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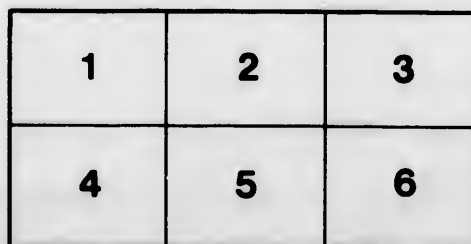
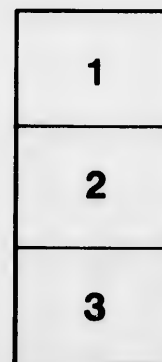
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OF

MR. CUSHING, OF MASSACHUSETTS,

ON

THE SUBJECT OF THE OREGON TERRITORY.

DELIVERED

IN THE HOUSE OF REPRESENTATIVES,

MAY 17 AND 22, 1838.

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WASHINGTON:

PRINTED BY GALES AND SEATON.

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## 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 Onís, 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



discovery, therefore, is clearly with the United States, as against Great Britain. Indeed, Gray had previously, in 1788, explored the strait of Juan de Fuca, north of the Columbia. So that, leaving out of view the rights of Spain by discovery, and of Spain and France by contiguity and extension, the United States claim the Oregon Territory by right of discovery.

By cession from France, in 1803, the United States acquired Louisiana, and all the rights of France in that direction. What are the northwestern limits of Louisiana? Extension by contiguity would carry the pretensions of France to the Pacific. By Great Britain herself, the possession of the body of the continent was always treated as stretching across the entire breadth of the continent. Her grants to Massachusetts and to other colonies reach to the Pacific. Conflicts of pretension thus grew up between France and Great Britain, which were adjusted, in 1763, by the treaty of Versailles, by which Great Britain ceded to France all claims to land west of the Mississippi. Prior to which, by the treaty of Utrecht, concluded in 1713, France and Great Britain agreed to appoint commissioners to describe and settle the boundaries between the French and English colonies in North America; which resulted in the establishment of the parallel of 49 degrees north as the northern limit of Louisiana. As between Great Britain and France, then, Louisiana was bounded, east by the Mississippi, north by latitude 49 deg. N., and westward by the Pacific; and by the Louisiana treaty, the United States added to her own rights of discovery the pre-existing rights of France.

In this state of the case, Mr. Jefferson devised and authorized, in 1805, the celebrated expedition of Lewis and Clark, who ascended the Missouri, crossed the Rocky mountains, reached the head-waters of the Columbia, descended the river, erected the works called Fort Clatsop, and in the most formal and authentic manner asserted the rights of the United States in and to the whole country. No establishment of any other Power existed at that time on the waters of the Columbia.

But the enterprise of colonizing that country was undertaken in 1811 by John Jacob Astor, of New York; one of those truly noble merchants "who, by their great commercial enterprise, have enriched nations, peopled wildernesses, and extended the bounds of empire;" a man of far-seeing mind, with plans covering the globe, and with results as grand as the plans; a merchant, in wealth and greatness of design, equalling the Medici of Florence, the Dorias of Genoa, and the Foscari of Venice, without the political ambition which rendered their wealth a curse to their country. The narrative, by Washington Irving, of that magnificent undertaking, belongs to the classic literature of the world, combining the truth of history with the stirring interest of romance. Mr. Astor's establishment at Astoria, having for its immediate object the prosecution of the fur-trade, was anterior to any establishment on the Columbia by any Power other than the United States. It was broken up by the war of 1812, and taken possession of by Great Britain in the course of her belligerent operations; but again formally surrendered to us in 1818, in express obedience to the treaty of Ghent.—(Doc. 17th Con. 1st Ses. Exec. No. 328.) What was the character of this transaction clearly appears from the explanations on the subject exchanged by Mr. Rush and Lord Castlereagh. Mr. Rush says:

"I told him, &c. \* \* Granting that she (England) had a claim, was the lawfulness of the step taken by the United States (that is, resuming the possession of Astoria) to be questioned? That the post was in their possession before the war of 1812, was admitted; and, also, that it had fallen, by capture, into the hands of Britain during the war. How, then, under a treaty of peace, the first article of which stipulated the mutual restitution of all places reduced by the arms of either party, was our right to restitution to be impeached? \* \* \* \* \* His lordship admitted our right to restitution, and our claim to be in possession, when negotiations for the title were going on."—(Rush's London, p. 74.)

Or, as stated in Mr. Rush's official despatch:

"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."—(Letter Feb. 1818.)

Here, then, we have the original title of the United States by discovery, fortified by the rights of France, continued by the exploration of Lewis and Clark, by the formal taking of possession, and by regular occupation, and completed by the recognition of Great Britain.

Nor is this the whole strength of our case. By the Florida treaty, concluded in 1819, Spain ceded to the United States all her claims on this continent north of latitude 42 degrees north. And this was a most important cession. Indeed that treaty was rather a convention of mutual cessations than of pecuniary indemnities merely. Mr. Adams, who, in all cases where in the course of a long life of public service he has been called to maintain the rights of his country, has done it ably and thoroughly, and who negotiated that treaty, deserves universal credit for its favorable conditions in this respect. In consideration of the cession to Spain, made under the positive instructions of President Monroe, of our claims to the Rio del Norte, which claims Mr. Adams defended strenuously to the last, the United States obtained, in addition to East and West Florida, a cession of all the rights of Spain in the valley and coast of the Oregon; rights which alone could seriously conflict with our own pretensions on the Pacific.

Spain, prior to 1819, claimed that whole country to Prince William's sound, in the 60th parallel of latitude. She did this, in right of the extension of her Mexican possessions by contiguity, and in right of early discovery and repeated explorations and acts of occupation. Hernan Cortes, the great conqueror himself, in the prosecution of his own splendid designs, explored, in 1526, the northwestern coast of America to the northern limits of California. The Spaniards, also, point to various other expeditions fitted out from Acapulco or San Blas in the sixteenth and seventeenth centuries; as that of Gali in 1582 to latitude 57 degrees north; Juan de Fuca in 1592, who is said to have discovered, and certainly gave his name to, the bay and strait still bearing it, and the account of whose voyage in the trust-worthy Purchas, though formerly disputed, seems now to be admitted, (Murray's N. Am. Dis. vol. 2, p. 80;) Vizcaino, in 1602, who is believed by some of the Spanish writers to have discovered the Oregon; \* De Fonte, who is said to have reached the latitude 54 degrees in 1640. Why these accounts, or any of them, should be disputed, I know not. Some of them, it is perfectly certain, rest upon the most ample evidence. Instead of being intrinsically improbable, it would, on the contrary, have been strange indeed if Spain, being in tranquil possession of New California, had never extended her voyages a few degrees to the north of that province along the same coast.

However this may be, no English navigator, prior to Cook, has any pretension to antiquity of discovery in that quarter, except Sir Francis Drake. He was a pirate, cruising along the coast and in the seas of Spanish America as a bucaner and a plunderer, making private war, and capturing prizes on his own responsibility, landing to ravage and burn the towns, and hold the peaceful people to ransom; a gallant pirate, to be sure, brave and enterprising; but still a pirate, and knighted as such for the mischief he had thus done to Spain. Whether the cruises of a bucaner can confer any title of discovery I will not stop to inquire; it is unnecessary; for no credible account

\*Torquemada, in the authentic account of Vizcaino's expedition, given by him in the Monarquia Indiana, says that Martin de Angila, who commanded one of the vessels of the fleet, having passed northward of Cape Blanco, se hallo un rio muy caudaloso y hondable \* \* Queriendo entrar por el, los corrientes no dio lugar a ello.—(Lib. v. c. 55.) Humboldt, however, does not consider this to have been the Columbia; but thinks the Columbia was first visited by the Spaniards in 1775, its bay having been entered by the expedition of Heceta and Quadra, and called by them Entrada de Heceta.—(Humboldt's New Spain, v. iii, c. 8, s. 15.)

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of his voyage carries it beyond latitude 42 or 43; and the  
landing that he made in order to claim title was in latitude  
38 degrees 30 minutes—within the acknowledged limits of  
the Spanish province of California.

And without dwelling upon these old voyages in the  
sixteenth and seventeenth centuries, we have that of Pe-  
rez in 1771 to latitude 54 degrees, and of Quadra in 1775  
to latitude 57 degrees—both anterior to that of Cook; fol-  
lowed by Arteaga in 1779, Martinez in 1788, Elisa in 1790,  
and Malaspina in 1791, carrying up the Spanish discov-  
eries to the strait of Juan de Fuca, and even to Prince  
William's Sound, all of them preceding Vancouver. All  
the title of Spain, acquired in the various modes usual in  
such cases, is now vested in the United States by the Flori-  
da treaty; and, united with the other sources of title pos-  
sessed by us, constitutes a right of dominion not to be  
shaken by any European Power.

In addition to, and independent of all which, the natu-  
ral progress of population westward by extension, on the  
ground of contiguity, would give us a claim of title supe-  
rior to that of any other nation, we occupying and settling  
indisputably to the very heart of the continent.

In fact, our title south of latitude 54 degrees is practically  
admitted by all the rest of the world, except Great Britain.  
An old agreement existed between Russia and Spain, by  
which the former was left undisturbed in the extreme  
northern latitudes of Alaska. (N. Amer. Review, No.  
61, p. 506.) After the conclusion of the Florida treaty, a  
convention was entered into between the United States and  
Russia, whose deportment towards this country has always  
been distinguished by dignity and liberality—the conven-  
tion of the 17th April, 1824, which closed the door against  
any difference between us in that quarter, by an agreement  
that Russia would make no settlement on the northwest  
coast of America south of latitude 54 degrees, and the  
United States none to the north of it; thus fixing that  
parallel as the line betwixt our respective pretensions. But  
the conduct of Great Britain has, I am compelled to say,  
been marked by rapacity, illiberality, and gross disregard  
of our just rights, strikingly contrasted with the honorable  
procedure of Russia.

Desirous of settling this matter fairly and liberally  
with Great Britain, the United States, in 1823, under the  
authority of President Monroe, and in 1826, under that of  
President Adams, while justly entitled to claim, by virtue  
of its own title, and that of Spain and France, to latitude  
54 degrees, offered to Great Britain to compromise the  
question by extending the northern line of Louisiana—that  
is to say, the parallel of 49 degrees—to the Pacific; thus  
conceding to Great Britain five degrees of latitude on the  
Pacific, and enabling her to accomplish her desire to ex-  
tend her possessions across the continent from sea to sea.  
In so doing, we should, in fact, cede a portion of our just  
rights, which cover the whole of the valley of the Columbia;  
but the love of peace, and the consideration that Louisiana  
was bounded by latitude 49 degrees, would have justified  
such an arrangement. To this Great Britain obstinately  
refused to accede. And I must now ask the attention of the  
House to the nature and extent of her pretensions.

I assume, as the result of the arguments which I have  
thus cursorily presented to the House, that the United  
States have a clear title to the Oregon Territory, as against  
any and every European Power, extending from latitude  
42 degrees, the line of the Mexican Republic, to latitude  
54 degrees, the line adjusted with Russia. I admit, in  
pursuance of the negotiations of 1823 and 1826, that it may  
be wise to settle the matter, as between us and Great Brit-  
ain, at latitude 49 degrees, striking the Pacific in the strait  
of Juan de Fuca. And I hold that the United States can-  
not, in safety or in honor, concede any thing more than this.

Between these limits Great Britain is unable to claim any  
territory, by merely sailing along the coast and touching  
here and there, because preceded in that by navigators in  
the service of Spain; all whose right is vested in the United  
States by the Florida treaty.

Great Britain cannot claim it as a dependency of the ri-

ver Columbia, because anticipated in the navigation of that  
river by Gray; in the exploration of it by Lewis and Clark;  
in the occupation of it by Lewis and Clark and by Mr.  
Astor.

Great Britain is precluded from claiming it as residuary  
territory of hers, under the title by which she formerly held  
this country, because prevented by the treaty of 1763 be-  
tween her and France, in which she disclaims irrevocably  
beyond the Mississippi; the seventh article being in these  
words:

"The confines between the British and French possessions  
in North America shall be fixed irrevocably by a line drawn  
along the middle of the Mississippi from its source to the river  
Iberville, and from thence, by the middle of the river Iberville  
and the lakes Maurepas and Pontchartrain, to the sea."—(Chal-  
mer's Tr. vol. 1, 473.)

Great Britain is forbidden to claim it as parcel of the old  
North American possessions still retained by her in virtue  
of the treaty of Paris, because the decision of the commis-  
sioners under the treaty of Utrecht establishes the line of 49  
degrees westward of the Lake of the Woods. The rule of  
extension by contiguity would, to be sure, if no other con-  
siderations intervened, carry her possessions to the Pacific;  
but it would be along the parallel of 49 degrees, because  
the same rule of extension would carry us to the Pacific.

That is to say, Great Britain is, upon all principles of in-  
ternational law, and by her own solemn contracts, debarred  
and estopped from any and every species of exclusive right  
or claim whatsoever, south of latitude 49 degrees, and west  
of the Lake of the Woods, to the Pacific.

Accordingly, conscious of the utter futility of any such  
claim, Great Britain makes no claim to sovereignty over  
any part of the territory in question. Her pretension ex-  
tends to the whole of the territory, but is preferred by her  
in the shape of a pretended right of joint occupancy of every  
part of it in common with other Powers, leaving sus-  
pended in abeyance the right of exclusive dominion as to  
any part of it.

This extraordinary pretension of hers is grounded on  
the Nootka Convention as it is commonly called—a treaty  
extorted by her from Spain in 1790, under circumstances  
of passionate injustice, which, even at that stormy period,  
when the Powers of Europe were accustomed to fly to violence  
upon the smallest real or imaginary injury, was barely  
tolerated by the world, and which, in the present more en-  
lightened times of general aversion to war, could not es-  
cape the severest reprobation. This convention confers a  
claim as against Spain only, and so much of our right as  
we derive from Spain. The substance of it is, that subjects  
of either of the two parties, Great Britain and Spain, are  
not to be disturbed by the other, whether in navigating or  
fishing in the Pacific ocean, or in landing on the coast, in  
places not already occupied, for the purpose of carrying on  
commerce with the natives, or of making settlements there.  
I shall not trouble the House with the multiplied details of  
this question, as between Great Britain and Spain. Inde-  
pendently of the force and effect of it in that relation, there  
are several answers to it on the part of the United States.  
It settles no definite limits of territorial jurisdiction. It  
leaves the question of sovereignty upon the titles of Spain  
or France. Being a convention of usufruct only, and not  
of territorial jurisdiction or of sovereignty, it might be ob-  
ligatory on Spain so long as she retained the jurisdiction,  
but not upon her successor in sovereignty. Beyond which  
the United States hold under France as well as Spain;  
and still more by discoveries of their own, followed by ac-  
tual occupation, that occupation having been recognized by  
the authorities of Great Britain.

It only remains, for the disposal of this part of the di-  
plomatic question, that I should state the actual position  
of it upon the treaties between the United States and  
Great Britain.

By the treaty of Paris, September 3, 1783, our boundary  
is, beginning at the Lake of the Woods; "thence through  
the said lake to the most northwestern point thereof, and  
from thence on a due west course to the river Mississippi;  
thence, by a line to be drawn along the middle of the said

river Mississippi," in conformity with the provisions of the treaty of Versailles before cited, and so proceeding down the river to the bounds of Louisiana and Florida in that direction.

The annexation of Louisiana to the United States changed, of course, our northwestern frontier. But no new convention was immediately concluded, defining this on the side of Great Britain. The treaty of Ghent, December 24, 1814, proceeds on the assumption of limits according to the *status ante bellum*. It provides for ascertaining the northwestern point of the Lake of the Woods; but it goes no farther westward. In that direction the line is continued by the convention of October 20, 1818, "from the Lake of the Woods to the Stony Mountains, along the parallel of 49 degrees," in just application of the treaty of Utrecht. By the same convention, 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, to the vessels, citizens, and subjects of the two Powers; this agreement not to be construed to the prejudice of any claim which either of the parties may have to any part of the said country. Which agreement, by the convention of August 6, 1837, was continued indefinitely, subject to be terminated by either party on twelve months' notice.

I desire to see this agreement terminated as soon as possible. It gives nothing to the United States; for we have no occasion to ask the consent of Great Britain to use the harbors, bays, creeks, and rivers of our own territory. It gives every thing to Great Britain; because without it her vessels and subjects would be mere intruders and interlopers in a country which belongs to us. I desire to see the treaty notice given by the United States, and provision made by law for the occupation of the country by its rightful sovereign. The notice, we may rest assured, will never be given by Great Britain. Her policy is procrastination, in this case, as in that of our northeastern frontier; and for precisely the same reason. In both cases she has, under guise of temporary agreements, availed herself of our neglect, or at least of our unsuspecting good faith, to insinuate herself into actual possession of the territory in dispute. To settle the question, is to oust the intruder. To be sure, there is a stipulation that the agreement shall not prejudice the rights of either party; but it does prejudice our rights, deeply, fatally, as I will prove to this House by the most authentic facts.

Before I enter upon this, the more important and interesting part of this subject, I have a concluding suggestion to make on the question of title. I derive my knowledge of this from books; especially the negotiations of 1823 and 1826, (Doc. 19th Congress, 1st sess., Exec. No. 65; and Doc. 20th Con. 1st ses. Exec. No. 199,) and the reports of Mr. BAYLIES, of Mass., who, with Mr. FLOYD, of Va., was instrumental in bringing this topic before a former Congress. (Rep. 19th Cong. 1st ses. Nos. 35 and 213.) But there is an individual present (Mr. ADAMS) who is a living record of the diplomatic history of the country, and who was personally conversant with some of the most material of these negotiations. With permission of the House, I would respectfully appeal to my colleague to state whether I have properly represented the facts and treaties bearing upon our rights in this matter; since, if I have erred in any essential point, I wish to be corrected on the spot, by one to whose ampler knowledge of the subject I shall cheerfully defer.

[Mr. ADAMS then rose and addressed the House in a speech of considerable length, on various interesting topics appertaining to this question, to the Louisiana and Florida treaties, and to our relations with Great Britain; after which Mr. CUSHING resumed his speech, and continued and concluded it on the 22d of May.]

Mr. Speaker: I feel under great obligations to my colleague for his prompt compliance with my request, and for the information he has communicated to the House. His

opinion of the validity of our title to the country beyond the Rocky Mountains will deservedly have great weight in the public estimation. And I do not perceive that he and I differ materially in regard to the sources of that title: for, if he understood me as maintaining the abstract justice of the right of discovery, assumed by European Powers to justify their conquests and acquisitions in the New World as against the aboriginal inhabitants, it must have been because I did not express myself with sufficient fullness on that head. What I meant and mean to advance in this respect is, only, that as a conventional rule, by which to adjust claims of territory on this continent among themselves, the right of discovery, when followed up in a reasonable time by actual occupation, is generally received and admitted, with more or less flexibility of application to given cases, by the civilized nations of Europe, and is incorporated into the municipal, as well as the diplomatic, law of the United States.

And considering, therefore, that on this, and the various other grounds adduced, our title to the Oregon Territory is a good one, sufficiently so, as my colleague (Mr. ADAMS) observes, to be justly maintained, if necessary, by force, I proceed to state the facts and considerations which seem to me to demand that the present ambiguous condition of things in relation to the Territory should be ended, and our sovereignty therein reaffirmed and established. Having done which, I shall confidently hope for the aid and support of my colleague in the defence of the rights and interest of the United States.

Throughout the vast interior regions of North America, to the West and Northwest, with its noble rivers, continuous lakes, extensive prairies, and lofty mountain ranges, the chief object of commercial pursuit, it is familiarly known to us all, is the fur of the wild animals with which the country abounds; constituting almost the sole marketable wealth of the numerous tribes of Indians scattered over those parts of the continent. While the French held Canada, down to 1763, the trade with the Indians, and the collection of peltries, in the immense countries beyond the great lakes, was carried on partly by the French Canadians themselves, and partly by their northern neighbors, the English Hudson's Bay Company; all which invaluable trade, on the acquisition of Canada, fell into the hands of Great Britain. The Hudson's Bay Company was not long without a competitor in the Northwest Company of Montreal, formed in 1787. Their competition of trade induced deadly feuds, fatal to their own peace and prosperity, while they distracted and corrupted the Indians. A new turn was given to the course of events by the travels of Sir Alexander MacKenzie, and the effects of his counsels after his return to England. A brief extract from his book, published in 1801, will explain this:

"Experience has proved that this trade, from its very nature, cannot be carried on by individuals. A very large capital, or credit, or indeed both, is necessary; and, consequently, an association of men of wealth to direct, with men of enterprise to act, in one common interest, must be formed on such principles as that, in due time, the latter may succeed the former, in continual and progressive succession. The junction of such a commercial association with the Hudson's Bay Company is the important measure which I would propose; and the trade might be carried on with a very superior degree of advantage, both public and private, under the privilege of their charter. By enjoying the privilege of the company's charter, though but for a limited period, there are adventurers who would be willing, as they are able, to engage in and carry on the proposed commercial undertaking, as well as to give the most complete and satisfactory security to Government for the fulfilment of its contract with the Company. It would, at the same time, be equally necessary to add a similar privilege of trade on the Columbia river, and its tributary waters."

"By the waters that discharge themselves into Hudson's bay, at Fort Nelson, it is proposed to carry on the trade to their source at the head of the Saskatchewan river, which rises in the Rocky Mountains, not eight degrees of longitude from the Pacific ocean. The Columbia flows also from the same mountains, and discharges itself in the Pacific, in latitude 46 degrees 20 min. Both of them are capable of receiving ships at their mouths, and are navigable throughout for boats."

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"But, whatever course may be taken from the Atlantic, the Columbia is the line of communication from the Pacific ocean pointed out by Nature, as it is the only navigable river in the whole extent of Vancouver's minute survey of that coast. Its banks, also, form the first level country in all the southern extent of continental coast from Cook's entry, and, consequently, the most northern situation fit for colonization, and suitable for the residence of a civilized people. By opening this intercourse between the Atlantic and Pacific oceans, and forming regular establishments through the interior, and at both extremes, as well as along the coasts and islands, the entire command of the fur trade of North America might be obtained from latitude 48 deg north, to the pole, except that portion of it which the Russians have in the Pacific. To this may be added the fishery in both seas, and the markets of the four quarters of the globe. Such would be the field for commercial enterprise: and incalculable would be the produce of it, when supported by the operations of that credit and capital which Great Britain so pre-eminently possesses. Then would this country begin to be remunerated for the expenses it has sustained in discovering and surveying the coast of the Pacific ocean, which last present left to American adventurers, who, without regularity or capital, or the desire of conciliating future confidence, look altogether to the interest of the moment. Such adventurers—and many of them, as I have been informed, have been very successful—would instantly disappear before a well-regulated trade."

"Many political reasons, which it is not necessary to enumerate here, must prevent themselves to the mind of every man acquainted with the enlarged system and capacities of British commerce, in support of the measure which I have very briefly suggested, as promising the most important advantages to the trade of the United Kingdoms."—(Mackenzie's Trav., vol. 2, p. 338-92.)

Meanwhile the United States acquired the country beyond the Rocky Mountains, by discovery, purchase, exploration, and the formalities of occupation. Mr. Astor, himself extensively engaged in the fur trade south and west of the Lakes, became fully aware of the great value of the Oregon country, and the importance of a line of trade to be carried across the continent, by ascending the river Missouri, and descending the Columbia to the Pacific, and thence communicating directly with China; and, in the promotion at the same time of his own interests and those of the United States, organized the establishment of Astoria. The Northwest Company took the alarm. They foresaw what would be the effect of this enterprise, if successfully prosecuted. They despatched emissaries of theirs to the Columbia, who, availing themselves of the war between Great Britain and the United States, which followed in the year after the foundation of Astoria, induced McDougall, one of the agents of Mr. Astor, to make a fraudulent sale of his factory, furs, and other property, to the Northwest Company; and the sloop of war *Raccoon* came and took formal possession of Astoria in the name of Great Britain, and changed the name of the post to St. George. This formal possession, however, was an act of war; and was annulled, as I have before stated, by the restoration of the post to Mr. Prevost and to Commodore Biddle, in the Ontario, after the conclusion of peace. But still the Northwest Company retained the actual possession of the country, under the purchase from McDougall; and, in 1821, the Northwest Company and the Hudson's Bay Company, having compromised their differences, were united; the operations of the new association being continued down to this time under the charter of the Hudson's Bay Company.

This purchase from McDougall, and the possession under it, could, it is evident, confer no sovereignty on Great Britain as against the United States. But the continued tolerance of the presence of the Northwest Company there, after the conclusion of the war, was a capital error, imputable to the supineness and culpable neglect of our Government. Mr. Astor offered to renew his enterprises on the Columbia, provided the Government would establish a military post there, with the most trifling force, even a lieutenant's command; needing only the countenance and the flag of the United States. If his advice had been adopted, the question would have been settled then, before the Hudson's Bay Company had struck root in the Terri-

tory. What the actual result has been, I will state in the words of Major Filcher. (Sen. Doc. 1830-'1, No. 39.) It has been to realize, in all respects, the plan marked out by Sir Alexander Mackenzie, in 1801, for undermining our influence and our trade in and beyond the Rocky Mountains.

"1. The Hudson's Bay and Northwest Companies have been united, and are now trading under the name and charter of the former. 2. The trade has been extended to the Columbia river. 3. A colony of civilized people is forming on that river. 4. A line of forts and posts is established across the continent. 5. The mouth of the Columbia is occupied, ships enter it, boats ascend it, the mountains are crossed, and the communication is regular, from the Pacific to the Atlantic. 6. American adventurers have almost disappeared, and the British have the command of the fur trade north of 49 degrees, and the chief enjoyment of it for some degrees south.

"The political advantages of all these events are considerable (to Great Britain) in time of peace, and must become infinitely more so in time of war, when the command of all the Northern Indians may harass the settlements on the Upper Mississippi; and the possession of a naval and military station and a colony on the estuary of the Columbia river may lead to the annihilation of our ships and commerce on the Pacific ocean."

The Hudson's Bay Company, as now organized, I present to the notice of the People of the United States, as being in itself a great foreign power, most injurious and hostile to their rights and interests. It is to America what the East India Company is to Asia. Dean Tucker describes it as one of the corrupt monopolies of the reign of Charles II. (Tucker on Trade, p. 68.) And it is natural enough that a corporation, born of corruption, should subsist by usurpation. Though chartered for a limited time, which has long since expired, and though never confirmed by Parliament, (Chitty on Com. vol. 1, p. 679,) and so existing, as a corporation, by sufferance only, it claims a more than imperial sway as appurtenant to the grant of the trade of Hudson's Bay, commencing midway in the north-eastern coast of the continent, reaching from Labrador down to near the shores of Lake Superior, thence along the high lands which divide the waters of the Mississippi and Missouri from those of Lake Winnipeg, and so sweeping around by the easterly side of the Rocky Mountains to the Slave Lake, and back to the shores of the Atlantic. (Bouchette's Brit. Dom. vol. 1, p. 32, *et seq.*) This enormous territory, indeed, encroaches directly on the United States, for the Company undertook to sell to the Earl of Selkirk a large tract of more than 100,000 square miles, the country of the Red River of Lake Winnipeg, which is found to be cut off by our boundary. Not content with which, the Company has even seated itself down as the mistress of the great valley of the Columbia. Yet its rights are limited to the power which its establishments give it, and the monopoly which it usurps of the trade of the interior, overbearing the competition of private enterprise.

I have English authority to attest the general character of the dominion exercised by these mercantile sovereigns, the Hudson's Bay and Northwest Companies. There is a work published by a servant of the Hudson's Bay Company, in 1770, who styles it "a baneful monopoly," who details what he plainly calls its *tyranny* and its *frauds*, and who says the associates "have undoubtedly forfeited every just pretension" to continue a corporation, "by the ill use they have made of this royal favor." (Umfreville's Hud. B. Com. p. 98.) And what the Northwest Company has been, we learn from the friends of the Hudson's Bay Company; for (the late) Lord Selkirk says that, in the wide range of country occupied by their forts and trading-posts, they "established a more despotic rule than could be found to exist even in any Asiatic Government." (Claims of the Hud. Bay Com. p. 39;) and we are further advised that "the intercourse of the Northwest Company with the Indians, \* \* under the semblance and disguise of commerce, is an organized system of rapine." And these are the companies we suffer to remain in the intrusive occupation of the Oregon, most injuriously to us!



For I have abundant proofs of the incompatibility of their conduct with the rights and peace of the United States.

In the Executive Message of the 23d December, it is told us, in addition to some other facts:

"The Hudson's Bay Company have also several depots, situated on watercourses, in the interior of the country; the principal one is at Fort Vancouver, on the northern bank of the Columbia river, about eighty or one hundred miles from its mouth. It is known, by information recently obtained, that the English company have a steamboat on this river, and that they have a saw-mill, and are cutting timber on the territory claimed by the United States, and are shipping it in considerable quantities to the Sandwich Islands."

The President did not see fit to communicate the particulars of the "information recently obtained;" but we reach these by the memorial from Mr. William A. Slacum, the agent employed by the Government to obtain information concerning the settlements in the Oregon, which memorial was presented to the Senate on the 18th December, 1837, in aid of a claim preferred by Mr. Slacum. This document exhibits in detail the facts that the Hudson's Bay Company have a military post on the Columbia; that they supply munitions of war to the Indians; that they seek to alienate the Indians from us; and that they occupy the country as if it were theirs: illustrating, also, the great value and importance of that country, as well for itself, as for its uses in the trade of the Pacific seas. It exhibits a fact, also, which I commend to the notice of Mr. O'Connell, who heaps such unmeasured invective on the People of this country because of the existence of slavery in a portion of the United States; namely, that, while Great Britain is applauding herself on the emancipation of the African race in her West India Colonies, the Hudson's Bay Company is introducing a new form of slavery in the Northwest, by applying it extensively to the American Indians. That this abuse is practised by the Hudson's Bay Company cannot excuse the British Government, any more than the perpetration of similar and worse abuses in Asia by the East India Company.

There is, in the document before me, (Sen. Doc. 1828-'9, No. 67,) a great body of evidence similar to that of Major Pilcher, which I have quoted, consisting of letters of Gen. Ashley, W. L. Sublette, Mr. Astor, Gen. William Clark, Gen. Cass, &c. showing how fatal the influence of the Hudson's Bay Company is to our own free trade. I will read an extract from one of these letters, (that of Mr. Cambreleng,) with his consent. This letter, addressed to Mr. Benton, and dated January 12, 1839, says:

"I have in my possession the actual returns of the furs collected by the Hudson's Bay Company for the year 1823, which, according to a valuation made by one who has a thorough knowledge of the trade, amount to \$94,879 85. The shares of that company have increased from £60, or 40 per cent. below par, to £240 sterling, or 140 per cent. above par. The business of the company has continued to increase at the rate of from 60 to \$100,000 annually. The prosperous condition of the Hudson's Bay Company may be attributed, in some measure, to the advantages enjoyed by the British traders, who procure their manufactures without duty, while the American traders pay 40 per cent. and upwards; and who can send their furs to the American market, while our traders pay a duty in the British market. But the most important advantage enjoyed by the Hudson's Bay Company is the admirable harbor at the mouth of the Columbia, which we virtually and unfortunately granted them by our treaty of 1818. That settlement at the mouth of the Columbia river is now the centre of an immense trade in furs, and, unless we take some step to place our traders on an equal footing with the British, and secure to the former the privilege of trading in safety within our own dominions at least, our Indian trade must decline, and we must make up our minds to surrender the whole Indian country to Great Britain."

This grievance, the injurious influence of the Hudson's Bay Company upon our fur trade in and about the Rocky Mountains, on both sides of them, has been earnestly represented to Congress by the Legislature of Missouri, as well as in the communications of the individuals above mentioned. It is fully disclosed, also, in Washington Irving's Astoria. He says, with particular reference to the Oregon Territory:

"In our hands, beside the roving bands of trappers and traders, the country would have been explored and settled by industrious husbandmen; and the fertile valleys bordering the river, and shut up among its mountains, would have been made to pour forth their agricultural treasures to contribute to the general wealth."

"In respect to commerce, we should have had a line of trading posts from the Mississippi and the Missouri across the Rocky Mountains, forming a high-road from the great regions of the West to the shores of the Pacific. We should have had a fortified post and port at the mouth of the Columbia, commanding the trade of that river and its tributaries, and of a wide extent of country and seacoast, carrying on an active and profitable commerce with the Sandwich Islands, and a direct and frequent communication with China."—(Astoria, vol. 2.)

Mr. Irving also justly condemns the conduct of our Government in leaving this matter so long unsettled, and says:

"Every year this litigated claim is growing into importance. There is no pride so jealous and irritable as the pride of territory. As one wave of emigration after another rolls into the valley of the West, and our settlements stretch towards the Rocky Mountains, the eager eyes of our pioneers will pry beyond, and they will become impatient of any barrier or impediment in the way of what they consider a grand outlet of their empire. Should any circumstance, therefore, unfortunately occur to disturb the present harmony of the two nations, this ill-adjusted question, which now lies dormant, may suddenly start up into one of belligerent import, and Florida become the watch-word in a contest for dominion on the shores of the Pacific."—(Astoria, vol. 2.)

Mr. Irving recurs to the subject in a later work of his (the narrative of Captain Bonneville's expedition,) in which he exhibits the value of the fur trade and fisheries, and the agricultural capabilities of the Oregon Territory; and upon the political question says:

"Though the [Hudson's Bay] Company, by treaty, have a right to a participation only in the trade of these regions, beyond the Rocky Mountains, and are, in fact, but tenants at sufferance; yet have they quietly availed themselves of the original oversight, and subsequent supineness of the American Government to establish a monopoly of the trade of the river [Columbia] and its dependencies; and are adroitly proceeding to fortify themselves in their usurpation, by securing all the strong points of the country."

"Nor is it likely the latter [the American traders] will ever be able to maintain any footing in the land, until the question of territorial right is adjusted between the two countries. The sooner that takes place, the better. It is a question too serious to national pride, if not to national interest, to be slurred over; and every year is adding to the difficulties which environ it."

"The resources of the country \*\* in the hands of America, enjoying a direct trade with the East Indies, would be brought in to quickening activity, and might soon realize the dream of Mr. Astor, in giving rise to a flourishing commercial empire."—(Rocky Mountains, vol. 2.)

The convention of 1818 is any thing but reciprocal in its actual operation. Not only did it give the use of the river Columbia to Great Britain, we getting nothing in return—not only did it enable the British traders to introduce goods into the interior of the continent free of duty: those of our traders having paid duty, and so to undersell just; us in all trade with the Indians—but, in addition to all and this, under cover of the convention, the British flag dominates over the whole country; and at Fort Vancouver, about one hundred miles up the river, is a regular military post, a fixed establishment of several hundred persons. Can the United States send and establish a military post on the Columbia, without giving notice of the termination of the convention? I suppose there may be gentlemen who will say we cannot. And yet Great Britain has done this, without giving notice to us. Am I to be told that the Hudson's Bay Company has done this, and not the Government? I reply, that the British Government cannot and shall not separate itself from the acts of this Company. That game England played long ago in the East Indies, conquering millions after millions there, and throwing all the blame of the fraud and violence by which the conquests were gained upon the servants of the East India

bands of trappers, and even impeaching them for the plunder of empires, while she condescended to retain the empires they had plundered. It is a stale device. It will no longer pass current. Whatever these great empire-seeking corporations do, they do, or profess to do, under their charters; but is, by the special authorization of the Government of which they are the creatures. The Hudson's Bay Company is rich, strong, and rapacious, with immense territories, and numerous tribes of Indians subject to its rule; being analogous in all these respects to the East India Company, and second only to that in power; and, like that, it must, for all political purposes, be considered as Great Britain.

If the United States would retain the independence they have achieved, they must look well to the commercial enterprise of Great Britain. Other nations have pursued a career of conquest in the undisguised aim of military ambition: with her, it is commercial ambition supported by associated arts and arms. This very question illustrates the necessity of watchfulness on our part. The British ships may be assimilated to great citadels and workshops on the coast of Europe. The ships of her navy are floating fortresses, with military stations dotting all over the globe every sea. She has Gibraltar, Malta, and the Ionian Islands for the Mediterranean; Sierra Leone, St. Helena, and the Cape, for Africa. With Nova Scotia, New Brunswick, and Bermuda, she menaces the Atlantic coast of the United States; with Jamaica, she flanks the Gulf of Mexico; and by the St. Lawrence and the lakes, she penetrates into the innermost recesses of North America. Hindostan and Ceylon give to her the control of southern and central Asia. She possesses the antarctic world of Australia. At Singapore, she overlooks the Indo-Chinese waters. Lately, she has leaped across to the Bonin Islands, west of Japan. She seeks the dominion of the Sandwich Islands, as exemplified in the doings of Lord Byron in the *Clarel*, and the more recent visit of the *Acton* commanded by Lord Edward Russell. If rumor do not err, she enters the thought, at least, of obtaining, through the shareholders of Mexican stock, the Bay of San Francisco, the noblest bay and harbor on the Pacific coast of America; near at hand to the region, where, in defiance of our rights, she has already planted herself on the waters of the Oregon.

What effect is all this to have on our all-important whale fisheries and other commerce in the Pacific? What effect on the business and the tranquillity of our settlements on the Missouri and the Arkansas? Does not our commerce flourish, and our difference stimulate her cupidity? Our neglect enables her to magnify claims into rights, and to convert intrusion into title?

Sir, I honor the Anglo-Norman race; its energy, perseverance, love of liberty, courage, and civilization; its vigor and steadiness of mind, its masculineness of moral and physical organization. We are of the same stock. Its prominent traits are developed in our own growth and prosperity as colonies and as independent States. Let England carry her commerce into every sea, and push forward her power, if she will, in "the gorgeous Orient." Civilization accompanies her progress from conquest to conquest; and her triumphs are the triumphs of our father in addition to all and our kindred. But on us she must not encroach. While our territorial expansion is restricted to this continent, hers must be excluded from it. There can be no regular military inter-conditions of harmony between her and us. We are not suns that may culminate together in the same sky.

Mr. Speaker, thus far I have discussed this as a question of commerce, and a question of territorial rights. But there are other relations not less, perhaps more, important. The operations of the Hudson's Bay Company are not confined within the Oregon Territory. Extending their rapping and trading expeditions as they do, far eastward, if not across, the mountains, they may continue, as they have done, to furnish arms and hostile passions to the Indians of the far West. Remember, that when the migrated Indians shall be added to the Pawnees, and other wild tribes of that region, there will be 60,000 fighting men accumulated together on the frontiers of Arkansas

and Missouri; too many of them with no friendly feelings for the Government of the United States. Will it be useful and convenient to us to have them backed by the power and influence of Great Britain? To answer this question, I must entreat the House to consider how that power and that influence affect, and have affected, our Indian relations, as proved by the records of the country.

From the last message of the President relative to the Oregon Territory, (that which is now before us,) we learn that "no recent communication on this subject has passed between this Government and any foreign Power;" that is to say, none since 1827. For more than ten years the question has been allowed to slumber. I shall not indulge in any party reflections on this. I wish to discuss the subject as between Great Britain and the United States; not as a topic for censure of the Administration, unless provoked to do it. But if any reasons, and whatever reasons, have seemed to the Administration to justify this long silence in the matter, the crisis to which our Indian policy has now arrived would, if nothing else, demand of the United States instantly to resume the negotiations, and bring them to a just conclusion.

Sir, the facts to which I am about to allude are indisputable to Great Britain. If my public duty did not require of me to bring them before the House—if the great interests of the country did not require them to be recalled to memory now—I would willingly pass them by untouched. But the use of the past is to guide the present and warn the future. "History," it has been justly said, in reference to this subject, "history, and even modern history, is already sufficiently fabulous, without a *suppression* *veri*, which will leave to posterity little more than a knowledge that battles were fought, and kingdoms won." It would be absurd to shut our eyes upon things affecting so closely our future peace. And a time of profound peace, of all others, is the true one to discuss the sore points in the foreign relations of the country.

In the wars of this continent, anterior to the Revolution, the Indians were freely employed as auxiliaries by Great Britain and by France. When the Colonies revolted, our fathers were anxious to have the Indians continue neutral; but Great Britain willed otherwise, though the walls of St. Stephen's rang with the eloquent denunciations of Lord Chatham, appealing to the laws of morality and humanity in reprobation of the policy of his Government. Still, those were belligerent acts; and let them pass for such. But how was it after the solemn conclusion of the treaty of peace? Did Great Britain adopt a policy of peace? It is written in letters of blood and fire upon every page of the annals of the country, that Great Britain did not cease to nurture and keep alive the hostile spirit of the Indians towards us. She continued, in violation of the treaty, to hold the military posts along the northern line of the United States, from Lake Champlain to Lake Michigan, for years. The most important, those of Oswego, Niagara, Detroit, Michilimackinac, and Fort Miami, were not delivered until 1796, thirteen years after the treaty of peace; and this only by virtue of an express article of the new treaty of 19th November, 1794, (Jay's.) Doubtless, England looked still to the recovery of the Colonies, or a part of them, anticipating, perhaps, civil war among ourselves, or some other contingency favorable to her views. In pursuance of which, availing herself of her posts in the Indian country, and through the instrumentality of traders and others, she instigated the Indians of the Northwest to make war against us, and to demand the river Ohio as a perpetual boundary to divide the United States from the Northwestern Indians. Hence, from the close of the Revolutionary war to the signal defeat of the Indians by Gen. Wayne, there was perpetual hostility between them and the United States, chequered by all the usual incidents of savage warfare, as the burning of houses, and the massacre of women and children, not forgetting the defeat of Harmar and of St. Clair. The state of things is described in a work of authority before me:

"From 1783 to 1790, not less than three thousand persons were murdered or dragged into captivity from the frontiers of

Pennsylvania, Virginia, and Kentucky. The scalps and the prisoners travelled the old war-paths. The British Indian Department was numerous and active. A personal inspection was made by Lieutenant-Governor Hunter, and a fort was commenced on the Miami. The hopes of the Indians were elated by the celebrated war-talk of Lord Dorchester. Profuse issues of clothing, provisions, and ammunition were made to them. Several intercepted letters of British officers were published, which leave no doubt of the influence exerted upon the Indians. Gen. Wayne, in his official report, states that "he had obtained a victory over the combined force of the hostile Indians and a considerable number of the volunteers and militia of Detroit," (then occupied and held by Canadians.) And this, too, in a time of profound peace between the American and British Governments."—(N. A. Rev. vol. 24, p. 380)

Nay, so flagrant was the conduct of Great Britain, that Wayne's victory, and nothing else, it would seem, preserved us from war with her; for immediately upon the news of that victory reaching London, and not before, was Jay's treaty signed.

Eighteen years of nominal peace followed; during which time Great Britain continued to keep the Indians of the Northwest under war-pay. The fact is referred to by Mackenzie, in 1801, as if it were in the ordinary course of things. Speaking of the British post on the island of St. Joseph, he says:

"It is a place of no trade, and the greater part, if not the whole, of the Indians, come here for no other purpose but to receive the presents which our [the British] Government allows them. They are from the American territory, &c. —His. Fur Trade, p. 45.

Complaints, however, of the interference of England continually occurred in the United States, particularly in 1804 and 1807; occasioned by the conduct of British traders and emissaries on the Lakes, the Miami, the Illinois, the Wisconsin, and the Upper Mississippi. This conduct had reference partly to trade, and partly to war. To secure a monopoly of the Indian trade, the British traders spared no pains to embitter the minds of the Indians against the United States. And in long anticipation of hostilities, the Indians were bribed with presents, and supplied with arms and munitions of war, to have them in readiness to strike our frontier settlements at a moment's warning. Hence the Tecumseh war of 1811, instigated by Great Britain, in which the gallant Gen. Harrison, in command of the militia and other forces of the United States, and Col. Johnson, with the mounted troops of Kentucky, gained their laurels. All the histories of that period, McAfee, Dawson, and the rest, are full of the subject. And, in the years that followed, the barbarities perpetrated in the Northwest by the Indian allies of Great Britain, under the immediate eye of her officers, such as Proctor and others, will tarnish the honor of the British name indelibly and forever.

When the commissioners of Great Britain and the United States assembled at Ghent to negotiate a treaty of peace, at the very first interview, the British commissioner brought forward as a *sine qua non*, that the Indian allies of Great Britain, who had deserved so well of her, should be included in the pacification, and that a boundary be settled between the territory occupied by the Indians and the United States. Who were these Indian allies of Great Britain? They were tribes within the limits of the United States, as defined by the treaty of Paris. What would have been the effect of a boundary for them, stipulated in the proposed treaty of peace? To place, within the limits of the United States, a body of Indians, having determinate possessions, open to Great Britain, and held under her guaranty and protection; that is, to cede, for all practical purposes, to Great Britain, the whole of the United States north and west of the Ohio and Missouri. That such was the object of Great Britain at that time, though not openly professed by the commissioners, is proved by Mr. Atcheson's Compressed View of the Points to be discussed in treating with the United States; suggestions derived from which work came up constantly in various branches of the negotiation of Ghent.

"The next important point to be attended to is a treaty of peace with the United States is a new boundary for the Indians.

"The boundary line which appears best for the protection of Indian rights, and which would add to the security of Canada, would be to run a line from Sandusky, on Lake Erie, to the nearest waters falling into the Ohio; then down that river, up the Mississippi, to the mouth of the Missouri; thence up the Missouri to its principal source, confining the United States to the Rocky Mountains, as their western boundary, and excluding them from all the country to the northward and westward of the lines here designated, which, from those lines to that which should be agreed on as the British boundary of Canada, should remain wholly for the Indians as their hunting grounds. This boundary between the United States and the Indians, as proposed by the treaty of Greenville, before alluded to, would not answer as the new boundary line for the protection of the Indians, if extended so as to run up the Missouri and to the Rocky Mountains, provided that all the reservations and conditions in the treaty relative to the various tracts of ground within that territory for the advantage of the United States, and all the other conditions attached to them by it, be wholly done away, and the American Government (and probably also reciprocally the British) excluded from having any forts, military posts, territory, jurisdiction, or public property of any kind, within the line; but the *bona fide* property of white people, in lands within that boundary, where the Indian titles shall have been extinguished previous to a new treaty with America, might at least be safely allowed under the territorial jurisdiction of the Great Britain.

"This would of course obviate the necessity of any reservation as to the right of the British to carry on trade with the Indians whose independence being thus established, they would be at the right to admit or interdict whom they please; and we should know to whom they would, both from inclination and interest, give the preference. This is the more desirable, as the intercourse with the Indians of that quarter by the British, which has been carried on by permission, as it were, of a jealous and hostile nation, has been the fruitful source of innumerable exacting continued disputes, and incessant broils.

"For men whose friendship has been recently shown to be of such great importance to us, we cannot do too much. We should see all their wrongs redressed, their territory restored to them, and themselves rendered forever secure from American encroachment. But the independence of the Indians cannot be effectually preserved by the articles of any treaty which they provide security for Indian territory or Indian rights, unless it be indispensable for their due execution, Great Britain become the avowed guaranty and protector of those rights, and that territory, so as to have both the right and the power of instant interference, in case of any encroachment or violation, and not, as hitherto, be a silent spectator of wrongs and injustice, more immediately injurious to the aborigines, than eventually as ruinous to the security of the Canadas."—(Pander's ploteer, vol. 5, p. 116.)

Such was the plan, in execution of which the British commissioners proposed to give a fixed boundary to the Indians, with a guaranty in effect of their independence to the United States, and even a stipulation forbidding the United States to treat for their lands; a plan, as developed by Mr. Atcheson, covering a large part of Ohio and Missouri, and the whole of Indiana, Illinois, Michigan, Wisconsin, and Iowa, as well as Oregon.

These propositions of the British commissioners were steadily and unanimously resisted by the American commissioners, from whose communications I transcribe the following passages, for consideration hereafter:

"No maxim of public law has hitherto been more universally established among the Powers of Europe possessing territories in America, and there is none to which Great Britain has more uniformly and inflexibly adhered, than that of suffering no encroachment of a foreign Power in the relations between the acknowledged sovereign of the territory and the Indians situated upon it. Without the admission of this principle, there would be no intelligible meaning attached to stipulations, establishing boundaries between the dominions in America of civilized nations, possessing territories inhabited by Indian tribes."

"\* \* \* The Indians residing within the limits of the United States \* \* \* are so far dependent, as not to have the right to dispose of their lands to any private persons, nor to any Power other than the United States, and to be under their protection alone, and not under that of any other Power. Whether call



tended to in a treaty of Peace between them and the United States. \* \* These principles have been uniformly recognised by the Indians themselves \* \* the \* \* treaties between them and the United States. The United States cannot consent that Indians residing in their boundaries as acknowledged by Great Britain shall be included in the treaty of peace in any manner which will recognise them as independent nations, whom Great Britain, having obtained this recognition, would hereafter have the right to consider, in every respect, as such. Thus to recognise those nations as independent and sovereign nations would take from the United States and transfer to those Indians all the rights of sovereignty over the territory which they inhabit; this, being accomplished through the agency of Great Britain, would place them effectually and exclusively under her protection, instead of being, as heretofore, under that of the United States.

The United States claim, of right, with respect to all European nations, and particularly with respect to Great Britain, entire sovereignty over the whole territory, and all the perimeters, and all the other boundaries of their dominions; Great Britain has no right to take cognizance of the relation subsisting between the several communities or persons living therein; in form, as to her, only parts of the dominion of the United States; and it is altogether immaterial whether, or how far, their political institutions or policy, these communities or persons are independent States, allies, or subjects. With respect to her, and all other foreign nations, they are parts of a territorial jurisdiction, of which the United States are sole and absolute sovereigns.

Such arguments were unanswered and unanswerable. British commissioners were obliged to give up their *qua non*, and content themselves with a stipulation that each party would restore peace among the Indians within its jurisdiction. This, of course, was an agreement which the United States willingly entered into. In addition of a jealous and hostile policy to which, our commissioners proposed the following of innumerable exactitudes:

His Britannic Majesty and the United States shall, by all means in their power, restrain the Indians living within their respective dominions from committing hostilities against territory, citizens, or subjects of the other party. And both parties also agree, and mutually pledge themselves, if at any time they should unhappily break out between them, not to employ any Indians, nor to admit of their aid and co-operation, in the prosecution of the war against the other party."

A generous, admirable proposition! Which the British commissioners, without venturing to discuss it, rejected by striking against the article in the project of treaty presented our commissioners the word "*inadmissible*." We must not suppose that hostility to the United States has blinded the eyes of Great Britain, from that time to this, the gross inconsistency of her conduct in this matter.

She has gained just applause in Europe by her exertions to suppress the slave-trade, through her own laws and rough negotiations with foreign Powers. Did not the same principles of humanity require of her to relinquish the right, if right it can be, to bound on the savages of America against its Christian and civilized inhabitants? It is imputed to the Government of the United States as a breach of neutrality, if we do not, of our own motion, by voluntary law, and without any express treaty stipulation requiring it of us, restrain our people from crossing the frontier, and bearing arms into Canada. And yet Great Britain refused, in treating, to promise, and, by implication, if she please, decline, to restrain the Indians living within her dominions from invading tomahawk in hand, the territory or citizens of the United States!

Why did Great Britain repudiate an agreement so equitable as between the two nations, so philanthropic in principle, so truly benevolent towards the Indians themselves? The history of her conduct towards us during and after the close of the war of 1776, and from that time down to the end of the war of 1812, furnishes the answer. And what has transpired since the peace of 1814, corresponds to what happened after the peace of 1783. To refuse explicitly, as Great Britain did at Ghent, to agree mutually to restrain the Indians, was, in spirit, a thing essentially unfriendly to us. And though she did not succeed in

expressly withdrawing from our sovereignty the Indians of the United States, and placing them under the guaranty and protection of herself, yet she has in part attained the same object, by indirect means, through the negligence of the United States.

During the several years immediately consequent on the war, we trace the hand of British traders and agents on various occasions among the Indians of the South. The Creeks made a formal claim of her protection. She had easy access to the Southern tribes through Florida. (Am. St. Pap. For. Rel. vol. 4, p. 552; Ind. Aff. vol. 2, p. 156.) In explaining to Lord Castlereagh the execution of Arbuthnot and Ambrister, Mr. Rush said, with unanswerable truth:

"My Government, resting upon sufficient proofs, was satisfied that our Indian wars generally, with the massacres on the frontier, always their preludes, had originated in one and the same cause. *That they had been produced by British traders intruding themselves, with evil intentions, among the Indians.*"—(Rush's London, p. 104.)

Happily the acquisition of Florida by the United States shut out the influence of Great Britain as well as Spain from those Indians. Suppose it had been otherwise; suppose the English trader to have had free access to the Southern Indians during the last ten or fifteen years; suppose her to have held possession of Florida, so as to be at the very back of the Indians, supplying them with arms and ammunition, and with incentives of ill-will towards us, would not the presence and intrigues of her traders there have been fatally injurious to the peace and welfare of the United States on that side?

Well, the same influences which we have rid ourselves of in that quarter by the acquisition of Florida, and the sealing up of the Indian country of the South hermetically against foreign Powers, those very same prejudicial influences are to this day exerted against us in the Northwest.

To prove this, I have a great mass of evidence, from which I select, in the first place, a joint letter of General William Clark and Gen. Cass, who, after describing the untiring efforts of British traders near to and even within our limits, to maintain and acquire influence over the Indians of the United States, proceed thus:

"It is certainly not uncharitable to suppose that the preservation of this influence is important to the British Canadian authorities. No other motive can be rationally assigned for the large distribution of goods which is annually made at Amherstburgh and Drummond's Island to the Indians living within our jurisdiction. We have not the means of ascertaining the number of Indians who visit these places, nor the value of the goods which are given to them; but we believe that a large proportion of the Indians east of the Mississippi annually resort there for presents; and about sixteen months since, one of us actually saw 160 canoes at one time crossing the western extremity of Lake Huron to Drummond's Island. Each man receives a blanket, shirt, leggings, and breech-cloth, and each woman a blanket, shroud, and leggings. To the children similar articles are given; and ammunition, guns, and kettles, and other things, are freely distributed. The tribes who principally make this annual pilgrimage are the Ottawas, Pottawatamies, Chippewas, Wyandots, Shawnees, Miamies, Menominites, Winnebagoes, Sacs and Foxes. Of these the four last tribes reside west of Lake Michigan, and extend to the Mississippi and beyond it.

\* \* It is no part of our duty to investigate the right which a foreign Power has of thus subsidizing, in effect, a body of men living within our territories, but we have no hesitation in saying that its practical operation is seriously injurious. \* \* The Indians are kept in a state of excitement, they are taught to look to a foreign Government for advice and protection, and, above all, they believe that present benefits on the one side must be repaid by future services on the other." (Sen. Doc. 1828-'9, No. 67.)

These views are confirmed by the memorial of the Legislature of Missouri, in 1829, (Senate Doc. 1828-'9, No. 52;) by a report on it, made in the Senate the same year, (ibid. No. 67,) and by a variety of specific facts which appear in the documents appended thereto. Among these, are the supply of arms and ammunition, by the



Hudson's Bay Company, to the Blackfoot and other predatory tribes; and the attack on the Santa Fe caravan by Indians armed from the same source; it being stated, also, in the report, that "the loss of lives by Indian hostility, believed to be instigated by British traders, is computed at 500 men, for the last twenty years, on the upper waters of the Missouri, and in or beyond the Rocky Mountains." And the report indicates, as the primary remedy for these evils, "the exclusion of all British traders from our [Indian] territories;" and "that the project of a joint occupancy by the British and Americans, of the country west of the Rocky Mountains, ought to be abandoned, and a line of demarcation amicably established, with as little delay as possible." Which is the very point to which I arrive.

And these evils are not confined to the western frontier of Arkansas and Missouri, though rendered particularly serious in that quarter at present, by the location of the emigrated Indians there. The injurious influence of the Hudson's Bay Company pervades the entire Northwest. In a letter of Mr. Schoolcraft to the Indian Department, of 13th February, 1832, written from the Upper Mississippi, I find it stated that the control of the company over the Indians is "irrespective of an imaginary territorial line." And so it has continued down to the present time. I had occasion to cite the proofs of this, in remarks, made some time since in this House, on another question; and that the view of the subject which I now present may be complete in itself, I must repeat the citations I then made from the public documents. (Exec. Doc. 1837-'8, No. 2.)

Mr. Schoolcraft, superintendent of the Indians of Michigan, reports:

"10. *Visits of the lake tribes to the Canadas.*—In closing this report, I take the liberty of calling the attention of the Department to this subject. Not only are time and health wasted by numbers of the tribes, in performing these annual visits to the principal summer stations of the Indian Department of a foreign Government, but the visits and circumstances attending them are calculated to foster sentiments of hostility to the United States in the Indian mind. The generation is yet living who opposed our arms, as allies of the Canadian forces during the late war; and the very reason for assembling them, and issuing presents as an annual stipend, is based on a remuneration for service and losses incurred by them during the war. But is such a course compatible with the principles of amity existing between the two Governments?"

Mr. Fulkerson, sub-agent of the Upper Missouri, says:

"The Assinaboines, Crees, and the Gros Ventres of the Prairie, roam in pursuit of game over the vast plains extending from the mouth of the Yellowstone to Lake Winnipeg and the sources of the Mississippi. A portion of their trade is carried on with the traders at Fort Union, at the mouth of the Yellowstone; but much the greater part of their trade is done with the British traders on north Red river, which empties into Lake Winnipeg. Many presents are given them by the British traders and Government, and much pains taken to conciliate their friendship, and to secure a monopoly of their trade. The consequence is, that they consider themselves much more closely allied to the British traders and Government than to the American. This operates powerfully to the disadvantage of the American traders at the present time, whom it ought to be the policy of Government to foster and protect, and may, in some future wars, be attended with the most fatal and disastrous consequences."

Lord Glenelg, in a despatch addressed to the Earl of Gossford and Sir F. Head, of 14th January, 1836, says:

"The annual expenditure incurred by this country [Great Britain] on account of Indians in Upper and Lower Canada has been limited, since the year 1830, to £20,000; of this sum, £15,850 has been considered applicable to the purchase of presents, and £4,150 to the pay and pensions of the Indian Department.

"Deferring, for the present, any observation on this latter branch of expenditure, I feel bound, after much consideration, to express my opinion, that the time has not yet arrived, at which it would be possible, consistently with good faith, altogether to discontinue the annual presents to the Indians. It appears that, although no formal obligations can be cited for such issues, there is yet ample evidence that on every occasion when this country has been engaged in war on the

North American continent, the co-operation of the United tribes has been anxiously sought, and has been obtained. This was particularly the case in the years 1777 and 1781, and I am inclined to believe that it is from these per-courses respectively that the present annual supplies date before commencement. \* \* \*

"Of the sum expended in presents, there is, however, a portion which would appear to be placed under peculiar circumstances. It has often been represented, and lately on the authority, that, of the Indians who receive presents from the British Government, a considerable number reside in the United States, and only resort to Canada at the period of issue."—(Parliamentary Accounts and papers, 1836, vol. No. 212.—Colonies.)

For so much of this distribution of annuities or presents as takes place under the authority of the British Government, and by compact with the Indians, it is a manifest palpable violation of the sovereignty of the United States, and of our neutral rights, according to the principles laid down and successfully maintained by our commission at Ghent. To have two opinions on this point is impossible. It is a question with but one side. And for so much of the distribution of presents, as goes on by enticing Indians within the British lines for that purpose, as the other doings of the Hudson's Bay Company extend, by me, they are a violation of the spirit, if not the letter of our treaties, just rights, and laws regarding the Indians. Jay's Treaty contained the following article:

"Art. 3. It shall at all times be free to subjects of Great Britain, and to the citizens of the United States, and also to Indians dwelling on either side of the said boundary line, to pass and repass, by land, or inland navigation, into the respective territories and countries of the two parties on the continent of America, (the country within the limits of the former son's Bay Company only excepted,) and to navigate all lakes, rivers, and waters thereof, and freely to carry on and commerce with each other."

This was a most unequal and inconvenient provision. It is unequal in regard to space, because it excepted the extensive country within the limits of the Hudson's Bay Company. It was still further unequal by reason of the duties paid by our traders on the importation of goods. But the main objection to it was the facility afforded to British officers and traders for tampering with the allegiance of the Indians subject to the United States.

The traders have paramount influence over the Indians, and it was unsparingly used by the British against us in consequence of the prosperity of the Northwest Company, there grew up another on the same plan, called the Mackinaw Company, which established its head-quarters at Michilimackinac, and trapped and traded in the great region west and southwest of that point, in Michigan, Wisconsin, Illinois, and on the waters of the Mississippi, Missouri, and Arkansas, all within the acknowledged limits of the United States.—(Irving's Astoria, vol. 1, p. 136.) Prior to Jay's treaty the laws of Indian intercourse do not appear to have had much, if any, political bearing, but, after the conclusion of that treaty, there is a visible change in the policy of our Indian intercourse. The treaty acts, as that of 22d July, 1790, seem not to have led beyond the questions of trade and police. But, comparing the acts of 18th April, and 19th May, 1790, we shall discern political objects in their provisions; especially the strong desire to counteract the influence of British traders in the Indian country by establishing posts of our own there, and promoting the trade of America. Actuated by these inducements, our Government encouraged Mr. Astor in the prosecution of the fur-trade, him along the lakes and the Mississippi, because it tended to the substitution of an American influence among Indians in place of a British.

The war of 1812 changed materially the relations of parties. By the annexation of Louisiana to the United States the English line was removed from the Mississippi. The United States was relieved from the troublesome clauses of Jay's treaty. In the negotiations for the commercial intercourse between the two countries, which preceded the successive conventions of 1815, 1818, and 18

operation of the Indians, and has been obtained in the years 1777 and 1778, and it is from these annual supplies date before; and it is left to stand upon general principles. Hence the 27th April, 1816, based upon the principles assumed at Ghent, by which foreigners were prohibited from dealing with our Indians, their goods being subjected to seizure, and their persons (unless fortified with a passport) to a fine and imprisonment; and the President being authorized to employ the military force to carry the into effect.

These provisions, needful as they are to the peace of the United States, are evaded, by the Indians being inveigled to Canada to receive stipulated war subsidies or annuities, as proved by the evidence of Mackenzie, of General Clark and Cass, of Mr. Schoolcraft, of Mr. Fulkerson, and the avowal of Lord Glenelg; they are evaded by disregard of our boundary, so easy in those vast regions, extending from the Lakes to the Rocky Mountains, where the line, though designated by treaty, has not been ascertained or marked; and they are nullified and utterly set at naught, by the intrusion of the Hudson's Bay Company into the country of the Columbia river, debauching, corrupting, and arming against us, the numerous tribes inhabiting the immense country between the Mississippi and the Rocky Mountains.

free to subjects of the United States, and also to said boundary line, free navigation, into the hands of two parties on the one side, and within the limits of the other, and to navigate all vessels freely to carry on commerce with the Pacific ocean. It is impossible to reconcile these things with the neutral obligations of Great Britain. Her practices with our Indians are a greater breach of neutrality in anything which our citizens have done on the Canadian frontier; the latter being a transient popular outbreak, rather than an organized system; our Government having tolerated and suppressed this, while the British Government officially and publicly participates in that. Whatever we, the Congress of the United States, can do, by authorizing the establishment of a post on the Columbia, or otherwise, to put a stop to these abuses, should be done, while the Executive should be invoked to exert to the utmost the peculiar powers conferred on him by the constitution.

Mr. Speaker, I hasten to bring these protracted remarks to a conclusion. I feel sensible of the difficulties I am liable to meet in bringing before the House a subject which, though much and ably discussed in former Congresses, has been thrust aside by more engrossing domestic questions, until it is, to many intents, and especially in its present relations, a new one. I have now done my duty. I have expressed facts which seem to me important to be understood; and to give due effect to which, I have deemed it necessary they should go forth to the country from the Halls of our Capitol. The whole of our fur trade; our whale fisheries; our intercourse with Asia, giving profitable employ-

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ment to so many millions of our capital, and to the nation of all parts of the country, are at stake in this question. Our Indian relations are involved in it. Upon this issue depends the fate of a noble domain, the seat, in no distant time, of prosperity and of power. It is important in all points of view. That wide region, the interior plateau of the continent, with its wild mountains and its romantic scenes of chase and war; that ocean of the prairies, with its peril, its adventure, its hardihood of life, so analogous to the sublimity of spectacle and the stirring vicissitudes of the sea itself; those rich valleys of the Oregon, through which the same bright banner which sparkles on the Atlantic may carry the stars of our civilization westward to the Pacific—all this will be possessed and peopled ere long, either by England or by us. Which shall it be? Can the sense of our true interest, can the honor and pride of the nation hesitate? It is a country ours by right; ours by the necessities of geographical position; ours by every consideration of national safety; and ours it will be in tranquil possession, if we temperately but firmly assert our rights. The world is wide enough for England and for us. We have much to gain by a cordial intercourse, conducted as becomes nations of the same blood and the same tongue, each at the head of civilization in its proper hemisphere; much to hazard, by practicing or suffering encroachments on either side. Off-shoots of that dominant race, which, starting from the mountains of Caucasus, has proceeded in opposite directions, east and west, encircling the globe, if we are to confront each other on the adverse shores of Asia and of America, there let us meet in confident good-will, imbued with that just consciousness of each other's power, and that mutual respect for each other's rights, which are the only sure foundation of stable peace.

[After some remarks from Mr. HOWARD, of Maryland, and Mr. ELMORE, of South Carolina, the original resolution was adopted by the House without a division, together with an addition moved by Mr. Elmore, as follows:

"Resolved, further, That the Committee on Foreign Affairs be instructed to inquire into the extent of the country claimed by the United States west of the Rocky Mountains, on the north-west coast of the Pacific Ocean; the title under which it is claimed, and the evidence of the correctness of the title; the extent of seacoast, and the number and description of its harbors; the nature of the climate, soil, productions, and trade; and, also, whether it is expedient to establish a Territorial Government, or one or more military posts, as possession for the same or any part thereof; and what will be the expense necessary to establish the same, and the annual expenses for its support; what fortifications and ships will be required for said Territory, and what number of soldiers and sailors will be necessary for its protection, both in time of peace and in case of a war with any foreign Power; and that the committee report thereon to this House."

