

The rights of the parties in regard to the possession of the country having thus been adjusted and defined, the restoration was accordingly made, as the following official documents will show:

"In obedience to the command of his Royal Highness the Prince Regent, signified in a despatch from the Right Honourable the Earl Bathurst, addressed to the partners or agents of the Northwest Company, bearing date the 27th of January, 1818, and in obedience to a subsequent order, dated the 20th of July, from W. H. Sheriff, esq., captain of his Majesty's ship *Andromache*, we, the undersigned, do, in conformity to the first article of the treaty of Ghent, restore to the government of the United States, through its agent, J. B. Prevost, esq., the settlement of Fort George, on the Columbia river.

(Given under our hands, in triplicate, at Fort George, (Columbia river,) this 6th day of October, 1818.

"F. HICKEY.

"(Captain of his Majesty's ship *Blossom*."

"J. KEITH.

"Of the Northwest Company."

The acceptance on the part of the United States is in these words:

"I do hereby acknowledge to have this day received, in behalf of the government of the United States, the possession of the settlement designated above, in conformity to the first article of the treaty of Ghent. Given under my hand, in triplicate, at Fort George, (Columbia river,) this 6th day of October, 1818.

"J. B. PREVOST.

"Agent of the United States."

On the consummation of these acts of the restoration of the valley of the Columbia river in conformity with the treaty of Ghent, and the acknowledgment of our right "to be the party in possession while treating on the title," Mr. Greenhow remarks:

"The British flag was then formally lowered, and that of the United States having been hoisted in its stead over the fort, was saluted by the *Blossom*.

"The documents cited—the only ones which passed between the commissioners on the occasion—are sufficient to show that no reservation or exception was made on the part of Great Britain, and that the restoration of Astoria to the United States was complete and unconditional."

These transactions occurred in the year 1818; and in the month of October, being the same year and month in which the convention of joint occupancy was entered into. With what reason then—upon what evidence—do gentlemen make and reiterate the declaration that that convention was adopted as a substitute for war, and that its annulment would necessarily dissolve the amicable relations of the two countries? Great Britain had restored the possession—had acknowledged our right to remain in possession, while treating of the title, and agreeing on the boundaries. Let it not be said that the possession referred to was limited to the walls of the fort. Such is not the language of the deed. The official act of restoration describes the country restored as "the settlement of Fort George," which was the British name for the American settlement of Astoria. The act was performed "at Fort George;" but the country restored was "the settlement of Fort George." The British commissioners understood the use and value of language in official documents affecting territorial rights too well to confound words settlement and fort, and use them as synonyms. Was it the "limits" of the fort that the two governments were to discuss, among other matters, in the negotiation about to be opened? or was it the title and boundaries of "the territory itself," which, according to the claim of Mr. Bagot, the British plenipotentiary, "was early taken possession of in his Majesty's name, and had been since considered as forming part of his Majesty's dominions?" Astoria, which the British restored under the name of the settlement of Fort

George, had at that day a local habitation on the maps of this country, and furnishes the materials for an important and highly interesting page in its history. It was the same settlement whose origin, objects, incidents, and history, have been so graphically delineated by Irving in his admirable work, "Astoria." It was the valley of the Columbia, the key of which was Fort George, commanding the mouth of the stream. This was the country which Great Britain surrendered to us under the treaty of Ghent, and acknowledged our right to retain possession of, until the question of title and limits should be amicably adjusted; and that, too, only fourteen days prior to the signing of the treaty of joint occupancy. Do these facts show that the joint occupancy was agreed to us a substitute for war, and that immediate hostilities would have ensued, if it had not been adopted? Or rather do they not prove that, but for the joint occupancy, the United States would have been in the exclusive possession of the valley of the Columbia from that day until the present moment, with the right, secured by treaty, to continue in possession until the adjustment of all conflicting claims? But, unfortunately as I conceive, and I make the remark without intending any reproach, our government thought proper to enter into the convention of the 20th of October, 1818, usually called the treaty of joint occupancy. It was intended as a mere temporary arrangement for the regulation of certain interests connected with the northwest coast, and to prevent disputes and difficulties between the citizens and subjects of the two powers engaged in navigation and fishing, trading and hunting in those wild regions. The necessity for this arrangement was supposed to consist in the fact, that while we were entitled to the valley of the Columbia without any defined limits, Spain and Russia owned the country to the northward, and England was setting up an adverse claim as against Spain, and was disputing the boundaries, if not the title, with each. It should be borne in mind that at that time we had not acquired the Spanish title, and therefore had no other title than that derived from the Louisiana treaty and priority of discovery, exploration, and settlement of the valley of the Columbia. To compensate, in some degree, for its disadvantages, the convention was sufficiently broad in its terms to convey many advantages, if we had been sagacious enough to have availed ourselves of them. It applied not only to our territory in the valley of the Columbia, but conferred upon us, as against Great Britain, the right of joint occupancy to the whole country west of the Rocky mountains as far north as the Frozen ocean. Independent of the question of title, we have the same right under the convention to form establishments and settlements on Portland channel and the shores of the Arctic sea, that England has on the banks of the Columbia, the Snake, and the Umpqua. The convention covers all "the country that may be claimed by either party on the northwest coast of America westward of the Stony mountains;" and provides that it is "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 said country—the only object of the high contracting parties, in that respect, being to prevent disputes and differences among themselves."

The reference to the claims of any other power or

state, evidently alludes to the claims of the former as to the country ceded were purchased already remarked that as a mere temporary construed to the prejudicial parties. It was the interests connected with the treaty undergo such great an corresponding change in government. Hence the by its own limitation from its date. At the two countries with respect to their rights, they were on the 20th they would have been occupancy never been the United States would have insisted, and have continued while negotiating for boundaries. A different prevailed; and, by the 1827, the convention indefinite period—res to terminate it at a twelve months' notice these words:

"It shall be complete tracing parties, in case after the 20th of October twelve months to the or abrogate this convention accordingly entirely and extinction of said term of

Let us pause for a moment to see what a mean when they notice as a peaceful notice? Can a right not the right to give vention distinctly a treaty itself, in terms equivocation? How appearance of plausible hostile movement—war? Whether war to say. That is ent pending, not upon Great Britain. If a case of an undoubted offence to her, the former own acknowledged notice; we conceive immediate exercise told that we must perform the duty treat it is a declaration take offence, is a menace to its production. The question is not whether the nation will afford any notice will declare war an undeniable right. If it will, we well before we present against the measure choose to make a reservation of war. It maintain that the show what treaty principle of the la