

pretensions west of the Rocky Mountains; but thus far without definitive results. Great Britain, without undertaking to set up any claim to exclusive rights in that direction, or pretending to possess any exclusive jurisdiction or sovereignty therein, denies the claim of the United States to any such sovereign jurisdiction. Or, in fairness to her own pretensions, to state them in the words of her own ministers, they are:—

“Great Britain claims no exclusive sovereignty over any portion of that territory. Her present claim, not in respect to any part, but to the whole, is limited to a right of joint occupancy, in common with other States, leaving the right of exclusive dominion in abeyance. In other words, the pretensions of the United States tend to the ejection of all other nations, and, among the rest, of Great Britain, from all right of settlement in the district claimed by the United States.”—(*Protocol, December 16, 1826.*)

Meanwhile, the actual relations of the two Governments, in regard to this territory, are defined by the third article of the before-mentioned convention of the 20th of October, 1818, as follows:

“Art. 3. It is agreed, that any country that may be claimed by either party on the northwest coast of America, westward of the Stony Mountains, shall, together with its harbors, bays, and creeks, and the navigation of all rivers within the same, be free and open, for the term of ten years from the date of the signature of the present convention, to the vessels, citizens, and subjects of the two Powers: It being 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 the said country; the only object of the high contracting parties in that respect being to prevent disputes and differences amongst themselves.”

And the same rights are further defined, by a convention concluded at London the 6th of September, 1827, as follows:

“Art. 1. All the provisions of the third article of the convention concluded between the United States of America, and his majesty the King of the United Kingdom of Great Britain and Ireland, on the 20th of October, 1818, shall be and they are hereby further indefinitely extended and continued in force, in the same manner as if all the provisions of the said article were herein specifically recited.

“Art. 2. 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 case, be accordingly entirely annulled and abrogated, after the expiration of the said term of notice.

“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.”

At the date of the Message referred to the Committee, April 30th, 1833, no recent communication on this subject had passed between the two Governments; nor is it known to the Committee that any has passed since; and it is to be taken for granted, therefore, that neither Government has given the notice provided by the convention of 1827, and that their relations in this matter remain unchanged; by means of which, of course, the respective *rights* of the parties are to be collected from circumstances and considerations existing anterior to the 6th of September, 1827, the date of the last convention on the subject. To which, however, is to be added the fact that, in 1826, the United States, “animated by a spirit of concession and compromise,” which met with no correspondence on the part of Great Britain, offered to continue the line of 49 degrees from the eastern side of the Stony Mountains, where it now terminates, to the Pacific Ocean, as the permanent boundary between the territories of the two Powers in that quarter.