

any claim. He does not speak of the loss of lands. No, sir. He does not speak of the destruction of houses; but he complains of the capture of two ships and their cargoes. Well, Spain took great pains to clear up this matter. She behaved in a liberal and noble way; and she addressed a memorial to the courts of Europe in justification of her conduct, in which she holds this language:

"The high and menacing tone and manner in which the answer of the British minister was couched, at a time when no certain information of the particulars had arrived, made the Spanish Cabinet entertain some suspicions that it was made not so much for the purpose of the dispute in question, as a pretext to break entirely with our Court; for which reason it was thought necessary to take some precaution relative to the subject."

Well, sir, when affidavits came to be made in London to bring this claim properly before Parliament, the word "lands" is, for the first time, introduced. The Spanish Government took great pains; it obtained certificates of two American captains who were there at the time, not only giving the details of all the transactions, but to them is propounded the question, whether any buildings or lands were owned by Captain Meares, who was the complainant. Now, what did they say? Here is what they say: "Interim, we observe you wish to be acquainted what house or establishment Mr. Meares had at the time the Spaniards arrived there. We answer in a word, none." They had no land, nor no title to the soil. And yet you find, when the Nootka Sound treaty came to be made—made, no doubt, under the menace of a British fleet—that the word "lands" is introduced. But, taking that treaty—the whole and entire treaty together—it gives nothing, as I have said before, to the British Government, but what her minister, in 1827, termed "qualified rights." Well now, sir, here is a view that has struck my mind, independent of the argument which is put forward by the Secretary of State, "that this treaty was entirely abrogated by the war which ensued between Spain and Great Britain." And it is this: that any grant from any Power to another, of a qualified right of that kind, must be taken to continue only so long as that qualified right can be fairly exercised in reference to the progress and settlement of the country. Spain never could have intended, and never did intend, to give to Great Britain, by that treaty, the right, if she should hereafter settle and cultivate that country, to any portion of its sovereignty. It was a right to trade on an uncivilized coast—a right for protection for her ships in storms—a right only which could be exercised without injury to Spain, while Spain had not yet settled upon the territory, but which could not be considered to extend beyond the period when Spain, or any other Power to whom she should transfer her sovereignty, should settle and cultivate that soil. So I read that treaty, sir. It is temporary from the very nature of things, and must have been intended to be ended when the state of the country had become entirely changed from what it was when the treaty was made. Now, upon that treaty of Nootka Sound, Great Britain plants herself, not claiming, as I said before, the sovereignty to one foot of the soil, but merely the right jointly to occupy it for the purpose of trade.

Mr. Chairman, in 1818, when the convention of that day was made, joint occupancy suited both the high contracting parties. In 1818, no citizen of the United States, except possibly those connected with the fur trade at Astoria, had become an inhabitant of that territory. Great Britain and the United States looked to its use merely as a place for carrying on the fur trade, and possibly as a place for watering their ships engaged in the whale fishery in the Pacific. Joint occupancy, then, was all that the United States wanted; joint occupancy was then, and is now, all that Great Britain wants. In 1827, things remained in the same condition; and that which was but temporary, by its own limitation, was made to continue during the pleasure of both parties. But what does it bear on its face? Why, it bears on its face the opinion of both the high contracting parties, that a period would come when this joint occupancy would no longer be advisable. It reserves the right for either party to terminate this joint occupancy upon twelve months' notice. They looked then, as they did in 1818, when they made this convention temporarily, they looked to the fact that the day would come when this joint occupancy would no longer exist. Now, I may be in error—we are liable to error—but I think, sir, that that day has arrived. Now, as I said before, we differ upon this initiatory step towards the assertion of our title. We differ, and I regret, Mr. Chairman, exceedingly, that I differ in opinion with a distinguished statesman in the other end of the Capitol, whose purity of life and comprehensiveness of intellect have marked him as one of the master-spirits of the age, and who has shed a halo around the American name; a man to whom the American people can point as the living model of what an American statesman should be. But we have all our individual responsibility. We are all bound to bring to the consideration of this question the best intelligence which nature and education have brought within our reach, and to follow out, after patient and retired study, the dictates of our own judgments. I believe, sir, the day has come for the cessation of this joint occupancy. Your Government has thought so too. She has again held out the olive-branch of peace to the Government across the water. She has again said to her opponent in this question, "Although we believe our title clear to the whole of this territory, yet we will, for the fourth time, offer to divide it with you by a parallel of latitude, which is the same that divides our territory from the Lake of the Woods to the Rocky mountains. We will extend this parallel to the Pacific ocean, and give you nearly one-half of this magnificent territory. We will give it to you, too, when you never claimed the sovereignty of the soil, but claimed merely its temporary occupancy." Sir, I believe that the rejection of that offer by the British Minister was rash and impolitic; and, I believe, over it humanity will weep.

Sir, the gentleman from Indiana who addressed the committee a day or two ago, asked where was the power of Congress, under the Constitution, to pass this resolution. I point him to section third, article fourth of the Constitution, which reads thus:

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