any act of Congress, then we are clearly entitled to set

it aside on the score of priority; for, in addition to the former settlement at Nootka Sound and Port Cox, an English party, commissioned by the North-West Company, formed an establishment, in 1806, on Frazer's Lake, in the fifty-fourth degree of latitude.* These were all authentic arrangements under the sanction of the British jurisdiction, already formally proclaimed in the Columbia and up the coast many years before. America has no title, in short, on the ground of occupancy; for she has never yet occupied a yard of the country—none on the ground of discovery; for Drake, and Cooke, and Heceta, were there before her—none on the ground of exploration; for Broughton was up the Columbia first—and none on the ground of any declaration of annexation or any act of possession; for up to this hour she has not taken one single legal step towards the assertion of a legal right of any nature whatsoever.

The next point in the progress of the debate, which was now insensibly assuming every day a more tangible shape between the two countries, was a convention ratified between Great Britain and America in 1818, by which the rights of both were submitted to a temporary suspension. A boundary line was agreed upon which should run along the forty-ninth degree of latitude, from the Lake of the Woods to the Rocky Mountains; and the whole of the country west of the Rocky Mountains was pronounced free to both for the term of ten years, without prejudice to the claims of either. The question of title was, consequently, still left open.

And now we arrive at the most material transaction in the history of this prolonged dispute:—a transaction upon the interpretation of which the American claim finally rests, at some cost of consistency in the variegated arguments by which it had been hitherto maintained. The obscurity in which the transfer of Louisiana in 1803 had left the actual boundary lines of that large extent of country, rendered it necessary that some understanding should be entered into on the subject, and a declaratory treaty, known as the Florida Treaty, was accordingly concluded with Spain in 1819. By this treaty the boundaries were fixed, running on the west of the United States in an irregular line from the Sabine river to the forty-second degree of latitude, and then along that parallel west to the Pacific. A clause was inserted in the treaty by which the United States renounced all pretension to the territories west and south of this boundary, and Spain ceded to the United States all rights, claims, and pretensions to the territories on its north and east. Upon this clause, America mainly relies for the proof of her Oregon claim.

We need not reargue the incompetency of Spain to cede to America territories over which she possessed no rights herself. This clause, to be of any value at all, must depend upon the power of the donor to bestow, not on the willingness of the receiver to accept. America is willing enough to accept Oregon at the hands of Spain; but the real question at issue is, has Spain the power of bestowing Oregon on Amer-

* Mr. Greenhow's book contains so many errors that we are compelled to abandon the intention with which we set out of exposing them in detail. But we cannot suffer his assertion, that "this was the first settlement or post of any kind made by British subjects west of the Rocky Mountains," to pass uncorrected. His own book contains the refutation of this strange historical mistake.