

## SPEECH.

### THE OREGON TERRITORY.

HOUSE OF REPRESENTATIVES, MAY 17 AND 22.

The President of the United States having communicated to the House on the 3d of May, 1838, a message on the subject of the territory of the United States beyond the Rocky Mountains,

Mr. CUSHING moved that said message, and the report of the Secretary of State accompanying the same, be referred to the Committee on Foreign Affairs, with instructions to inquire into the expediency of establishing a post on the river Columbia, for the defence and occupation of the territory of the United States watered by said river, and also to consider the expediency of making further provision by law to prevent the intermeddling of the officers or subjects of foreign Powers with the Indians of the United States. Which motion coming up for consideration on the 17th of May, 1838,

Mr. CUSHING spoke in support of the same, as follows:

Mr. Speaker: I rise to call the attention of the House to a subject very different from what has for some time past occupied its time; neither a party nor a personal question, but one greatly concerning the national honor and the rights and peace of the country; a question of deep interest between the United States and a foreign Power. In discussing it, I shall have to go over many dry details of treaties and facts; to the consideration of which it may be difficult to gain the ear of the House. But impressed as I am with the importance of the question to the whole nation, I shall proceed to speak, addressing myself to the country as much as to the House. The great sea of public opinion—that public opinion which, in all the civilized communities of our day, and more especially among us, governs the Government—is composed of drops, and every particle infused into the general mass modifies the composition. I may, therefore, without presumption, hope to be of some service in reviving, at least, an important question which has already slumbered too long, and the continued neglect of which would be most prejudicial to the interests of the United States.

My proposition has, for its main object, to assert the rights of the United States to the country watered by the river Columbia, which will require of me to speak with freedom and plainness of the conduct of Great Britain, who alone disputes the title of the United States. I shall do this in no unfriendly feeling towards Great Britain, but, on the contrary, with entire respect for her, and in the conviction that now is the time, of all others, when the conflicting rights of the two countries may be debated without the least hazard of disturbing their amicable relations. If any such hazard existed, it would become us to encounter it manfully, rather than to abandon the rights and sacrifice the honor of the country; but no such hazard does in fact exist, nor any cause whatever to deter the House from probing the matter to the very bottom. Great Britain is at this moment under large obligations to the United States for the forbearance manifested by our Government during the late troubles in her American colonies. She knows, and feels, and avows it. And having approved ourselves

just, nay, generous, towards her in the hour of her need, we may well demand of her to be just towards us, and to abstain from those persevering encroachments on our rights by land and sea, which have in all past times characterized her foreign policy. Now is the accepted time to adjust especially our respective territorial pretensions upon this continent.

In the first place, I shall endeavor to exhibit a summary view of the title of the United States to the Oregon Territory; after which, I shall state the considerations which, in my judgment, render it an imperative duty to take immediate measures for the occupation of that Territory.

It is a principle, adopted by European nations in their settlements on this Continent, that priority of discovery, followed in a reasonable time by actual occupation, confers exclusive territorial jurisdiction and sovereignty. It is also held that an establishment, once made, extends by contiguity into the neighboring regions. If the discovery be of an island, it has, in most cases, been regarded as giving a title to the whole island; if on the coast of the continent, then as reaching indefinitely along the coast and into the interior, with limits to be decided by actual occupation, by compact between conflicting claimants, or by force. Whether this be just or not, as regards the Indians inhabiting America, is another question. I speak of it only as the conventional rule, recognised in the negotiations, and practised upon in the colonial enterprises, of the chief nations of Europe; and thus constituting a part of that somewhat uncertain mixture of conventions and of national equity, which is called the Law of Nations.

This general principle, which enters into the present question in all its parts, includes a particular principle, which is still more specifically applicable to it. The discovery of the mouth of a great river, or the exploration of it, followed in a reasonable time by the actual assertion of territorial sovereignty, gives an exclusive right to all the country watered by that river. Without referring to various foreign cases of the application of this doctrine, it will be sufficient for the satisfaction of the House to show how it has been treated by the United States.

In the letter of Messrs. Monroe and Pinckney to Don Pedro Cevallos, April 21, 1805, it is said:

"When any European nation takes possession of any extent of seacoast, that possession is understood as extending into the interior country to the sources of the rivers emptying within that coast, to all their branches, and the country they cover, and to give it a right, in exclusion of all other nations, to the same."

This position is adopted by Mr. Adams in his letter to Don Luis de Onis, March 12, 1818; and by Mr. Gallatin, in his discussion of the present question. (Executive Docs. 20th Con. 1st Ses. No. 199, p. 61.)

Now, whatever rights, more or less, are derivable from discovery, belong to the United States alone.

The river Columbia was first discovered in 1792, (excepting whether it may have been previously discovered by the old Spanish navigators,) by Captain Robert Gray, of the American ship Columbia, fitted out in Boston, and received from him the name of the ship he commanded. In the same year, but confessedly subsequent to this, and upon information derived from Captain Gray, it was visited by Vancouver, in behalf of Great Britain. Priority of

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