

state, evidently alluded to those of Russia and Spain; the claims of the former were subsequently abandoned as to the country called Oregon, and those of the latter were purchased by the Florida treaty. I have already remarked that this convention was intended as a mere temporary arrangement, without being construed to the prejudice of either of the contracting parties. It was foreseen that the country and the interests connected therewith must necessarily undergo such great and rapid changes as to require a corresponding change in the regulations for its government. Hence the provision that the convention, by its own limitation, should expire in ten years from its date. At the expiration of the ten years, the two countries would have been placed, in respect to their rights, in precisely the same position they were on the 20th of October, 1818, or that they would have been, had the convention of joint occupancy never been entered into; that is to say, the United States would have been entitled to be reinstated, and have continued the party in possession, while negotiating for the settlement of the title and boundaries. A different course of policy, however, prevailed; and, by the treaty of the 6th August, 1827, the convention was continued in force for an indefinite period—reserving the right to either party to terminate it at any time by giving to the other twelve months' notice. The second article is in these words:

"It shall be competent, however, to either of the contracting parties, in case either should think fit, at any time after the 20th of October, 1828, on giving due notice of twelve months to the other contracting party, to annul and abrogate this convention; and it shall, in such a case, be accordingly entirely annulled and abrogated, after the expiration of said term of notice."

Let us pause for a moment, and inquire what gentlemen mean when they deny our right to give this notice as a peaceful remedy. Can language be more explicit? Can a right be more clearly defined? Is not the right to give the notice and abrogate the convention distinctly secured to each party by the treaty itself, in terms which admit of no doubt or equivocation? How, then, can it be said, with any appearance of plausibility, that the notice will be a hostile movement—equivalent to a declaration of war? Whether war will ensue, I will not pretend to say. That is entirely a different question—depending, not upon our action, but on the wishes of Great Britain. If she chooses to consider the exercise of an undoubted right on our part a cause of offence to her, the fault will not be ours. We have her own acknowledgment of our right to give the notice; we conceive that our interests require the immediate exercise of this right; but we are told that we must be cautious how we perform the duty, lest Great Britain may treat it as a declaration of war. Whether she will take offence, is a matter of no consequence with reference to its producing any effect on our action. The question is not whether she will be offended, but whether the measures we are about to adopt will afford any *any just cause of offence*—not whether she will declare war, but whether the exercise of an undeniable right will furnish any *just cause of war*. If it will, we ought to pause and consider well before we proceed. But it is no argument against the measure, to say that Great Britain will choose to make a rightful act a pretext for a declaration of war. It is incumbent on gentlemen who maintain that the notice is a hostile movement, to show what treaty stipulation it would violate—what principle of the law of nations it would infringe—

what established right it would involve. No attempt has been made—and, I apprehend, none will be made—to point out the right, the treaty, the law to be violated by it.

Having, as I think, satisfactorily shown, by reference to the treaty itself, that we have the right to give the notice and annul the convention as a peaceful remedy, I now propose briefly to inquire what will be the effect of the measure, not only on the rights of the parties, but upon the amicable relations of the two powers. When the notice shall have been given, and the convention terminated, the United States and Great Britain will occupy the same relative position to each other that they did before the convention of 1818 was entered into. The third article of the treaty of the 6th of August, 1827, is conclusive on this point. It reads thus:

"Art. 3. *Nothing* contained in this convention, or in the third article of the convention of the 20th of October, 1818, hereby continued in force, shall be construed to impair, or in any manner affect, the claims which either of the contracting parties may have to any part of the country westward of the Stony or Rocky mountains."

This article is based on the supposition, that in the course of time the notice would be given by one party or the other, and in that event, it provides that the two parties shall stand, in respect to their rights and claims, in precisely the position they were on the 20th of October, 1818, the day of signing the convention of joint occupancy. We have already seen what that position was, as agreed upon by the parties themselves—the two countries at peace with each other—the United States in the actual possession of the valley of the Columbia river, by virtue of its restoration in conformity to the treaty of Ghent, with the right to remain in such possession while negotiating for the amicable adjustment of the questions of title and limits. I wish gentlemen to understand me in this position—the effect of the notice will be to revive in the United States the undeniable right to the exclusive possession of the valley of the Columbia, and the right to hold the possession while treating of the title and boundaries.

The convention of joint occupancy suspends our right of exclusive possession, but provides that nothing in it contained shall be construed to impair or in any manner affect the claims of either party. Our claim to possession, as well as to the soil and sovereignty, is saved by this reservation. Hence, if you give the notice, and annul the convention, the right of the United States to the exclusive possession under the treaty of Ghent is revived, and Great Britain cannot—dare not—refuse restitution. It is no cause of war—no war movement. It is the peaceful remedy to secure the enjoyment of an acknowledged right; the faithful execution of a solemn treaty stipulation. Is it a matter of no consequence which party is in possession pending the negotiations? Reopen them now, continue the joint occupancy, and you leave Great Britain in the actual possession of the country. But give the notice, annul the convention, demand restitution, and you find the United States in the peaceable possession. Is it not wiser and better to secure the possession by the use of peaceable means, and the pursuit of a rightful remedy, than to resort to force, stratagem, or fraud?

The gentlemen who oppose the notice say they are for getting possession too; that it is only a difference of opinion as to the mode of attaining the object. Their plan is to continue the treaty of joint occupancy, and at the same time quietly, and secretly if you please, pour in a torrent of emigration

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