

(in which the trade existed, for which British negotiators were contending,) was from King George's Sound to the north. Would they embarrass the treaty by a stipulation not important to the object?

But we are not left to speculation on this point; the debates in the British Parliament, and the position taken by the Spanish commissioner, Quadra, show the interpretation given to the treaty by both Governments at the date of its formation.

I will read two extracts from the parliamentary debates, and each shall be from those most anxious to give a wide and favorable construction to the treaty.

The Duke of Montrose, who in the House of Lords moved an address of thanks to his Majesty for the successful termination of the Spanish negotiations, December 13, 1790, enumerating the advantages derived from the Nootka convention, said: "We are not only restored to Nootka, but, 'by an express stipulation, we may participate in 'a more northern settlement.'"

Mr. Duncombe, who moved the address in the House of Commons, December 14th, 1790, said: "It was in consequence of an unprovoked insult 'that satisfaction had been demanded, and that 'satisfaction was obtained by the convention, 'which also secured to us the means of extending 'our commerce and navigation, and of giving additional vigor to our manufactures.'" Each treats it as an acquisition of advantages, and the highest claim is restoration to Nootka, and the privilege of making more northern settlements.

Throughout the long debate, there is nowhere to be found a claim to territorial acquisition by the treaty; and to the bitter irony and jeering taunts of Mr. Fox upon the position in which the territorial pretensions of Great Britain had been left, his great rival, Mr. Pitt, then premier, made no reply, but continued to urge the commercial advantages his Government had gained.

To our times has been left the conflict of construction foreshadowed by Mr. Fox when he sarcastically proposed to write in the margin of most of the articles of the convention, "This will afford 'an admirable opportunity for the future display 'of the power and energy of Great Britain.'"

Señor Quadra and Captain Vancouver met at Nootka Sound in 1792, commissioned to carry out the first article of the treaty, called the Nootka Sound convention. Fortune favored the examination of the case, in the number of witnesses that happened to be present. Captains Gray and Ingraham, who witnessed the transactions in 1788 and 1789, were again at Nootka. In answer to interrogatories, they presented a written statement, conclusive as to the temporary character of Meares's building, and that it was destroyed by his associates. They further stated, that though they had been long in trading intercourse with the natives of the island, and spoke their language, they had never heard of any lands having been purchased by Meares. The Portuguese captain, Vianna, was also there, and corroborated the statement of Captains Gray and Ingraham. Maquinna and the neighboring chiefs denied that they had ever sold any lands to British subjects. Thereupon, Señor Quadra decided that no lands were to be restored.

After a long correspondence, it was finally decided by Vancouver, who proposed to refer the

matter back to the two Governments, and in meantime recognised Nootka as a Spanish port.

Attempts have been made to prove that subsequently the port of Nootka was surrendered to British officer; but this is rendered very improbable from the contradictory statements, as well as fact, that in the next year, (1793,) Spain and Great Britain formed an alliance, "an intimate and energetic concert, to oppose the dangerous views of aggression and aggrandizement on the part of France."

But, sir, it is for those who assert the restituted to have been made, to produce the evidence of such fact. Until this be done, it may well be assumed that Spain abandoned the post as useless, whether friendly alliance with Great Britain removed the apprehension which had led to its formation.

Then, sir, following the position of the British Minister, (Mr. Pakenham,) that the Nootka convention is still in force, and combining the relation of that treaty with those of the British and American convention of 1827, we have the rights of contracting parties varying in each of the geographical divisions of the territory. In the northern division, the Nootka convention gives joint right of trade and settlement. In the southern division, the United States have possession, and the convention of 1827 gives to British subjects joint right of trade and navigation. In the intermediate division—lying the region between the valley of the Columbia and the most northern Spanish settlement in 1790—the rights and privileges of both parties are subject to the convention of 1827, and, limited by its provisions, are confined to purposes of trade.

The convention of 1818, prolonged in 1827, was designed to "prevent disputes," and leave the country "free and open" to both of the contracting parties. It provided that neither, during continuance, should do anything to impair the claims of the other party. The object, the privilege, and the proviso alike combine, to forbid either party from extending its agricultural settlements beyond the previously permitted limits. While therefore, we should restrict our permanent establishments to Astoria and its dependencies, we have a right to require England to confine hers within the bounds prescribed by the Nootka convention. Sir, the notice which I think is most demanded in our present situation, is, to inform Great Britain that her agricultural settlements south of Puget Sound violate both the object and the terms of our treaty, and cannot be permitted. The enforcement of that notice, and the natural progress of events would finally secure to us not only all of our ancient claims, but also those we have acquired by purchase of the Spanish title—the whole of Oregon.

Mr. Chairman, when the bill reported by the territorial committee was postponed for the resolution which we are now discussing, the order indicated both by the President and our present circumstances, seemed to me reversed.

In the Annual Message of the Executive to this Congress, we are recommended to pass a law for the termination of the Oregon convention; but we are told in the same communication, "beyond all question, the protection of our laws and our jurisdiction, civil and criminal, ought to be immediately extended over our citizens in Oregon."

We are further recommended to establish agencies among the Indian tribes west of the "Rocky mountains," and to protect the route from our Mis-

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