

that Nootka should in the mean time be considered a Spanish settlement, and to remain in the possession of Spain. In October, Vancouver left Nootka. In 1794, he again visited Nootka, and found Brigadier Alva, a Spanish officer, in possession and command of the place; Quadra in the mean time having died. Vancouver having received no further instructions from his Government, he returned home in 1794. There is no authentic evidence that Nootka ever passed from the possession of Spain to that of England. Belsham, a British historian, says that the Spanish flag never was struck, and that the territory was virtually abandoned by the English. What interpretation was given to the convention by British statesmen after its adoption? Let them speak for themselves. Charles James Fox, opposing the convention, says: "What did we object to before the convention but to the indefinite claims of 'Spanish America'? That objection still remains, 'for the limits of Spanish America were still undefined.'"

"Thus we had given up all right to settle, except for temporary purposes, to the south of the Spanish settlements, or in the intervals between them, if they happened to be distant. We had obtained an admission of our right to settle to the north, and even that we had not obtained with clearness. As Spanish settlements were the only mark of limits, suppose we were to meet with one further to the north than we expected, and a dispute were to arise, whether it was new or old, it would be some difficulty to send out our builders to decide." &c.—p. 995.

What was the reply of William Pitt, then Prime Minister of England, and the defender of the convention? He says: "Although Britain had acquired no new rights, she certainly had acquired new advantages." Thus, sir, it will be seen that Fox, Pitt, and Quadra, put upon the 5th article of that convention the same construction we now put upon it—the only true one its language will admit of: which is, that Britain had precluded herself from claiming any territorial rights situate to the south of the parts of said coast already (October, 1790) occupied by Spain, and had secured nothing but a joint right with Spain to trade in the country north of the most northerly Spanish settlements on that coast, leaving the question of sovereignty in abeyance. If, then, I have shown that there was a Spanish settlement at Nootka on the 28th day of October, 1790, that John Meares had "no tracts of land or houses" there to be surrendered, and that the possession of the Spanish fort and settlement at Nootka never passed from Spain to Britain, the conclusion must follow that our Spanish title alone is good against Britain up to that point—she, by the terms of the convention, having relinquished all territorial rights south of that place. If Great Britain had no title South of Nootka in 1790, she has none now; she has acquired none since; and we take up the question of title at this time—so far as we rely upon our Spanish title—just where Florida Blanca, the Spanish Minister, left it in 1790. On the 5th day of April, 1824, a treaty was concluded between the United States and Russia, by which the division line between their territories in Oregon was fixed at 54° 40'—

Russia on the north, and the United States on the south, of that line. Then, sir, the rights of all claimants in Oregon have been extinguished, and acquired by the United States, except that of the English; and she herself has thrice granted them away to others, from whom we have acquired them. In the sixteenth century, she granted all the rights she then had to her colonies, and confirmed the grant at the treaty of 1763. In 1714, she granted all to France south of 49°, and we now own that. In 1790, she extinguished her claims south of Nootka, acknowledging the right to be in Spain, and we now hold Spain's rights. Add to these our own title by discovery and settlement, and by explorations, contiguity, and inevitable destiny, and you have before you the American title to Oregon, which vests in the United States the absolute and exclusive title south of Nootka, and also the better title north of that point. Sir, we hold too clear and strong a title to Oregon to be bullied out of it, and too high and valuable a heritage there to be bought out.

Mr. Chairman, two things yet remain to be briefly considered; first, our conventional stipulations with England touching Oregon; and, secondly, some of the objections urged against the passage of this resolution. Our conventional stipulations, what are they? I will endeavor to show. At the Ghent treaty, in 1814, amongst other important national questions which were left unsettled, was our northwestern boundary. Shortly after that time, negotiations upon that subject were renewed, and continued up to the year 1818, without arriving at any satisfactory conclusion. On the 20th of October of that year, a convention for the joint use of the territory was concluded between the United States and Great Britain, to prevent difficulty and collision between the citizens and subjects of the two countries who might inhabit that country, until the question of title should be settled by their respective Governments; of which convention the third article is as follows:

"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, nor shall it be taken to affect the claims of any other Power or State to any part of the said country; the only object of the high contracting parties, in that respect, being to prevent disputes and differences among themselves."

This convention of joint use continued in force near ten years more of fruitless negotiation; when, on the 6th day of August, 1827, another conventional agreement was made by the negotiators of the two Governments. By the first article of the convention of 1827, the third article of the convention of 1818 was extended indefinitely. The second article provides that either of the contract-

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