

SPEECH

OF

MR. DOUGLASS, OF ILLINOIS,

ON

The resolution giving the twelve months' notice for the termination of the joint occupancy of the Oregon territory.

DELIVERED IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES, JANUARY 27, 1846.

Mr. DOUGLASS, who was entitled to the floor from yesterday, proceeded to remark: Had a foreigner, unacquainted with our proceedings, been present listening to this debate, he would have come to the conclusion that we were gravely discussing the propriety and policy of a declaration of war against Great Britain. Gentlemen opposed to giving the notice, persist in considering it a hostile movement, tantamount to a declaration of war. They go so far as to denominate us as the war party, while they call themselves the friends of peace; and indulge their fancies and fears in giving the most terrible descriptions of the ravages of war, and beautiful pictures of the blessings of peace. Mr. D. was unable to coincide with them in opinion that the convention (usually called the treaty of joint occupancy) was adopted as a substitute for war, and that its annulment would necessarily involve the immediate dissolution of the amicable relations between the two countries. He did not understand such to have been the object, the effect, or the history of that measure. If gentlemen will reflect for a moment, they will recollect that the convention was entered into in 1818, more than three years after the close of the war, when the United States were at peace with the whole world, and there was not a cloud to darken the national horizon. There were no wars, nor fears, nor threats, nor panics of war. Peace had been restored, and an amicable adjustment had been effected between the United States and Great Britain in regard to the rights of each in the Oregon territory under the treaty of Ghent. The first article of that treaty provided that "*all territories, places, and possessions whatsoever, taken by either party from the other during the war, or which may be taken after the signing of this treaty, excepting only the islands hereinafter mentioned, [in the bay of Fundy,] shall be restored without delay.*"

At the commencement of the war, and for some time previous, the valley of the Columbia river had been in the possession of citizens of the United States, under the name of the "Astoria settlement." During the war this settlement was captured and passed into the hands of the English, and was afterwards known as "the settlement of Fort George."

When peace was concluded, our government demanded that the Astoria settlement "should be restored without delay," in compliance with the first article of the treaty of Ghent. To this demand, the British government replied, "that the place had not been captured during the late war, but that the Americans had retired from it under an agreement of the Northwest Company, which had purchased their effects, and had ever since peaceable possession of the coast;" and that "the territory itself was early taken possession of in his Majesty's name, and had since been considered as forming a part of his Majesty's dominions."

Thus the two governments found themselves at issue in regard to their respective rights in Oregon under the treaty of peace. How this difficulty was reconciled and amicably settled, by the parties themselves, will be seen by the following extract from "Greenhow's History of Oregon and California:"

"Mr. Bagot [the British plenipotentiary at Washington] at the same time communicated the circumstances to his government, and they became the subject of discussion between Lord Castlereagh, the British secretary of foreign affairs, and Mr. Rush, the American plenipotentiary at London. Lord Castlereagh proposed that the question respecting the claim to the post on the Columbia, should be referred to commissioners, as many other disputed points had been, agreeably to the treaty of Ghent; to which Mr. Rush objected, for the simple reasons that the spot was in the possession of the Americans before the war; that it fell, by belligerent capture into the hands of the British during the war; and that under a treaty which stipulated the mutual restitution of all places reduced by the arms of either party, the right of the United States to immediate and full repossession could not be impugned."

"The British secretary, upon this, admitted the right of the Americans to be reinstated, and to be the party in possession while treating on the title; though he regretted that the government of the United States should have employed means to obtain restitution which might lead to difficulties."

"Mr. Rush had no apprehensions of that kind; and it was finally agreed that the post should be restored to the Americans, and that the question of title to the territory should be discussed in the negotiation as to limits and other matters which was soon to be commenced. Lord Bathurst, the British secretary for the colonies, accordingly sent to the agents of the Northwest Company at the mouth of the Columbia a despatch, directing them to afford due facilities for the re-occupation of the post at that point by the Americans; and an order to the same effect was also sent from the admiralty to the commander of the British naval forces in the Pacific."

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 concession to the preying parties. It was the interests connected with such great an undergoing change of 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 difference prevailed; and, by the 1827, the convention indefinite period—resolved to terminate it at twelve months' notice these words:

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

Let us pause for a moment to see what the mean when I notice as a peaceful and explicit? 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 prod The question is not whether the nation will afford any such will declare war as an undeniable right war. If it will, we well before we proceed against the measure choose to make a reservation of war. It maintain that the show what treaty principle of the la

state, evidently alluded to those of Russia and Spain; the claims of the former were subsequently abandoned as to the country called Oregon, and those of the latter were purchased by the Florida treaty. I have already remarked that this convention was intended as a mere temporary arrangement, without being construed to the prejudice of either of the contracting parties. It was foreseen that the country and the interests connected therewith must necessarily undergo such great and rapid changes as to require a corresponding change in the regulations for its government. Hence the provision that the convention, by its own limitation, should expire in ten years from its date. At the expiration of the ten years, the two countries would have been placed, in respect to their rights, in precisely the same position they were on the 20th of October, 1818, or that they would have been, had the convention of joint occupancy never been entered into; that is to say, the United States would have been entitled to be reinstated, and have continued the party in possession, while negotiating for the settlement of the title and boundaries. A different course of policy, however, prevailed; and, by the treaty of the 6th August, 1827, the convention was continued in force for an indefinite period—reserving the right to either party to terminate it at any time by giving to the other twelve months' notice. The second article is in these words:

"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 a case, be accordingly entirely annulled and abrogated, after the expiration of said term of notice."

Let us pause for a moment, and inquire what gentlemen mean when they deny our right to give this notice as a peaceful remedy. Can language be more explicit? Can a right be more clearly defined? Is not the right to give the notice and abrogate the convention distinctly secured to each party by the treaty itself, in terms which admit of no doubt or equivocation? How, then, can it be said, with any appearance of plausibility, that the notice will be a hostile movement—equivalent to a declaration of war? Whether war will ensue, I will not pretend to say. That is entirely a different question—depending, not upon our action, but on the wishes of Great Britain. If she chooses to consider the exercise of an undoubted right on our part a cause of offence to her, the fault will not be ours. We have her own acknowledgment of our right to give the notice; we conceive that our interests require the immediate exercise of this right; but we are told that we must be cautious how we perform the duty, lest Great Britain may treat it as a declaration of war. Whether she will take offence, is a matter of no consequence with reference to its producing any effect on our action. The question is not whether she will be offended, but whether the measures we are about to adopt will afford any *any just cause of offence*—not whether she will declare war, but whether the exercise of an undeniable right will furnish any *just cause of war*. If it will, we ought to pause and consider well before we proceed. But it is no argument against the measure, to say that Great Britain will choose to make a rightful act a pretext for a declaration of war. It is incumbent on gentlemen who maintain that the notice is a hostile movement, to show what treaty stipulation it would violate—what principle of the law of nations it would infringe—

what established right it would involve. No attempt has been made—and, I apprehend, none will be made—to point out the right, the treaty, the law to be violated by it.

Having, as I think, satisfactorily shown, by reference to the treaty itself, that we have the right to give the notice and annul the convention as a peaceful remedy, I now propose briefly to inquire what will be the effect of the measure, not only on the rights of the parties, but upon the amicable relations of the two powers. When the notice shall have been given, and the convention terminated, the United States and Great Britain will occupy the same relative position to each other that they did before the convention of 1818 was entered into. The third article of the treaty of the 6th of August, 1827, is conclusive on this point. It reads thus:

"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."

This article is based on the supposition, that in the course of time the notice would be given by one party or the other, and in that event, it provides that the two parties shall stand, in respect to their rights and claims, in precisely the position they were on the 20th of October, 1818, the day of signing the convention of joint occupancy. We have already seen what that position was, as agreed upon by the parties themselves—the two countries at peace with each other—the United States in the actual possession of the valley of the Columbia river, by virtue of its restoration in conformity to the treaty of Ghent, with the right to remain in such possession while negotiating for the amicable adjustment of the questions of title and limits. I wish gentlemen to understand me in this position—the effect of the notice will be to revive in the United States the undeniable right to the exclusive possession of the valley of the Columbia, and the right to hold the possession while treating of the title and boundaries.

The convention of joint occupancy suspends our right of exclusive possession, but provides that nothing in it contained shall be construed to impair or in any manner affect the claims of either party. Our claim to possession, as well as to the soil and sovereignty, is saved by this reservation. Hence, if you give the notice, and annul the convention, the right of the United States to the exclusive possession under the treaty of Ghent is revived, and Great Britain cannot—dare not—refuse restitution. It is no cause of war—no war movement. It is the peaceful remedy to secure the enjoyment of an acknowledged right; the faithful execution of a solemn treaty stipulation. Is it a matter of no consequence which party is in possession pending the negotiations? Reopen them now, continue the joint occupancy, and you leave Great Britain in the actual possession of the country. But give the notice, annul the convention, demand restitution, and you find the United States in the peaceable possession. Is it not wiser and better to secure the possession by the use of peaceable means, and the pursuit of a rightful remedy, than to resort to force, stratagem, or fraud?

The gentlemen who oppose the notice say they are for getting possession too; that it is only a difference of opinion as to the mode of attaining the object. Their plan is to continue the treaty of joint occupancy, and at the same time quietly, and secretly if you please, pour in a torrent of emigration

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that shall be sufficient to take and hold the country. This is what they call the peaceable, friendly mode of proceeding. Holding on to a convention guaranteeing joint rights; and, under it, seizing the exclusive possession in violation of solemn treaty stipulations. Would not such a course lead to war? Would it be deemed a friendly act, consistent with honor and good faith? Or rather, would it not wound the pride of Great Britain, and compel her to fight, whether she desired it or not? Sir, in the name and for the honor of my country, I protest against such a proceeding, as perfidious and disgraceful. I aver that any attempt to practise so insidious a policy—any effort to steal into the country under cover of the treaty of joint occupancy, and seize it in violation of its provisions, must lead to inevitable war—to a dishonorable war—a war in which our country would be placed in the wrong. It would convict our government of duplicity and perfidy—would array the whole civilized world against us, and justly subject us to the charge of a want of honor and fidelity. But if we plant ourselves on our undeniable rights—if we rely on our treaty stipulations—give the notice, annul the convention, demand the possession, we place our country in an impregnable position, which Great Britain cannot successfully assail, and dare not resist.

It will not do for gentlemen to say that England will not acknowledge our right to the possession, when the convention shall have terminated. She has already acknowledged it—has guaranteed it by an irrevocable treaty—has once made the surrender in pursuance of the acknowledgment—and is now estopped from ever interposing a denial. Hence, I insist that the notice is the rightful remedy—is the peaceable remedy, and the only peaceable remedy, by which we can recover the possession of the valley of the Columbia. Those who are opposed to the notice, must, therefore, discover, and avow, either that they are against obtaining the possession, or that they are in favor of war as a substitute for this pacific remedy.

When the restoration shall have been made, and the United States placed in the quiet possession, as they were on the 6th of October, 1818, we will be, as we were then, on the most friendly terms with Great Britain, ready to adjust all disputes amicably, and by negotiation, if she chooses. We will then be in a position to say to her, that we deprecate war—that we love peace—that we are ready to negotiate, and that she can take her own time to bring the negotiations to a termination. We are willing that she should proceed with all due care, and diplomatic formality, and take another third of a century for deliberation if she desires it. But in the mean time we will be in the possession, with the acknowledged right to remain until there shall be an amicable adjustment. Such I conceive to be our rights under our treaty stipulations with Great Britain, independent of the question of title, and such the reasons which should impel us to guard those rights strictly, and to do no act which would surrender them, or place ourselves in the wrong. When, under the operation of this pacific and rightful remedy, we shall find ourselves in the exclusive possession of the valley of the Columbia, our settlements will spread on the north as well as the south of that river, on all its branches and tributaries, on Puget's sound, and the straits of Fuca, until our people there will become so numerous and powerful that Great Britain will discover

the utter hopelessness of any effort to convert them into a British colony.

England has learned lessons of wisdom from the result of her diplomatic intrigues in Texas. She then discovered the true character and feelings of the American people, and their devotion to the political principles and institutions of their native land, no matter where their residence. Her designs upon the inhabitants of Oregon will be equally fruitless. They will increase in numbers and grow in strength driving the savage and the fur bearing animal before them. The fur and Indian trade will become valueless, and the Hudson Bay Company will be compelled to abandon their establishments for the want of business to sustain them. This will be the natural result of the policy recommended in the President's message. It will give us possession not only of the valley of the Columbia, but of the whole northwest coast. I do not wish to be extravagant in our demands, nor to claim more than right and justice will award us. But I say frankly that I will never be satisfied with the forty-ninth parallel nor with any other boundary which shall recognize the right of Great Britain to any part of the northwest coast. Our interests manifestly require us to assume and maintain this position, if our rights will justify it. The free navigation of the Pacific—the trade of China and the Indies—the commerce of the whole eastern world—will be opened to us by a route so direct, cheap, and safe, as to exclude successful competition. To accomplish these results, we must deprive her of the maritime ascendancy on the Pacific, which can only be done by excluding her from the best harbors on that coast. She has now no colony west of the Rocky mountains, and no title to the country which would authorize her to establish one. She only claims the right of joint occupancy by virtue of the treaty of Nootka sound with Spain, and the convention of 1818 with this country. She makes no pretensions to title, but claims simply the right of joint occupancy in common with other nations. Our government has always denied her title to any portion of the country west of the Rocky mountains, and also her right to joint occupancy, except by virtue of the convention which we now propose to terminate by giving this notice. During the administration of Mr. Adams, his Secretary of State in his instructions to our minister to England, used this emphatic language:

"Nor is it conceived that Great Britain has, or can make out even a colorable title to any portion of the northwest coast."

In the British statement submitted to Mr. Gallatin, December 16, 1826, the English commissioners define their claims thus:

"Great Britain claims no exclusive sovereignty over any part of that territory. Her present claim, not in respect to any part, but to the whole, is limited to a right of a joint occupancy in common with other states, leaving the question of exclusive dominion in abeyance."

I do not propose at this time to argue the question of title, but simply to state, in general terms, the grounds on which it rests. I do not deem it necessary to go into an elaborate discussion of the various modes by which title to an unoccupied country may be acquired, nor to trace the devious course of discovery and diplomacy in connexion with this question for the last three centuries. I am willing to rest that branch of the subject on the discussions which have taken place between the accredited agents of the two governments, and invoke the enlightened judgment of the civilized world upon them.

I will only remark, that the Columbia in our own right of exploration, and occupation of the remainder through treaties. The original title on the Atlantic coast westward to the Pacific is the Mississippi between the English and America, and vested in the country west of the same to Spain. These several treaties, claims, and the English title and vested in our original title by the Columbia river. Our title founded on priority of occupancy, and absolute Spanish claims, was valid in possessions. It is between the Russian and remained undefined, as was that the Spanish of Mount St. Elias, latitude; and I have and, I believe I may the Secretary of State that "this ancient claim of European nations for this position, I will in the following despatch, to which

"And, in the first place, the candor of the from the course of his coveries previous to 1778, as foundations of covery at a period so antiquity, presents a stain. The undersigned fact, which must be claim of Great Britain which was dictated by impairing the ultimate asserted, for nearly the ern side of North America of latitude, and which by any European in Spain with the most covery of the American quiesced in by all E admitted even begone utes north, by Russia claims which could co too, under a sovereign rial rights of her emp been, as they could plenipotentiary, altho particular observation, a probation, for the pur the several titles held guage of Count de Fer at Paris, to M. de Mo department of France treaties, demarkations decided acts of sover those stations, from th by that monarch in 16 shall be brought forw all the coast to the n side of the South sea. William's Sound, wh edged to belong exclu "Compared with th in by all European na Britain, founded on di riod as the year 1778, pression"

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I will only remark, that we hold the valley of the Columbia in our own right, by virtue of prior discovery, exploration, and occupation, and that we claim title to the remainder through the Louisiana and Florida treaties. The original charters of the British colonies on the Atlantic extended westward and north-westward to the Pacific. The treaty of 1763 established the Mississippi as the irrevocable boundary between the English and French possessions in America, and vested in France all British claims to the country west of that river. France transferred the same to Spain, and Spain to us. Thus, by these several treaties, the Spanish title, the French claims, and the English pretensions, were all united and vested in the United States, and added to our original title by discovery to the valley of the Columbia river. Our Spanish title, thus acquired, founded on priority of discovery, exploration, and occupancy, and absorbing the old French and English claims, was valid from California to the Russian possessions. It is true, that the line of demarkation between the Russian and Spanish possessions remained undefined, although the prevailing opinion was that the Spanish title was good to the vicinity of Mount St. Elias, under the 61st parallel of north latitude; and I have the authority of the unanswered, and, I believe I may add, the unanswered letter of the Secretary of State to Mr. Pakenham, for saying that “*this ancient claim of Spain was acquiesced in by all European nations for centuries.*” In confirmation of this position, I will invite attention to the facts stated in the following extract from Mr. Buchanan’s despatch, to which I have just referred:

“And, in the first place, he cannot but commend the frankness and candor of the British plenipotentiary, in departing from the course of his predecessors, and rejecting all discoveries previous to those of Captain Cook, in the year 1778, as foundations of British title. Commencing with discovery at a period so late, the Spanish title, on the score of antiquity, presents a strong contrast to that of Great Britain. The undersigned had stated as a historical and striking fact, which must have an important bearing against the claim of Great Britain, that this convention, (the Nootka,) which was dictated by her to Spain, contains no provision impairing the ultimate sovereignty which that power had asserted, for nearly three centuries, over the whole western side of North America as far north as the 61st degree of latitude, and which had never been seriously questioned by any European nation. This had been maintained by Spain with the most vigilant jealousy ever since the discovery of the American continent and had been acquiesced in by all European governments. It had been admitted even beyond the latitude of 54 degrees 40 minutes north, by Russia, then the only power having claims which could come in collision with Spain, and that, too, under a sovereign peculiarly tenacious of the territorial rights of her empire. These historical facts had not been, as they could not be, controverted by the British plenipotentiary, although they were brought under his particular observation, and were even quoted by him, with approbation, for the purpose of showing the inconsistency of the several titles held by the United States. In the language of Count de Fernan Nunez, the Spanish ambassador at Paris, to M. de Montmorin, the secretary of the foreign department of France, under date of June 16, 1790.—‘By the treaties, demarkations, takings of possession, and the most decided acts of sovereignty exercised by the Spaniards in those stations, from the reign of Charles II. and authorized by that monarch in 1692, the original vouchers for which shall be brought forward in the course of the negotiation, all the coast to the north of the western America, on the side of the South sea, as far as beyond what is called Prince William’s Sound, which is in the 61st degree, is acknowledged to belong exclusively to Spain.’

“Compared with this ancient claim of Spain, acquiesced in by all European nations for centuries, the claim of Great Britain, founded on discoveries commenced at so late a period as the year 1778, must make an unfavorable first impression.”

This Spanish title, “acquiesced in by all European nations for centuries,” as valid to the 61st de

gree, has been vested in the United States by the treaties already referred to, together with the British and French claims prior to 1763. By the 7th article of the treaty of that year it was provided:

“In order to re-establish peace on solid and durable foundations, and to remove forever all subjects of dispute with regard to the limits of the British and French territories on the continent of America, it is agreed that for the future the confines between the dominions of his Britannic Majesty and those of his most Christian Majesty, in that part of the world, shall be fixed irrevocably by a line drawn along the middle of the river Mississippi, from its source to the river Iberville, and thence, by a line drawn along the middle of this river, and the lakes Maurepas and Pontchartrain to the sea.”

This treaty, declared to be irrevocable in its terms, established a north and south line across the continent of America as the western boundary of British possessions, and estopped Great Britain from ever setting up a claim west of that line. In view of this fact, it may be asked what right she has to claim any portion of the country east of the Rocky mountains even, and west of a line drawn due north of the source of the Mississippi? I answer that she has none, except the advantages she derived by the unfortunate oversight of our government, by the second article of the treaty of the 20th of October, 1818, agreeing to the 49th parallel as our northern boundary “from the Lake of the Woods to the Stony mountains.” I do not intend to cast reproach on the authors of that treaty, unfortunate as it was for our country; for it is well understood, that it was agreed to under the erroneous impression that the same parallel had been determined on under the treaty of Utrecht as the line of demarkation between the British and French possessions. But for that unfortunate provision the British possessions in North America could never have extended as far westward as the Rocky mountains. As it is, she is limited by that natural boundary, and I protest against any act of our government which shall give her permission to go beyond it. She must abide by her own treaty stipulations, which have irrevocably fixed her western boundary, and we must insist on all our rights under the Louisiana and Florida treaties, which secure to us the Spanish title, and forever extinguish the French and British claims to any portion of the northwest coast. Russia is the only remaining power whose rights and claims we have not extinguished and secured to ourselves by treaty. She undoubtedly has title by discovery, exploration, and occupancy, as far south as Mount St. Elias, and has at various times set up claims to the country lower down the coast. As yet, no treaty of demarkation and boundary between the United States and Russia has been agreed upon. I am aware that many are of a different impression; and without carefully examining the subject, have been led to suppose that the treaty signed at St. Petersburg in April, 1824, had fixed the line of 54° 40’ as our permanent territorial boundary in Oregon. Any one who will take the trouble to read the treaty, will discover that such is not the case—that it makes no provision in regard to the title or sovereignty. Like the Nootka Sound convention, it was a mere temporary arrangement regulating trade and intercourse with the Indians, hunting, fishing, and navigation; and providing for such temporary settlements as should be necessary for these purposes, leaving the question of title in abeyance. With the view of preventing collisions between the citizens and subjects of the two powers engaged in the prosecution of these pursuits, it provides that neither should be disturbed in navigation and fishing,

and in resorting to the unoccupied parts of the coast for purposes of trade with the natives; that neither should resort to any place where the other had an establishment, without permission; that the United States should form no establishment north of fifty-four degrees and forty minutes, and Russia should form none south of that line; and that neither should sell spirituous liquors, fire-arms, powder, or munitions of war of any kind to the natives of the country. These were the substantial provisions of the treaty of 1824—all temporary in their character, as is evident from the provisions themselves, and relating to purposes of trade and navigation only. Not a word about the title, the sovereignty, or the territorial boundaries. These disputed points were all reserved, and left in abeyance, as they had previously been in the North convention, in 1790, and the treaty of joint occupancy in 1818.

I do not wish to be understood as raising any question relating to the territorial boundary between this country and Russia. All I desire is, that our government shall do no act which shall compromise our rights in future, and which shall recognise the right of Great Britain to the sovereignty of any portion of the northwest.

As against England, I have no doubt of the validity of our claim, according to every principle by which title to an unoccupied country may be acquired. Hence I affirm, that while I have no desire to raise a question of disputed boundary with Russia, we have the right to maintain our claim to the whole country west of the Rocky mountains against England. She has no colony, no civil government there now. It is not within the limits of the Canadas, or any British colony on the continent, nor of the Hudson Bay Company, as specified in the charter of King Charles II. None of these extended, by their charters, even to the Rocky mountains, much less to the country beyond. The Hudson Bay Company was restricted by its charter to the seas, straits, and bays, rivers, lakes, creeks, and sounds, in whatever latitude they shall be, *that lie within the entrance of the straits, commonly called Hudson's straits, together with all the lands, countries, and territories upon the coast and confines of the seas, straits, bays, lakes, rivers, creeks, and sounds aforesaid, which are not now actually possessed by any of our subjects, or by the subjects of any other Christian prince or State.*

Of course no part of the country west of the Rocky mountains can be said to be "within the entrance of the straits commonly called Hudson's straits." The act of Parliament of the 29th of July, 1821, extending the laws of England over her subjects in the Indian territories in certain cases, furnishes conclusive evidence that the country west of the Rocky mountains forms no part of the territories embraced within the British colonies in America. The first section provides for granting licenses "to any person or persons of and for the exclusive privilege of trading with the Indians in all such parts of North America as shall be specified in any such grant or license respectively, *not being part of the lands or territories heretofore granted to the said governor and company of adventurers of England trading to Hudson's bay, and not being part of any of his Majesty's provinces in North America, or of any lands or territories belonging to the United States of America.*"

The sixth section provides for exercising the jurisdiction of the courts of Upper Canada, in certain

cases, "within the said Indian territories, and other parts of America, *not within the limits of either of the provinces of Lower or Upper Canada, or of any civil government of the United States.*" In other parts of the act the country is described as lying "to the northward and westward of the provinces of Upper and Lower Canada, and of the territories of the United States of America," and "not being part of any of his Majesty's provinces in North America."

From this act it is clear that the English Parliament does not regard the country west of the Rocky mountains as forming a part of the British colonies on this continent. This brings me to the consideration of a portion of the President's message, bearing directly on this branch of the subject, which I read with the greatest pleasure and delight. If I ever indulged a feeling of disappointment and chagrin at the offer of the forty-ninth parallel in August last, I confess that I freely and heartily forgave all when I saw that part of the message which recites and adopts as the settled policy of the country the memorable declaration of Mr. Monroe against European colonization on the American continent, and especially in the clear and emphatic language which, in its application, points so directly to the country west of the Rocky mountains. The President, at the commencement of his administration, found himself surrounded by difficulties and embarrassments. It was known that he was impressed with the firm conviction that our title to the whole of Oregon was clear and unquestionable. He had so expressed himself before his nomination—the Baltimore convention had unapologetically affirmed the declaration—he had been elected on that issue, among others, and had announced, in his inaugural address, his unalterable determination to carry it out as the chief executive magistrate of the nation. No man who knows his character can doubt his sincerity of purpose in all these declarations. But when he was inducted into the secret mysteries of the executive department, and looked into the exact state of the question, he discovered, to his astonishment no doubt, that there was a pending negotiation, commenced on the principle of compromise, and not yet brought to a termination, of which the country had not been informed. Here was an unexpected, an unforeseen difficulty, imposing shackles on his free action. Of the reasons which induced the offer of the 49th parallel I will let the message speak for the President:

"When I came into office, I found this to be the state of the negotiation. Though entertaining the settled conviction, that the British pretensions of title could not be maintained to any portion of the Oregon territory upon any principle of public law recognised by nations, yet, in deference to what had been done by my predecessors, and especially in consideration that propositions of compromise had been thrice made by two preceding administrations, to adjust the question on the parallel of forty-nine degrees, and in two of them yielding to Great Britain the free navigation of the Columbia, and that the pending negotiation had been commenced on the basis of compromise, I deemed it to be my duty not abruptly to break it off. In consideration, too, that under the conventions of 1818 and 1827, the citizens and subjects of the two powers held a joint occupancy of the country, I was induced to make another effort to settle this long pending controversy in the spirit of moderation which had given birth to the renewed discussion."

He was compelled either to disavow the acts of his predecessors, to abruptly break off the negotiation, endanger the amicable relations of the two countries, and perhaps plunge them into immediate war, or to continue the negotiation on the basis of compromise on which they had been commenced, and thereby hazard a portion of our territory to

which he believed "the tionable." He deliberated on the matter—run—escaped the disaster. terminated by the rudiment; the proposition our title to the whole President relieved from future action. We have message that there mise nor proposition that our government will give the notice—valley of the Columbia and resist the establishment colony on any portion sage is satisfactory points. The withdrawal promise—the assertion policy, and its maintenance arguments—the recon of our laws, civil annment of Indian agen routes, and for raising men to guard and clearly show that th maintain; at all haz sumed, in opposition nization on the contin passage in the messag admirably set forth:

"We must ever maint this continent alone hav tiny. Should any porti pendent State, proposo federacy, this will be a mine without any fore consent that European such a union, because h er which they might de Near a quarter of a cent nounced to the worl my predecessors, that t and independent condi maintain are hencefor for future colonization principle will apply with European power attempt America, in the exist present is deemed a pro the principle avowed by concurrence in its wisd tion of this principle America, is, at this day which no European po to resist. Existing rig be respected; but it is terests, that the effici extended over our who be distinctly announced t no future European co sent, be planted or estab can continent."

Here we have "th the administration o will be made on th recognise the right ny on the northwes that she has no colo braced within the li nces in North Am the distinct announc tled policy, that no minion shall, with lished on any part nent." To what p announcement refer and the other Mexi

which he believed "the title was clear and unquestionable." He deliberated well on the alternatives—chose the latter—run the hazard, and; fortunately, escaped the disaster. The negotiations have been terminated by the rude act of the British government; the proposition of compromise withdrawn; our title to the whole territory reasserted, and the President relieved from all embarrassments in his future action. We have the strongest assurances in the message that there are to be neither compromise nor propositions of compromise in future; that our government will stand upon all its rights—will give the notice—demand the possession of the valley of the Columbia, under the treaty of Ghent, and resist the establishment of any future European colony on any portion of the continent. The message is satisfactory and conclusive on all these points. The withdrawal of the proposition of compromise—the assertion of our title to the whole territory, and its maintenance by irrefragible facts and arguments—the recommendations for the extension of our laws, civil and criminal, for the establishment of Indian agencies, military posts and mail-routes, and for raising regiments of mounted riflemen to guard and protect emigrants and settlers, clearly show that the President is determined to maintain, at all hazards, the position he has assumed, in opposition to any future European colonization on the continent. I invoke attention to the passage in the message in which this principle is so admirably set forth:

"We must ever maintain the principle, that the people of this continent alone have the right to decide their own destiny. Should any portion of them, constituting an independent State, propose to unite themselves with our confederacy, this will be a question for them and us to determine without any foreign interposition. We can never consent that European powers shall interfere to prevent such a union, because it might disturb the 'balance of power' which they might desire to maintain on this continent. Near a quarter of a century ago, the principle was distinctly announced to the world, in the annual message of one of my predecessors, that the 'American continents,' by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European power. This principle will apply with greatly increased force, should any European power attempt to establish any new colony in North America. In the existing circumstances of the world, the present is deemed a proper occasion to reiterate and reaffirm the principle avowed by Mr. Monroe, and to state my cordial concurrence in its wisdom and sound policy. The reassertion of this principle, especially in reference to North America, is, at this day, but the promulgation of a policy which no European power should cherish the disposition to resist. Existing rights of every European nation should be respected; but it is due alike to our safety and our interests, that the efficient protection of our laws should be extended over our whole territorial limits, and that it should be distinctly announced to the world as our settled policy, that no future European colony or dominion shall, with our consent, be planted or established on any part of the North American continent."

Here we have the solemn assurance that during the administration of President Polk no compromise will be made on the Oregon question which shall recognise the right of Great Britain to plant a colony on the northwest coast. I have already shown that she has no colony there now—that it is not embraced within the limits of any of the British provinces in North America. The President has made the distinct announcement "to the world as our settled policy, that no future European colony or dominion shall, with our consent, be planted or established on any part of the North American continent." To what portion of the continent does this announcement refer? Certainly not to California, and the other Mexican departments, for they are in-

dependent states, and come within the previous declaration that "we must ever maintain the principle that the people of this continent alone have the right to decide their own destiny;" it cannot apply to Canada, or any other British colony on the continent, nor to the Russian possessions, for the President says that these "should be respected." To what portion of the continent, then, could the President have referred? For it is not to be presumed that he would formally and boldly promulgate a great principle of action as the settled policy of our government, without intending it to have some practical application.

The President is not in the habit of using words of mere sound, without meaning or sense. He intended this great principle to apply to all that part of the continent to which it was adapted—to all the vacant, unoccupied country, not within the limits of any regularly established government or colony. The language is clear and explicit—is susceptible of this meaning and none other—and as evidently refers to the country west of the Rocky mountains, as if he had described it by name, miles, and bounds. This view is consistent with the whole tenor of his message, and with his known opinions, as well before as after his election. He was only prevented from taking this position at the commencement of his administration, by the pending negotiations, which, for the time being, tied his hands, and committed his government to the principle of compromise. The moment he had extricated himself and the government from these embarrassments, he embraced the high American principle to which I have alluded, and proclaimed it to the world as the settled policy of the country. He who thinks that this settled policy will be unsettled by his administration, knows but little of the character and history of the eminent statesman who fills the presidential chair. I, therefore, assume, on the authority of the message, that no compromise will be made; and that no northern boundary in Oregon will be agreed upon which shall recognise the right of Great Britain to plant or establish a future colony on the northwest coast. If we agree to 49°, or to any other line south and east of the Russian possession, we do thereby "consent" to the establishment of a future European colony on the continent of North America, in direct conflict of "our settled policy" as announced to the world.

Bearing this point in mind, gentlemen will easily understand the meaning of the President in all his recommendations, and observe their consistency with his previously expressed opinions, that our title was clear and unquestionable—that no compromise could be effected which the United States ought to accept—that the notice should be given and the joint occupancy terminated—that our laws and institutions should be extended over the country—and that no future European colony should be established on the continent. I most heartily agree with the President in all these positions, and shall yield him my zealous support in sustaining them. But gentlemen in the opposition tell us that we must not advance this broad doctrine—this principle of American independence of all European crowns, because, they say, it will lead to war. I know not whether it will or will not produce war; nor do I care, so far as that consideration is to have any influence on our action. I prefer peace to war; but it must be an honorable peace—one which will not sacrifice the national honor or territory. The question which ought to be considered is not whether

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these principles, carried into effect, will produce war, but whether they are right and ought to prevail. Our forefathers did not stop to inquire whether resistance to the stamp act would lead to war. They did pause and investigate the principle of "taxation without representation," and determined to resist it, because it was subversive of their liberties. There was a panic—a peace party in the country then, as now; but the principle of American independence of all European powers was declared and maintained. At a later period, they did not relinquish their opposition to the impressment of American seamen, because it would lead to war. They preferred to fight the war of independence over again to a surrender of their national rights and honor. Our country did not falter on the French indemnity question, nor the right of search, nor the annexation of Texas, because of the threats of war. The history of these memorable events shows that in every crisis the action of our government has been characterized by a firm adherence to principle, which maintains the national rights and honor, and leave the consequences to take care of themselves. Experience has shown that the surest way of avoiding war is to be fearless in doing right and calmly wait the issue.

Passing from this branch of the subject, I have a few words to say upon the proposition to settle the controversy by arbitration. In the early part of the session I had the honor to introduce a resolution in opposition to the series of resolutions proposed by the gentleman from Massachusetts, [Mr. WINTHROP,] expressive of my unwillingness to adjust the question by arbitration. Arbitration is a fair and just mode of settling disputes only when the parties can mutually agree upon a disinterested and impartial umpire. The arbiter should not only be free of the bias of interest, but of prejudice, fear, and affection. I know not where an umpire free of all these influences could be found to determine a political principle or a question of territorial boundary between the United States and Great Britain. The principle of resistance to future European colonization on this continent which is involved in the Oregon question is sufficient of itself to array all the great powers of Europe against us in this controversy, while the smaller ones are too weak and dependent on England to be impartial. Besides our country occupies a peculiar position, with feelings, principles, institutions, and forms of government peculiar to ourselves and variant from the rest of the world. These considerations are sufficient to disqualify all the great powers of the globe from being impartial umpires, and the weaker ones are too much under the influence of the stronger to be selected for the purpose. But it has been said in debate that we dare not, in the face of the civilized world, refuse so fair and honorable a mode of settlement as arbitration. Did not England refuse the mediation of Russia between us in the last war? Did she not refuse to arbitrate the difficulties between her and Spain in 1790 in relation to this same Oregon territory? And did we not, in 1815, refuse the proposition of England to arbitrate the question of our right to the possession of the valley of the Columbia river under the treaty of Ghent? When did this doctrine of arbitration become so firmly engrafted on the laws of nations that neither party dare refuse to accord to it? We tried it once on

the northeastern boundary, and then refused to abide the award, because of the palpable injustice done us by the royal umpire. If we should again resort to it, we have no reason to anticipate an award more compatible with fairness and justice. The importance of Oregon to us is too great, and our right too clear to be hazarded by such an expedient.

Its value is not to be measured by the number of miles on the coast and the quantity of land; nor does it depend upon the character of the country, or the quality of the soil. These considerations are not unworthy of attention; but its great importance results from its commanding position with reference to a maritime ascendancy on the Pacific. It has been the policy of Great Britain for the last century to seize every important point—maritime and military—on the face of the globe, with the view of controlling the commerce of the world, by maintaining her ascendancy on the seas. The geographical position of her own sea-girt isle naturally controls the trade of the Baltic and northern Europe. Gibraltar, Malta, and the Ionian isles command the commerce of southern Europe, of northern Africa, and western Asia, and convert the Mediterranean sea into a British lake. St. Helena and a cordon of fortified islands stand sentinel on the western coast of Africa. Cape Town and the Falkland islands guard the only navigable avenues to the Indies. Her possessions in the east are as numerous as the islands in those seas—each a British fortress, watching the channels of commerce, and allowing no flag to wave except by her permission. Her possessions in North America—the Canadas, New Brunswick, Nova Scotia, the Bermudas and Bahamas stretch around us like a military network, prescribing limits to our advancement, and terms to our intercourse with other nations. All that is necessary to make her system complete, is the possession of Oregon, with its innumerable bays, harbors, and maritime advantages. These are the considerations which lend importance to the Oregon question—considerations which induce England to cling to it with a tenacity which rejects all honorable compromise. What matters it to her whether it consists of ridges of barren rocks, or fertile plains and rich valleys? What difference does it make to her whether Gibraltar, Malta, St. Helena, or the Bermudas, are sterile rocks or fertile gardens? They are great military and maritime stations, commanding the commerce of the world, and protecting and supplying her navies. They aid her to maintain her ascendancy upon the seas, and this is all she expects or desires from them. So it is with Oregon. That coast is as essential to the success of her policy on the Pacific, as those are on the Atlantic and in the Mediterranean. We have the means of defeating her schemes in that quarter, and of setting bounds to her future progress. Hold on to Oregon, exclude Great Britain from the northwest coast, allow her to establish no future colony on the continent, and open a direct trade with China, Japan, the Indies, and all the islands of the Pacific, and the work is done. This I understand to be the policy of the President, as developed in his message, and I am prepared, and I believe the country is prepared, to sustain him in it, regardless of all consequences.