

their trade in furs, and by permission of the Spanish government. It is true she had not kept up her establishments north of Cape Mendocino; but no others had been formed in the same localities; and her rights of discovery, therefore, were not superseded by rights of occupation on the part of other nations in any portion of the territory in dispute, excepting so far as they may have been derived from the American and British establishments, to which I am about to refer.

The United States had discovered the Columbia river, and ascended it at the time of the discovery to the distance of twenty-five miles from its mouth. She had also discovered Bulfinch's harbor, between the Columbia and the strait of Fuca. She had examined the country watered by the Columbia and some of its tributaries, and she had formed establishments within it at four different periods—in 1809, 1810, 1811, and 1812—the most southerly near the mouth of the Columbia, and the most northerly between the 48th and 49th parallels of latitude. Spain claimed to have discovered the Columbia seventeen years before Gray entered it; but in 1821 she ceded all her rights to the country north of 42° to the United States, by treaty, and thus gave us a title to the territory watered by the river which Great Britain ought never to have questioned. By virtue of the same act of cession her entire right to the coast became vested in us.

In the course of the public discussions in respect to Oregon, the United States has been charged with dishonor and bad faith in setting up a claim to that territory, 1st, by discovery, through the agency of her own citizens; and 2d, by cession of the rights of Spain. For, as has been said, if the first ground was tenable, she could not, without inconsistency, set up a claim on the second, because she had virtually denied the second by assuming the first as the basis of her right. But, sir, is it not quite possible for two nations to possess rights by contiguity, or to acquire them by discovery, neither perfect, but capable of being rendered so by a merger of both in one? Great Britain herself claims a right of joint occupancy with the United States in Oregon; and she will certainly not deny that a cession of her right to us; or ours to her, would create a perfect title to the country, without affording cause for any imputation of dishonor to either.

Great Britain in 1818 had surveyed the strait of Fuca, after its outlines were known, but she had made no discoveries on the coast which were not comprehended within the boundaries of the great districts previously known and visited. She may have had establishments in the valley of the Columbia; but if so I have not been able to ascertain the fact. She had discovered Frazer's river, which empties into the strait of Fuca at the 49th parallel of latitude; she had traced it from its source to its mouth; she had formed an establishment on it near the 54th parallel; and it only remains to settle by the testimony of facts the geographical relation which this river and its valley bear to the river and valley of the Columbia.

I pass by, as unconnected with the question, for the reasons I have assigned, all settlements made subsequently to 1818 by the Hudson's Bay Company, on which Great Britain has conferred large and most important powers in respect to the country west of the Rocky mountains. Indeed, these establishments rest upon no legal concession, even by herself, which confers any right of domain. The Hudson's Bay

Company has a mere right of exclusive trade with the Indians, without the privilege of acquiring any title to the soil in Oregon; and in this respect the privileges of the company differ materially from those conferred on it in relation to the territory it possesses upon Hudson's straits.

I also pass by as idle the formalities of taking possession of the country by Broughton on the Columbia, and Vancouver in the strait of Fuca—formalities a long time before performed in numberless localities by the Spaniards—especially as those of the British navigators were unaccompanied by actual settlement and occupation, and were in direct violation of a treaty which those officers were sent out to execute.

I have endeavored, Mr. President, in the first part of my remarks to maintain the Spanish title to the northwest coast of America. I regard all attempts to disparage it as antiquated and obsolete, to be founded upon partial and illiberal views of the subject. It is unnecessary to say to you, sir, or the Senate, that antiquity is the highest element of title, if the chain can be traced down unbroken and entire to our own times. The Spanish title to the northwest coast is almost coeval with the voyages of Columbus. It is consecrated by discovery as high as the 43d parallel of latitude, by the lapse of more than three centuries, as high as the 48th by the lapse of two centuries and a half, and as high as the 54th by the lapse of more than seventy years. Sixty years ago it stood undisputed and unimpugned by any antagonist claim or pretension to territorial rights. It was confirmed and perfected by occupation as high as 49° 30' half a century ago. During the succeeding twenty years, it was not superseded by rights of occupation on the part of other nations, unless it be to the limited extent I have stated. During the last thirty years, all rights have been suspended by treaty arrangements between the only two powers who can, with any face, set up a claim to the exercise of sovereignty over the territory to which it attaches. In the consideration of national interests in territorial possessions, it is a narrow view to bind down sovereign states to all the rigorous technicalities of private tenures. Great principles of national right, viewed liberally, and applied according to the proclaimed intentions of the parties, are the only guides worthy of statesmen or governments in the settlement of questions of sovereignty over the unoccupied portions of the earth we inhabit. The object of Spain in respect to the northwest coast was settlement—permanent occupation. The object of Great Britain was commerce, traffic, transient occupation. Tested by the principles I have stated, I cannot hesitate to consider the Spanish title to the northwest coast of America, which has of late been so much disparaged, as vesting rights in us which are unimpeachable.

I said at the commencement of my remarks that one of my objects was to defend the Spanish title, by stating the historical facts on which it rests. I have performed the task which I allotted to myself. I will only add, that with what I have said, I am content, so far as I am concerned, to leave the whole question where it now is, in the hands of the administration, relying on its firmness and its sense of rectitude to sustain our just rights, and to respect the just rights of others.

So conscious is Great Britain of the invalidity of her title that she does not venture to assert a right to the exclusive sovereignty of any portion of the territory. In 1826 she claimed only a right of joint occu-