

of possession should not be deemed an admission of the absolute and exclusive right of dominion claimed by the United States; but at the same time, in explanation to Mr. Rush, as stated in a public dispatch, "Lord Castlereagh admitted, in the most ample extent, our right to be reinstated, and to be the party in possession while treating of the title."

Notwithstanding this protest against any inference favorable to our title from the restoration of the territory, that restoration, and the admission of Lord Castlereagh of our right to the possession during the controversy, are conclusive of some facts very important to an equitable settlement of the rights in dispute. In the first place, it proves the Americans to have been in possession in June, 1812, at the declaration of the war; for such places only were to be restored as were taken during the war. And, in the second place, the act of restoration, and the admission of Lord Castlereagh, establish the important fact that we are actually in possession now; for they recognize our right to the possession while treating of the title, which treating, unfortunately, has not yet been brought to a close.

The effect of the surrender of Fort George was to restore the United States to their position before the capture, reinstating them in all their territorial rights, etc. To determine what was restored, we must first ascertain what was surrendered. The act of surrender designates it as "the settlement of Fort George, on the Columbia River." The question recurs, what was embraced in the settlement of Fort George? Certainly something besides the fort itself. The terms of the act imply that the restoration extended beyond the site of the fort. The extent of the settlement of Astoria (Fort George) depends upon actual occupation, intention clearly manifested to extend that occupation, and principles of law by which the limits of settlements in new countries are defined. The discovery of the Columbia by Gray; the public mission of Lewis and Clarke, who twice traversed the whole breadth of the territory, spent the winter in a temporary fort, which they built on the bank of the river, and took formal possession, by the authority, in the name, and at the expense of the United States, constitute a title to territory beyond the mere line of march and the ground occupied by the fort. The right of our citizens to form settlements was coextensive with the territory covered by this title.

We have already seen that the discovery of a river and actual possession within a reasonable time give the right to form settlements on every part of the territory watered by the river and its tributaries. This right may be surrendered, or it may be forfeited by non-user. There is no pretence that in this case it has ever been surrendered, nor can a forfeiture be successfully urged. This principle will carry the northern boundary of the United States west of the Rocky Mountains to about 54°. This will be the northern limit of the title acquired by the discovery and possession above referred to.

There is another principle by which the extent of the right of our people to form settlements in this territory may be ascertained. It is settled that the nation which takes possession of unoccupied territory acquires the right to form settlements of its people in every direction, over one-half the space intervening between the point of such actual possession, and the settlements already made of any other organized community. How will the recognition of this principle affect the present inquiry? The position occupied by Lewis and Clarke, (Fort Clatsop,) and Astoria, are in latitude 46° 18'. The most southern point of which Cook took possession, though no settlement followed, was at the mouth of Cook's River, in latitude 61° 30'. The intermediate point between the mouth of Columbia and Cook's River is 53° 54', and this would be our northern limit. The extent of our right under either principle would be nearly the same.

The committee proceeds to exhibit, from the best information within its reach, how far this right of settlement by citizens of the United States has been actually exercised. Mr. Astor, in a letter to the Hon. J. Q. Adams, then Secretary of State, dated New-York, January 4, 1823, states that his plan in 1810 was to make an establishment at the mouth of Columbia River, which would serve as a place of depot, and give further facilities for conducting a trade across this continent, to that river,