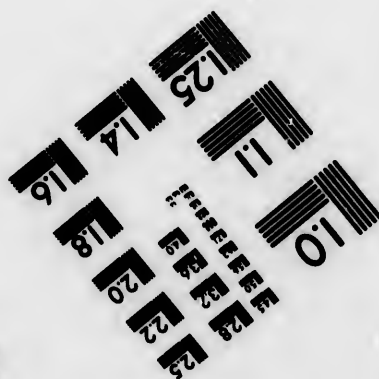
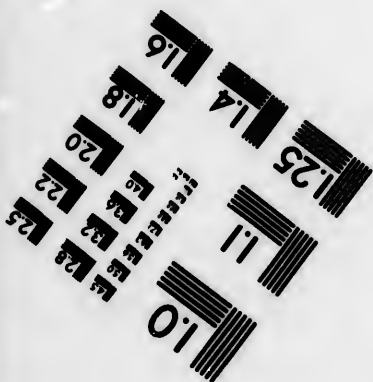
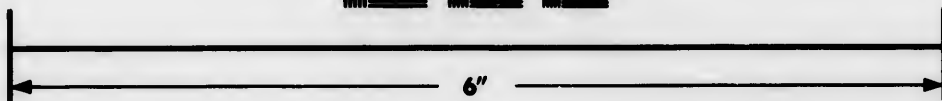
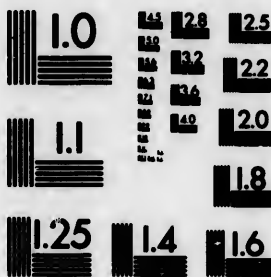


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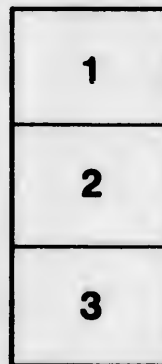
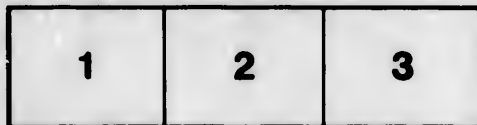
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# SPEECH

OF

## MR. ROCKWELL, OF CONNECTICUT,

ON THE

### OREGON QUESTION.

*Delivered in the House of Representatives, U. S., January 16, 1846.*

The House being in Committee of the Whole, and having under consideration the joint resolution reported from the Committee on Foreign Affairs, directing the President to give notice to Great Britain that the United States will terminate the convention between the two Governments, providing for the joint occupation of the Oregon territory, at the expiration of twelve months—

MR. ROCKWELL, of Connecticut, having obtained the floor, said—

MR. CHAIRMAN: I have been desirous of addressing the committee on the exceedingly important question before them, from the interest which I take in the decision, and because a portion of those whom I represent here feel an interest still deeper and more vital than my own.

The district which I am honored by representing on this floor, with only one exception, is more extensively engaged in the whale fishery than any in this country. There are more than one hundred and twenty ships and barques now engaged in that fishery from that district, all at sea, and most of them expected not to return in less than one, two, or three years. The property thus at risk is about four millions of dollars, almost the whole of which would be cut off in case of a war with Great Britain. My constituents naturally feel a deep interest in this question. I have before me a petition from New London, with the exception of New Bedford, the most extensively engaged in the whale fishery of any port in this country or Europe, forwarded me by a former valued member of this House, (Mr. WILLIAMS,) extensively signed, without distinction of party, by the citizens of that place, urging upon Congress to adopt early measures for the amicable settlement, by negotiation, arbitration, or some other mode, of this vexed question; and this very morning I have received, from a friend at Stonington, a letter from which I will read some extracts:

"From Mystic and Stonington, 44 ships, 13,597 tons—1,300 men employed; capacity of all, 115,000 barrels. My impression is, that three-fourths of the above ships and outfits are owned by the citizens of Stonington and Mystic, and that they are paid for. Say five or six may be expected home next spring; the balance in one, two, and three years. These ships and the dwellings we occupy constitute the bulk of all the property we have. In the event of war, our ships would certainly be exposed, and, as to our dwellings, a steam-ship might enter our harbor and burn every building in our village in two hours. This being our situation, you must not be surprised at our anxiety to have an honorable and peaceable settlement of the Oregon, and all other questions which, if not settled, might lead to war." "We shall hope for the best, and patiently wait the result. Should war come, and we be robbed of all our property, we think we should be found as serviceable in defending our country as the gentlemen in Congress who talk so of much spilling their last drop of blood."

And so I think, Mr. Chairman. I assure gentlemen that if, by the unwise counsels prevailing with the Administration, or the reckless policy in-

dictated by the majority in this House, the country should be involved in a war, and they be robbed of their property, they *will* fight at least as faithfully in defence of their country as the most valiant on this floor.

(Mr. JOHNSON, of Tennessee, and others—I hope it will prove so.)

I *know* it will, sir. They are not a timid people. Their courage and patriotism have been shewn in repeated instances.

There are some points on which we all seem to be agreed. All profess themselves very desirous of *peace*. There is not, professedly, an advocate for war. Those who advocate the notice, say they do it because it is a peace measure; and those who oppose it, do so because they wish to avoid a war. We are also all exceedingly patriotic, and all unite in the very unnecessary declaration, that, if we are brought into a war, whether by the wisdom or folly of the Administration, we will defend the country. This patriotism is of the very cheapest kind, and these declarations are very harmless, as the probability is, that the blood which is to be shed will come from the veins of others, and not of them. They may do the *talking*, but others will do the *fighting*. And, in relation to our claim of the title to the territory, I agree with others in saying, that I think our claim is the best claim to that country; and if I thought otherwise, I should not be inclined to perform the ungracious task of pointing out the defects of our own title. In our private affairs, we never feel called upon to proclaim a flaw in our title deeds, if any exists. Such defects are soon enough detected, by our vigilant and acute antagonists.

Nor is this a party question. Gentlemen on both sides of the House adopt different sides of the question. It is one of such paramount importance, and on which the future destiny of the country so much depends, that it would be deplorable to have it a subject of mere party warfare. For my own part, sir, "I ask not whence the wind cometh, but whither it goeth," and if any measure proceeds from honorable gentlemen on the other side of the House, which has for its object the public good, the preservation of the honor and peace of the country, "my bark is ready."

On a former occasion, in the discussion of this question, a very distinguished gentleman recommended a "wise and masterly inactivity," the wisdom of doing nothing. It was a happy remark, made, I believe, at an earlier period, by Mr. John Randolph, in a debate in this House, and, before him, by Mr. Burke. And for my own part, sir, I not only think the remark a happy one, but, at the time it was made, it pointed out the true policy of the country. It was unwise even to have agitated this question at that time, by any movement of our own. No difficulties whatever had arisen in the country—no collisions or controversies of any kind. Our own people, in considerable numbers, were settling the country, and, at the same time, settling the question in our favor. Indeed, the question was settling itself. The *patriarchal* method, so highly lauded by the chairman of the Committee on Foreign Affairs, was undoubtedly the best policy. I thought the honorable chairman was somewhat inconsistent in the suggestions of the benefits arising from the occupation of the country by the women and children, the flocks and the herds, and the *two millions of Chinese*, which, facetiously, I doubt not, although with a grave face, he said, would occupy and till the country in two years from this time; and at the same time recommending measures which would bring this question to a very sudden and perhaps hostile issue. He quoted from Shakespeare. There is an older and higher authority, which says "be fruitful and multiply, and replenish

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the earth, and *subdue it.*" Now, the just construction of this command, accompanied with a blessing, is, that our great progenitor, and his posterity, should *subdue the earth*; should turn the subsequent curse into a blessing; should overthrow the "thorns, also, and the thistles," and with the sweat of their face should eat their bread, and earn it too; should bring into subjection and under the dominion of Adam's posterity, that ground that was cursed for his sake. But the idea which my honorable friend seems to have is, that these women, and children, and Chinese, must *subdue* the people already there.

But although, Mr. Chairman, this *inactivity*-policy was doubtless our true policy, it is no longer so. Although *precipitancy*, of all things, is to be most avoided, any long *delay*, in settling this question, is exceedingly dangerous; we wish no *hasty* action, and as little any long postponement of the question. The difficulty in question should be at once compromised—negotiations ought to be resumed. I care not by whom the proposition to resume the negotiation is first made. So long as the real honor of the country is not compromised, it is unmanly trifling, for either party to risk a war upon some punctilio of diplomatic ceremony, as to who is to make the first advance toward negotiation and peace.

In the present excited state of the public mind, there is serious danger that the question, if left open and unsettled, will inevitably lead to a collision between the two Governments. It will, in the first instance, lead to a collision in Oregon; and we all know that in case of such a collision, the death of one person, as surely as the death of one hundred, would lead, in all probability, to a war.

That this result will almost certainly follow from delay, let us look with some care at the existing laws of G. Britain in relation to this territory, and the proposed legislation of Congress of precisely the same character. I consider this question of quite as much importance as the question of notice, and intimately connected with it.

It is a somewhat singular fact, that the nature and provisions of the English laws on this subject have been misconceived in the various discussions and negotiations heretofore had. It has been taken for granted that the English statute of 1821, 1 and 2 Geo. 4th, extended only to British subjects; and that American citizens, either by express exception or impliedly, were excluded from the operations of the law. The President himself, in his annual message, observes:

"They are anxious that our laws should be extended over them, and I recommend that this be done by Congress with as little delay as possible, in the full extent to which the British Parliament have proceeded in regard to *British subjects in that territory*, by their act of July the second, 1821, "for regulating the fur trade, and establishing a criminal and civil jurisdiction within certain parts of North America." By this act, *Great Britain extended her laws and jurisdiction, civil and criminal, over her subjects engaged in the fur trade in that territory.* By it, the courts of the province of Upper Canada were empowered to take cognizance of causes civil and criminal. Justices of the peace and other judicial officers were authorized to be appointed in Oregon, with power to execute all process issuing from the courts of that province, and to "sit and hold courts of record for the trial of criminal offences and misdemeanors," not made the subject of capital punishment; and also of civil cases, where the cause of action shall not "exceed in value the amount or sum of two hundred pounds."

It is not, however, the fact, that the act of the British Parliament of 1821, or a preceding act of 1803, 43, Geo. 3d, is confined to British subjects. On the contrary, *Great Britain now exercises exclusive sovereignty over Oregon. All the inhabitants of the territory are subjected to British laws and to be tried by British tribunals.* There is nothing in the statutes of



1803 or 1821, which recognises any claim or rights, except that American fur traders are allowed to trade with the Indians without Her Majesty's grant or license.

As this view is, so far as I know, different from any which has heretofore been advanced in the discussion of this question, I must ask the attention of the committee to a careful examination of these statutes.

The act referred to in the President's message, passed in 1821, (1 and 2, Geo. 4, c. 66,) entitled "An act for regulating the fur trade, and establishing a criminal and civil jurisdiction within certain parts of North America," recites, in a preamble, among other things, that "Whereas, the animosities and feuds, arising from such competition, have also, for some years past, kept the interior of America, to the northward and westward of the provinces of Upper and Lower Canada, and of the territories of the United States of America, in a state of continual disturbance;" "and whereas many breaches of the peace, and violence, extending to the loss of life and considerable destruction of property, have continually occurred therein," and it is necessary to have "more effectual regulations," &c. And in the first section, provides for giving authority to the King, "to make *grants* or give *license* to any person or corporation for exclusive liberty to trade with the Indians, in all such parts of North America as shall be specified in said grants or licenses, not being part of the lands heretofore granted to the Hudson's Bay Co., and not being part of any British provinces, or of any lands or territories belonging to the United States of America." The second section provides, that no grant shall be for a longer period than twenty-one years. The third section requires, that the persons or corporations receiving the grants shall keep lists of persons in their employment, and make return to the Secretary of State—shall give security to bring criminals to trial—to observe regulations for diminishing or preventing sale of ardent spirits, and promoting moral and religious improvement, &c.

The fourth section of this act is the only part of it in which there is any reference, directly or indirectly, to the convention between the United States and Great Britain. That section is as follows:

"4. And whereas, by a convention entered into between his Majesty and the United States of America, it was stipulated and agreed, that any country on the northwest coast of America, to the westward of the Stony Mountains, should be free and open to the citizens and subjects of the two powers, for the term of ten years from the date of the signature of that convention, be it therefore enacted, that nothing in this act contained shall be deemed or construed to authorize any body corporate, company, or person, to whom his Majesty may have, under the provisions of this act, made a grant or given a license of exclusive trade with the Indians in such parts of North America as aforesaid, to claim or exercise any such exclusive trade within the limits specified in the said article, to the prejudice or exclusion of any citizens of the said United States of America, who may be engaged in the said trade: Provided always, that no British subject shall trade with the Indians within such limits without such grant or license as is by this act required."

Without reading every section of this act, which I have examined with great care, I would refer gentlemen to the act itself, and only refer to a few additional sections.

In the sixth section, it is expressly provided that the courts in Canada shall have full jurisdiction "within the Indian territory, and other parts of America not within the limits of either of the provinces of Lower or Upper Canada, or of any civil government of the United States." It not only embraces the entire territory, but includes *all persons* in the territory. In relation to *contracts*, the sixth section provides, "that all and every contract, agreement, debt, liability, and demand whatsoever, made, entered into, incurred, or

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arising within the said Indian territory," shall be cognizable by the courts. Also, in relation to *wrongs* and *civil injuries*, the same section provides, that "*and every wrong and injury to the person or property, real or personal, committed or done within the same,*" shall be cognizable in the same manner.

The same act also provides for transporting all persons to Canada who resist the service of process *mesne* or final; also, in all civil cases where the amount in controversy is £200 or upwards, and criminal cases, where the punishment is death or transportation.

The 8th section provides, that "in case *any person or persons whatsoever*, residing or being within the said Indian territories," shall refuse to obey process, &c., shall be committed to custody, in order to his or their being conveyed to Upper Canada." "And shall be committed to jail until the judgments and costs are paid."

These proceedings are stringent and severe in their character, especially those which provide for transporting persons, *before trial*, to Canada. One of the most severe of punishments precedes the hearing—a journey of a thousand or two miles through that wild and savage country. The only judicial proceedings at all similar to these are those of the fabled court of Rhadamanthus, the judge of the infernal regions, of whom it is said "castigat que, audit que"—he punished first, and heard afterwards.

In the 11th and 12th sections, the justices' courts are vested with full criminal jurisdiction *in all cases*, except where the punishment is death or transportation; nor is this jurisdiction limited to British subjects.

The act of 43 Geo. 3, c. 138, passed in 1803, is extended by this act. And so far as it is not inconsistent with the act of 1821, is still in force. But there is nothing in that act varying in the least the view already taken in relation to contracts or civil injuries. It is, indeed, provided in the 4th section of that act, "that if any crime or offence charged and prosecuted under this act shall be found to have been committed by any person or persons not being a subject or subjects of his Majesty, *and also* within the limits of any colony, settlement, or territory belonging to any European State, the court before which such prosecution shall be had shall forthwith acquit such person or persons, not being such subject or subjects as aforesaid, of such charge." But this proviso extends only to criminal offences and not to civil causes, in relation to which there is no limitation in either act to British subjects; but, by express general terms, extends to all persons occupying the territory described. And in relation to criminal offences, it is not only provided that they shall be foreigners, *but also* be in a foreign "settlement," &c., in order to be embraced in the exceptions of the statute.

Such are the English statutes. Similar laws are recommended by the President, and have been reported to Congress by the Committee on Territories, and will doubtless be passed, extending over the same territory.

Thus, we shall have two different systems of laws by two different Governments, each extending over the whole population of the same country. British subjects are to be tried by the laws of Iowa, and American citizens are to be sent to Canada. The courts of neither country will recognise the decisions of the other. The conflict of jurisdiction in relation to land, the enforcing of contracts, assault and battery, &c., must constantly arise.

The law-making power is the highest act of sovereignty, and includes every other. The very definition in the horn book of the lawyer's profession is, that "law is a rule of civil action prescribed by the supreme power of

**a State.** The establishment of courts, of a judiciary system, with a complete code for enforcing all contracts, awarding damages for trespasses, and other wrongs and injuries, and punishing all crimes, is the most important exercise of the law-making power. Indeed, sir, the judiciary is at the foundation of all government; and in its internal affairs the other branches of every well organized community are mainly valuable to guard, fortify, and enforce the decisions of the judiciary.

Sovereignty is supreme power, and a joint sovereignty is utterly impracticable. There may be joint possession, joint occupation, joint title, if you please, but there can be no joint sovereignty. It is a contradiction in terms.

What, then, may we anticipate would be the result with these two systems of laws. Emigration is rapidly increasing, the country is filling with people from these States; and without the Chinese, there will be a considerable number of our own citizens in that country in a single year. The very first controversy between a citizen of our own and a British subject will lead to a collision. Both parties are already excited. They will become more and more so, and if this matter remains open a single year, a controversy is almost inevitable.

It is very obvious that this act of the British Parliament is in violation of the spirit of the convention of 1818, and of the formal express statement of Messrs. Huskisson and Addington to Mr. Gallatin, December 16, 1826, in relation to renewing the treaty of joint occupation.

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

It is due to Great Britain to remark, that in no instance has there been an attempt to enforce these laws, so far as we know, against any American citizen, and it is a remarkable fact that no collision has heretofore existed between the citizens and subjects of the two countries. But Congress will pass a similar law, and the two systems cannot coexist without producing a collision and violence, and probably bloodshed, which will lead most surely to war.

In relation to the Hudson's Bay Company, about which so much has been said, I wish to say a few words.

The original charter of the Hudson's Bay Company was granted by Charles II, in 1669. They were described as "Lords Proprietors, holding lands in free and common socage." This grant embraced no part of the Oregon territory.

In 1821. December 21, the Hudson's Bay Company and the Northwest Company were united, and a grant was made by the King of the exclusive trade with the Indians, for a limited time, to the Hudson's Bay Company. This grant provides that the Governor, &c., "shall also enter into and give security to us, (the King,) our heirs and successors, in the penal sum of five thousand pounds, for insuring, so far as in them may lie, the due exercise of all the criminal processes, and of any civil process *in any suit* where the matter in dispute shall exceed £200, by the officers and persons legally empowered to execute such processes within all the territories included in this our grant; and for the producing and delivering into safe custody, for purposes of trial, any person in their employ, or acting under their authority, within the said territories, who may be charged with any criminal offence."

A similar grant was made in about the year 1824, containing, as in the

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former case, no grant of any land, or title to, or interest in it, but merely "the sole and exclusive privilege of trading with the Indians for the full period of 21 years," and a bond was also required of a similar character to insure the enforcing of the laws against persons in the employ of the company.

We have heard this company denounced in no measured terms, and especially have we heard of the extension of British power in Oregon—of her armies, her numerous fortifications—of the encroachments of that overgrown corporation, and the permanent settlements in the territory.

These are very strange declarations in view of well known facts. I am informed that there is not a single British soldier under the British Government in Oregon. She has erected no fortifications; and although in the grants to the Hudson's Bay Company she reserved the right to establish colonies; she has not done so. The Hudson's Bay Company are not the owners of a single acre of land, but have merely a "license" or "grant" to trade with the Indians. That company have formed various settlements, and fortified them for their protection against the Indians, and armed the persons in their employment; but there is no well founded complaint of any ill-treatment by the company, or any of its agents, of American citizens; but the testimony is uniform of their kindness to shipwrecked American seamen, and others, in want and distress. That they have availed themselves of their position in securing to themselves, like other trading companies, as far as possible, the exclusive trade of the Indian tribes, is undoubtedly true; but they have been guilty of no violence towards our own citizens. The very memorial of our own citizens in Oregon, presented by the chairman of the Committee on Foreign Relations at the commencement of the session, has the following language: "We, the citizens of the United States, have no cause to complain either of exactions or of oppression at the hands of the subjects of Great Britain; on the contrary, it is but just to say, that their conduct towards us has been most friendly, liberal, and philanthropic." How different has been the language used on this floor!

But there is one fact, which is stated by the gentleman from Indiana, (Mr. OWEN,) that the company, or some of its agents, paid to one of our citizens eight hundred dollars to remove from the north to the south side of the Columbia! This is really a very serious affair, a most dangerous encroachment on our rights in Oregon! But it will be a most expensive mode of retaining possession of the country north of the Columbia. They will have frequent opportunities to repeat the same offer, and doubtless with similar success. Our people would consider this bounty for settling Oregon quite equal to any offered by our own Government, and the emigrants to that country would, at this rate, be so numerous, that we should need the railroad to the Pacific which my honorable friend from Alabama (Mr. HILLIARD) considers so very feasible a project. And this, Mr. Chairman, is the whole foundation of the—what shall I call it?—uproar in this House on the subject of the encroachments and wrongs committed by the Hudson's Bay Company and the Government of Great Britain. It reminds me of Partridge, in Tom Jones, whose little pig got into the enclosure of his neighbor. His neighbor sued him, and he was charged with having entered with a drove of swine, and broken down the fences, and trampled down the grass, and destroyed the crops, and other grievous wrongs and injuries were charged; so that Partridge declared that the lawyers made such a noise about his little pig, they would have thought him the greatest hog dealer in all the country.

In thus considering the operations of the laws of the two countries over Oregon, I have occupied the time of the committee on a subject far more important, to the peace of the country, than the question of giving the proposed notice, or the time and manner of giving it.

Notice certainly is not *necessarily* a war measure. It was provided for in the convention itself, and might, under other circumstances, have been given, without being regarded either as a measure of peace or of war. But this notice must be taken in connection with the declarations of the President in his message, and the running commentary in this House, and elsewhere, by distinguished men, and by men holding distinguished positions. What is the language of the message?

"The extraordinary and wholly inadmissible demands of the British Government, and the rejection of the proposition made in deference alone to what had been done by my predecessors, and the implied obligation which their acts seemed to impose, afford satisfactory evidence that no compromise which the United States ought to accept can be effected. With this conviction, the proposition of compromise, which had been made and rejected, was, by my direction, subsequently withdrawn, and our title to the whole Oregon territory asserted, and, as is believed, maintained by irrefragable facts and arguments."

Again:

"At the end of the year's notice, should Congress think it proper to make provision for giving that notice, we shall have reached a period when the national rights in Oregon must either be abandoned or firmly maintained. That they cannot be abandoned without a sacrifice of both national honor and interest, is too clear to admit of doubt."

Such is the language of the President, and immeasurably more belligerent is the language used in Congress towards Great Britain. We should remember the circumstances under which the negotiation was broken off, that it *is* broken off, and has not been resumed. The chairman of Foreign Affairs informs us that there is no negotiation, and I learn the same from the best authority. It is in this connection that a notice is proposed to be given—a *naked notice*, under the express declaration that *the national rights in Oregon "must be firmly maintained;"* and the further declaration, that "*no compromise which the United States ought to accept can be effected.*"

Such a notice is certainly not a declaration of war, but it furnishes the most serious impediments to the resumption and prosecution of negotiation.

Will Great Britain offer to negotiate, under such a notice? Can she do it without sacrificing her national honor? It thus very unnecessarily and most seriously embarrasses this embarrassing subject. But distinguished gentlemen, *very distinguished gentlemen*, on this floor, have told us, with the most perfect coolness, that all that we have to do is to give the notice, and at the end of the year take possession of the country—military possession—and for such a trifling affair as this Great Britain has no right to complain; and if she is so very unreasonable as to find fault with our just resuming our rights, and taking possession of the *whole* country, we will "sweep her from the continent." But they say this would not lead to war, but is decidedly a *peace* measure! I should like to know, sir, the *modus operandi* of this *peaceable military* possession. If it means that we will fill up the country, and make settlements in unoccupied portions of it, and bring the military force to subdue the hostile soil, it is a very harmless operation indeed—is just what we are now doing under the joint convention, and always have been. But if we are to take the *exclusive* possession of the country, what is to become of the British subjects in that territory—the fur traders, the stockade forts, the fortified posts of the Hudson's Bay Company, their armed men? Of course, no American can doubt but that we can capture them with great ease. It would be treason to intimate any such

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doubt on this floor. But suppose they should be so unreasonable as to resist, and have to be taken by force, and a few of them happen to be killed. Could a war be avoided? Can gentlemen be serious in uttering language like this? Would Great Britain allow for one moment any such course to be taken with a British subject? Why, sir, there is not on the face of the globe a nation which affords such perfect and efficient protection to her subjects as that powerful nation; and it is the idlest thing possible to suppose that, under such circumstances, a war could be avoided.

What, then, is our true course on this subject? I have endeavored to show that, although "inactivity" was our true policy, it is so no longer; that the joint occupation cannot with safety long continue; that a notice, if given with merely the declarations of the President and his confidential friends, and other members of this House, will greatly impede, if not entirely prevent, negotiation, and, if followed up by military possession, lead to violence and war. Under these circumstances, in my own view, the wiser course is to authorize the Executive to give the notice, expressing upon the face of the resolution which shall authorize it, that it is done with the view of bringing the negotiation to a speedy and amicable termination of the differences, recommending that negotiation be renewed, and that the matter should be settled as civilized men should settle such a question. Under these circumstances, it is my opinion, that it is more likely to lead to peace to pass such a resolution, than to take no action on the subject.

I shall accordingly, before I close, offer an amendment, or rather a substitute for the original resolutions.

All say that they desire peace. How is that to be obtained? It is not to be obtained by threatening, in a boastful strain, to sweep England from the continent, or to take Canada in ninety days, and give it back, and take it again in ninety days—to drive her fleet from the ocean. It is not to be preserved by the use of abusive epithets, or repeated and unceasing attacks upon Great Britain. Much of this has, indeed, been very harmless. It has been only ridiculous. All the four-footed beasts, and creeping things, and fowls of the air, and amphibious animals, too, have figured in this debate. The poor lion is utterly destroyed, and the eagle is a most persecuted bird—the bear and the crocodile, and the serpent and the anaconda, have not been forgotten. In relation to the American eagle, these figurative gentlemen should have remembered that he grasps the olive branch as well as the arrows; and I hope that this emblem may not prove false by the prevalence of rash and imprudent counsels, and a thirst, an unholy thirst, for dominion.

Two other republics, one of ancient, and the other of modern times, have gone forth to battle, and to slaughter, under the auspices of their noble bird. The Roman eagle of ancient, and the French eagle of modern times, had the arrows, but not the olive branch. Let us take warning from their example and their fate. This unbounded appetite for conquest and territory ruined them. In the one case falling to pieces by its own weight, and in the other by an union of the whole civilized world, as against a common enemy—*hostis humani generis*.

The views freely expressed on this floor accord with the course of policy pursued by the French republic—like the farmer, who considered himself very moderate in his views, we only want all the land which joins us. Texas we have taken, and now we hear proposed, with apparent sincerity, that we take California, and Mexico, and Cuba; and that we sweep

all other nations from the entire continent. "An ocean-bound republic" will only satisfy the ambitious cravings of these gentlemen, (Mr. Dixon, and Ireland.) Yes, and Ireland, too; and some have been so valiant as to propose to capture the island of England itself. Indeed, gentlemen declare publicly on this floor that the matter in controversy cannot be settled by a reference, because there is no one of all the nations of the earth but what is hostile to us. This is sheer madness. We have Mexico on our southern frontier ready to attack us at any moment when she can do so with success. The President has deemed it wise to say offensive things in relation to France, and yet, in the midst of our most serious difficulties with England, we are defying the rest of the world, and inform them that the entire continent is ours. By what title I know not—by what patent, derived from the Almighty or elsewhere, I cannot imagine. I know of none but the heathenish and absurd idea of *destiny*—"manifest destiny!"

Mr. Chairman, I think the Administration greatly in fault in the course which they have pursued on this subject. If there is the probability of an amicable settlement of this matter—if there are any facts within the knowledge of the Administration which show there will be no war, and they mean to pursue such a course as will lead to peace—why are the leaders of the Administration party in this House and elsewhere alarming the country by these warlike indications?—why this strange accompaniment to pacific arrangements?

If there are no such facts in the knowledge of the Executive—if they do not mean to negotiate and settle this difficulty—why are the defences of the country in this miserable condition? Are no preparations to be made for a possible collision? Is the war to be a war of words? Why are no arrangements made for arming the fortifications—for the increase of the army, as there have been for the partial and very inadequate increase of the navy—for putting the country into a state of complete defence? I shall rejoice to give my vote for any such measures. Any appropriation, to any amount, recommended by the Executive for these purposes, will meet with my most cordial support; and, so far as I know, that of my political associates in this House. And although I consider a war entirely unnecessary, and one which can come only by the worst possible management on both sides, yet there is sufficient danger of it to require the most active measures, and the most decided and thorough preparation. If war must come, we must and shall all stand by the country; but "woe to that man by whom the offence cometh."

In conclusion, Mr. Chairman, I will state a few words as to the course which I shall deem it proper to pursue. Although I and those whom I represent here are opposed to a war, and to all war measures, and although we believe them wholly unnecessary, and although we shall hold responsible for the war, if it come, the Administration and those who advocate and urge the adoption of these measures, it is not necessary for me to say, that, in the hour of need, Connecticut will not be found faithless. She has never been so in the hour of danger. Her patriotism, her courage, and spirit of sacrifice, have not been expended in idle boasting. It is a matter recorded in history, and undisputed, that, during the war of the Revolution, no State contributed, in proportion to its numbers, so much of blood and treasure as Connecticut; and, during the last war, no troops were more valiant. I have my witnesses at hand. The distinguished chairman of the Committee on Foreign Affairs has already given his testimony in an

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enduring form; and that most learned and accomplished historian now at the head of the Navy Department, has made his faithful and luminous record. The stranger, as he rapidly traverses the State, constantly meets with the monuments of the noble deeds of her fathers. Not a mountain, or a stream, or a water fall, but what is memorable as connected with the wars with the Indians, or of the Revolution, or the last war. From my own door, I can look upon the monument which covers the remains of Uncas, the last of the Mohicans; and his noble enemy, the chief of the Narragansetts, lies buried near him.

And the very men who petitioned and protested against war and war measures, will be found, if war come, quite as faithful to their country, as gentlemen who talk the loudest and declaim with most vehemence on this floor. Indeed, sir, I say, without fear of contradiction, that a more hardy, resolute, determined set of men, or who, in the hour of danger, are more to be relied on, are not to be found in this or any other country, than those embarked in the whale fishery in my district. Intelligent, with industrious, frugal, and temperate habits, their whole life has been a course of discipline. The interest which every sailor, in common with the master, has in the result of the voyage, without interfering with the discipline of the ship, gives independence and energy to the character; and the constant personal dangers to which they are exposed, render habitual that calm and resolute courage only to be relied upon in the hour of danger. But, sir, they have no courage to *boast of*, and they will not thank me for saying what I have, and for adding that they are almost as much to be relied upon, for *real* service—for *actual* danger—as the most patriotic speaker and “greatest thunderer” in the country.

I am almost ashamed to be found indulging in this course of remark in relation to that noble State. She has been generally content to do her duty, and allow others to claim the glory. There is no doubt what course she will pursue. If by bad management a war is brought upon us, the country, though abused, will still be ours, and its honor must be vindicated.

As quotations seem to be the order of the day here, (gentlemen need not be alarmed, I am not going to quote Shakspeare,) there is one which crosses my mind, in the prospect of the sufferings and losses which a war will bring upon us. The hero of *Æniad* was represented as gazing on the walls of Carthage, and seeing sculptured there the lamentable ruin of Troy, was made to exclaim—

“*Quis locus*

*Quæ regio in terris nostri non plena laboris.*”

This passage, I know, has been sometimes applied to the growth of our nation, and the extension of its commercial prosperity unto all climes. But the words of *Æneas* were uttered in no such boastful spirit—he spoke them “*lachrymans*”—weeping over the misfortunes of his country. Such a fate is in reserve for us, if we shall proceed in our present mad spirit of acquisition, seizing on territories all around us, and provoking, in a spirit of defiance, a power which, whatever may be her history, we are bound to regard as in peace a friend.

I propose, as a substitute for the resolutions now before the committee, the following:

Whereas, by the convention concluded on the 20th day of October, 1818, between the United States of America and the King of the United Kingdom of Great Britain and Ireland, for the period of ten years, and afterwards indefinitely extended and continued in force by another convention of the same parties, concluded the 6th day of August, 1827, it was agreed that any



country that may be claimed by either party on the northwest coast of America, westward of the Stony or Rocky mountains, now commonly called the Oregon Territory, should, together with its harbors, bays, and creeks, and the navigation of all rivers within the same, be "free and open" to the vessels, citizens, and subjects of the two powers, but without prejudice to any claim which either of the parties might have to any part of said country; and with this further provision in the 2d article of the said convention of the 6th August, 1827, that either party might abrogate and annul said convention on giving due notice of twelve months to the other contracting party:

And whereas it has now become desirable that the respective claims of the United States and Great Britain should be definitively settled, and that said territory may, no longer than need be, remain subject to the evil consequences of the divided allegiance of its American and British population, and of the confusion and conflict of national jurisdictions, dangerous to the cherished peace and good understandings of the two countries:

With a view, therefore, that steps be taken for the abrogation of said convention of the 6th of August, 1827, in the mode prescribed in its 2d article, and that the attention of the Governments of both countries may be the more earnestly and immediately directed to renewed efforts for the settlement of all their differences and disputes in respect to said territory:

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby, authorized, at his discretion, to give to the British Government the notice required by its said second article for the abrogation of the said convention of the 6th of August, 1827: *Provided, however,* That, in order to afford ample time and opportunity for the amicable settlement and adjustment of all their differences and disputes in respect to said territory, said notice ought not to be given till after the close of the present session of Congress.

APPENDIX.

*The Whale Fishery.*—Whole number of vessels employed in the whale fishery, January 1st, 1846:

680 ships and barks,  
34 brigs,  
21 schooners,  
1 sloop.

736

Tonnage	-	-	-	-	-	-	-	-	233,149
Officers and men	-	-	-	-	-	-	-	-	19,560
Estimated value, including catchings	-	-	-	-	-	-	-	-	\$29,440,000

IMPORTS DURING 1845.

157,700 barrels sperm oil, at 88 cents per gallon	-	-	-	-	\$4,371,444 00
272,809 barrels whale oil, at 33½ cents per gallon	-	-	-	-	2,864,494 33
3,195,054 lb. whalebone, at 33¼ cents per lb.	-	-	-	-	1,065,018 00
					<u>\$8,300,956 33</u>

ORGANIZATION OF THE OREGON TERRITORY—THE BRITISH OREGON LAW.

The following act of the British Parliament was passed the 2d day of July, in the year 1821, entitled "An act for regulating the fur trade, and establishing a civil and criminal jurisdiction in certain parts of North America," and is now in force:

*An Act for Regulating the Fur Trade, and Establishing a Criminal and Civil Jurisdiction, within Certain Parts of North America.*

"Whereas the competition in the fur trade between the Governor and Company of Adventurers of England trading into Hudson's Bay, and certain associations of persons trading under the name of 'The North West Company of Montreal,' has been found, for some years past, to be productive of great inconvenience and loss, not only to the said company and associations, but to the said trade in general, and also of great injury to the native Indians, and of other persons, subjects of his Majesty. And whereas, the animosities and feuds, arising from such competition, have also for some years past kept the interior of America, to the northward and westward of the provinces of Upper and Lower Canada, and of the territories of the United States of America, in a state of continued disturbance. And whereas, many breaches of the peace, and violence extending to the loss of lives, and considerable destruction of property, have continually occurred therein. And whereas, for remedy of such evils, it is expedient and necessary that some more effectual regulations should be established for the apprehending, se

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curing, and bringing to justice all persons committing such offences, and that his Majesty should be empowered to regulate the said trade. And whereas, doubts have been entertained, whether the provisions of an act passed in the forty-third year of the reign of his late Majesty King George the Third, intituled an act for extending the jurisdiction of the Courts of justice, in the provinces of Lower and Upper Canada, to the trial and punishment of persons guilty of crimes and offences within certain parts of North America, adjoining to the said provinces, extended to the territories granted by charter to the said governor and company; and it is expedient that such doubts should be removed, and that the said act should be further extended: Be it therefore enacted, by the king's most excellent majesty, by and with the advice and consent of the Lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that from and after the passing of this act, it shall be lawful for his majesty, his heirs or successors, to make grants or give his royal license, under the hand and seal of one of his majesty's principal Secretaries of State, to any body corporate, or company, or person or persons, of or for the exclusive privilege of trading with the Indians in all such parts of North America as shall be specified in any such grants or licenses respectively, not being part of the lands or territories heretofore granted to the said governor and company of adventurers of England trading to Hudson's Bay, and not being part of any of his majesty's provinces in North America, or of any lands or territories belonging to the United States of America; and all such grants and licenses shall be good, valid and effectual for the purpose of securing to all such bodies corporate, or companies, or persons, the sole and exclusive privilege of trading with the Indians in all such parts of North America, (except as hereinafter excepted,) as shall be specified in such grants or licenses; anything contained in any act or acts of parliament, or any law to the contrary notwithstanding.

II. Provided always, and be it further enacted, That no such grant or license, made or given by his Majesty, his heirs or successors, of any such exclusive privileges of trading with the Indians in such parts of North America as aforesaid, shall be made or given for any longer period than twenty-one years; and no rent shall be required or demanded for or in respect of any such grant or license, or any privileges given thereby under the provisions of this act, for the first period of twenty-one years; and from and after the expiration of such first period of twenty-one years, it shall be lawful for his Majesty, his heirs, or successors, to reserve such rents in any future grants or licenses to be made to the same or any other parties, as shall be deemed just and reasonable, with security for the payment thereof; and such rents shall be deemed part of the land revenues of his Majesty, his heirs, and successors, and be applied and accounted for as the other land revenues of his Majesty, his heirs, or successors, shall at the time of payment of any such rent being made, be applied and accounted for.

III. And be it further enacted, That from and after the passing of this act, the Governor and Company of Adventurers trading to Hudson's Bay, and every body corporate and company, and person, to whom every such grant or license shall be made or given, as aforesaid, shall respectively keep accurate registers of all persons in their employ in any parts of North America, and shall, once in each year, return to his Majesty's Secretaries of State accurate duplicates of such registers, and shall also enter into such security as shall be required by his Majesty for the due execution of all processes, criminal and civil, as well within the territories included in any such grant, as within those granted by charter to the Governor and Company of Adventurers trading to Hudson's Bay, and for the producing or delivering into safe custody, for purpose of trial, of all persons in their employ or acting under their authority, who shall be charged with any criminal offence, and also for the due and faithful observance of all such rules, regulations and stipulations as shall be contained in any such grant or license, either for diminishing or preventing the sale or distribution of spirituous liquors to the Indians, or for promoting their moral and religious improvement, or for any other object which his Majesty may deem necessary for the remedy or prevention of the other evils which have hitherto been found to exist.

IV. And whereas, by a convention entered into between his Majesty and the United States of America, it was stipulated and agreed, that any country on the northwest coast of America, to the westward of the Stony Mountains, should be free and open to the citizens and subjects of the two powers, for the term of ten years from the date of the signature of that convention, be it therefore enacted, that nothing in this act contained shall be deemed or construed to authorize any body corporate, company, or person, to whom his Majesty may have, under the provisions of this act, made a grant or given a license of exclusive trade with the Indians in such parts of North America, as aforesaid, to claim or exercise any such exclusive trade within the limits specified in the said article, to the prejudice or exclusion of any citizens of the said United States of America, who may be engaged in the said trade: Provided always, that no British subject shall trade with the Indians within such limits without such grant or license as is by this act required.

V. And be it declared and enacted, that the said act passed in the forty-third year of the reign of his late Majesty, intituled an act for extending the jurisdiction of the courts of justices in the provinces of Lower and Upper Canada, to the trial and punishment of persons guilty of crimes and offences within certain parts of North America adjoining to the said provinces, and all the clauses and provisos therein contained, shall be deemed and construed, and it is and are hereby respectively declared, to extend to and over, and to be in full force in and through all the territo-

ries heretofore granted to the company of adventurers of England trading to Hudson's Bay; anything in any act or acts of Parliament, or this act, or in any grant or charter to the company, to the contrary notwithstanding.

VI. And be it further enacted, that from and after the passing of this act, the courts of judicature now existing, or which may be hereafter established in the province of Upper Canada, shall have the same civil jurisdiction, power, and authority, as well in the cognizance of suits, as in the issuing process, mesne and final, and in all other respects whatsoever, within the said Indian territories, and other parts of America not within the limits of either of the provinces of Lower or Upper Canada, or of any civil government of the United States, as the said courts have or are invested with, within the limits of the said provinces of Lower or Upper Canada, respectively; and that all and every contract, agreement, debt, liability, and demand, whatsoever, made, entered into, incurred, or arising within the said Indian territories and other parts of America; and all and every wrong and injury to the person or to property, real or personal, committed or done within the same, shall be and be deemed to be of the same nature, and be cognizable by the same courts, magistrates, or justices of the peace, and be tried in the same manner, and subject to the same consequences, in all respects, as if the same had been made, entered into, incurred, arisen, committed or done within the said province of Upper Canada; anything in any act or acts of Parliament, or grant or charter, to the contrary notwithstanding: Provided always, that courts have or invested with within the limits of the said all such suits and actions relating to lands, or to any claims in respect of land, not being within the province of Upper Canada, shall be decided according to the laws of that part of the United Kingdom called England, and shall not be subject to or affected by any local act, statutes, or laws of the legislature of Upper Canada.

VII. And be it further enacted, That all process, writs, orders, judgments, decrees, and acts, whatsoever, to be issued, made, delivered, given, and done, by or under the authority of the said courts, or either of them, shall have the same force, authority, and effect within the said Indian territory, and other parts of America, as aforesaid, as the same now have within the said province of Upper Canada.

VIII. And be it further enacted, That it shall be lawful for the Governor, or Lieutenant Governor, or person administering the government for the time being, of Lower Canada, by commission under his hand and seal, to authorize all persons who shall be appointed justices of the peace under the provisions of this act, within the said Indian territories, or other parts of America, as aforesaid, or any other person who shall be specially named in any such commission, to act as a commissioner within the same, for the purpose of executing, enforcing, and carrying into effect, all such process, writs, orders, judgments, decrees, and acts, which shall be issued, made, delivered, given, or done by the said courts of judicature, and which may require to be enforced and executed within the said Indian territories; or such other parts of North America as aforesaid; and in case any person or persons, whatsoever, residing or being within the said Indian territories, or such other parts of America as aforesaid, shall refuse to obey or perform any such process, writ, order, judgment, decree, or act of the said court, or shall resist or oppose the execution thereof, it shall and may be lawful for the said justices of the peace or commissioners, and they or any of them are, and is hereby required, on the same being proved before him, by the oath or affidavit of one credible witness, to commit the said person or persons so offending as aforesaid, to custody, in order to his or their being conveyed to Upper Canada; and that it shall be lawful for any such justice of the peace or commissioner, or any person or persons acting under his authority, to convey or cause to be conveyed, such person or persons so offending as aforesaid to Upper Canada, in pursuance of such process, writ, order, decree, judgment, or act; and such person and persons shall be committed to gaol by the said court, on his, her, or their being so brought into the said province of Upper Canada, by which such process, writ, order, decree, judgment, or act was issued, made, delivered, given, or done, until a final judgment or decree shall have been pronounced in such suit, and shall have been duly performed; and all costs paid, in case such person or persons shall be a party or parties in such suit, or until the trial of such suit shall have been concluded, in case such person or persons shall be a witness or witnesses therein: Provided always, that if any person or persons so apprehended as aforesaid, shall enter into a bond recognizance to any such justice of the peace or commissioner, with two sufficient sureties, to the satisfaction of such justice of the peace or commissioner, or the said courts, commissioned to obey and perform such process, writ, order, judgment, decree, or act, as aforesaid, then and in such case it shall and may be lawful for the said justice of the peace or commissioner, or the said courts, to discharge such person or persons out of custody.

IX. And be it further enacted, That in case such person or persons shall not perform and fulfil the condition or conditions of such recognizance, then and in such case it shall and may be lawful for any such justice or commissioner, and he is hereby required to assign such recognizance to the plaintiff or plaintiffs, in any suit in which such process, writ, order, decree, judgment, or act, shall have been issued, made, delivered, given, or done, who may maintain an action in the said courts in his own name against the said sureties, and recover against such sureties the full amount of such loss or damage as such plaintiff shall prove to have been sustained by him, by reason of the original cause of action in respect of which such process, writ, order, decree, judgment, or acts of the said courts, were issued, made, delivered, given, or done as aforesaid,

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X. And be it further enacted, That it shall be lawful for his Majesty, if he shall deem it convenient so to do, to issue a commission or commissions to any person or persons to be and act as justices of the peace within such parts of America as aforesaid, as well within any territories heretofore granted to the Company of Adventurers of England trading to Hudson's Bay, as within the Indian territories of such other parts of America as aforesaid; and it shall be lawful for the court in the province of Upper Canada, in any case in which it shall appear expedient to have any evidence taken by commission, or any facts or issues, or any cause or suit ascertained, to issue a commission to any three or more of such justices to take such evidence, and return the same, or try such issue, and for that purpose to hold courts, and to issue subpoenas or other processes to compel attendance of plaintiffs, defendant, jurors, witnesses, and all other persons requisite and essential to the execution of the several purposes for which such commission or commissions had issued, and with the like power and authority as are vested in the courts of the said province of Upper Canada, and any order, verdict, judgment, or decree, that shall be made, found, declared or published by or before any court or courts held under and by virtue of such commission or commissions, shall be considered to be of as full effect, and enforced in like manner, as if the same had been made, found, declared or published within the jurisdiction of the court of the said Province; and at the time of issuing such commission or commissions shall be declared the place or places where such commission is to be opened, and the courts and proceedings thereunder held; and it shall be at the same time provided how and by what means the expenses of such commission, and the execution thereof, shall be raised and provided for.

XI. And be it further enacted, That it shall be lawful for his Majesty, notwithstanding any thing contained in this act, or in any charter granted to the said Governor and Company of Adventurers of England trading to Hudson's Bay, from time to time, by any commission under the great seal, to authorize and empower any such persons so appointed justices of the peace as aforesaid, to sit and hold courts of record for the trial of criminal offences and misdemeanors, and also of civil causes; and it shall be lawful for his Majesty to order, direct and authorize the appointment of proper officers to act in aid of such courts and justices within the jurisdiction assigned to such courts and justices, in any such commission; any thing in this act, or in any charter of the Governor and Company of Merchant Adventurers of England trading to Hudson's Bay, to the contrary notwithstanding.

XII. Provided, always, and be it further enacted, That such courts shall be constituted, as to the number of justices to preside therein, and as to such places within the said territories of the said Company, or any Indian territories, or other parts of North America as aforesaid, and the times and manner of holding the same, as his Majesty shall from time to time order and direct; but shall not try any offender upon any charge or indictment for any felony made the subject of capital punishment, or for any offence, or passing sentence affecting the life of any offender, or adjudge or cause any offender to suffer capital punishment or transportation, or take cognizance of or try any civil action or suit, in which the cause of such suit or action shall exceed in value the amount or sum of two hundred pounds; and in every case of any offence subjecting the person committing the same to capital punishment or transportation, the court, or any judge of any such court, or any justice or justices of the peace, before whom any such offender shall be brought, shall commit such offender to safe custody, and cause such offender to be kept in such custody for trial in the court of the province of Upper Canada.

XIII. And be it further enacted, That all judgments given in any civil suit shall be subject to appeal to his Majesty in Council, in like manner as in other cases in his Majesty's province of Upper Canada, and also in any case in which the right or title to any land shall be in question.

XIV. And be it further enacted, That nothing in this act contained shall be taken or construed to effect any right, privilege, authority or jurisdiction which the Governor and Company of Adventurers trading to Hudson's Bay are by law entitled to claim and exercise under their charter; but that all such rights, privileges, authorities and jurisdictions shall remain in as full force, virtue, and effect, as if this act had never been made, any thing in this act to the contrary notwithstanding.

CAP. CXXXVIII.—An Act for extending the Jurisdiction of the Courts of Justice in the Provinces of *Lower* and *Upper Canada*, to the Trial and Punishment of Persons guilty of Crimes and Offences within certain Parts of *North America*, adjoining to the said Provinces.

[11th August, 1803.]

“Whereas Crimes and Offences have been committed in the *Indian Territories* and other Parts of *America*, not within the Limits of the Provinces of *Lower* or *Upper Canada*, or either of them, or of the Jurisdiction of any of the Courts established in those Provinces, or within the Limits of any Civil Government of the United States of *America*, and are therefore not cognizable by any Jurisdiction whatever, and by reason thereof great Crimes and Offences have gone and may hereafter go unpunished, and greatly increase;” For Remedy whereof may it please Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, all Offences committed within any of the *Indian Territories*, or Parts of *America*

not within the Limits of either of the said Provinces of *Lower* or *Upper Canada*, or of any Civil Government of the United States of *America*, shall be and be deemed to be Offences of the same Nature, and shall be tried in the same Manner and subject to the same Punishment, as if the same had been committed within the Provinces of *Lower* or *Upper Canada*.

II. And be it further enacted, That it shall be lawful for the Governor or Lieutenant Governor, or Person administering the Government for the time being of the Province of *Lower Canada*, by Commission under his Hand and Seal, to authorize and empower any Person or Persons, wheresoever resident or being at the Time, to act as Civil Magistrates and Justices of the Peace for any of the *Indian Territories* or Parts of *America* not within the Limits of either of the said Provinces, or of any Civil Government of the United States of *America*, as well as within the Limits of either of the said Provinces, either upon Informations taken or given within the said Provinces of *Lower* or *Upper Canada*, or out of the said Provinces in any Part of the *Indian Territories* or Parts of *America* aforesaid, for the Purpose only of hearing Crimes and Offences, and committing any Person or Persons guilty of any Crime or Offence to safe Custody, in order to his or their being conveyed to the said Province of *Lower Canada*, to be dealt with according to Law; and it shall be lawful for any Person or Persons whatever to apprehend and take before any Persons so commissioned as aforesaid, or to apprehend and convey, or cause to be safely conveyed with all convenient Speed to the Province of *Lower Canada*, any Person or Persons guilty of any Crime or Offence, there to be delivered into safe Custody for the Purpose of being dealt with according to Law.

III. And be it further enacted, That every such Offender may and shall be prosecuted and tried in the Courts of the Province of *Lower Canada* (or if the Governor or Lieutenant Governor, or Person administering the Government for the time being, shall, from any of the Circumstances of the Crime or Offence, or the local Situation of any of the Witnesses for the Prosecution or Defence, think that Justice may more conveniently be administered in relation to such Crime or Offence in the Province of *Upper Canada*, and shall by any Instrument under the Great Seal of the Province of *Lower Canada*, declare the same, then that every such Offender may and shall be prosecuted and tried in the Court of the Province of *Upper Canada*), in which Crimes or Offences of the like Nature are usually tried, and where the same would have been tried if such Crime or Offence had been committed within the Limits of the Province where the same shall be tried under this Act; and every Offender, tried and convicted under this Act, shall be liable and subject to such Punishment as may by any Law in Force in the Province where he or she shall be tried be inflicted for such Crime or Offence; and such Crime or Offence may and shall be laid and charged to have been committed within the Jurisdiction of such Court, and such Court may and shall proceed therein to Trial, Judgment and Execution, or other Punishment for such Crime or Offence, in the same manner in every respect as if such Crime or Offence had been really committed within the Jurisdiction of such Court; and it shall also be lawful for the Judges and other Officers of the said Courts to issue Subpœnas and other Processes for enforcing the Attendance of Witnesses on any such trial; and such Subpœnas and other Processes shall be as valid and effectual, and be in full Force and put in Execution in any Parts of the *Indian Territories*, or other Parts of *America* out of and not within the Limits of the Civil Government of the United States of *America*, as well as within the Limits of either of the said Provinces of *Lower* or *Upper Canada*, in relation to the Trial of any Crimes or Offences by this Act made cognizable in such Court, or to the more speedily and effectually bringing any Offender or Offenders to Justice under this Act, as fully and amply as any Subpœnas or other Processes are, within the Limits of the Jurisdiction of the Court from which any such Subpœnas or Processes shall issue as aforesaid; any Act or Acts, Law or Laws, Custom, Usage, Matter or Thing to the contrary notwithstanding.

IV. Provided always, and be it further enacted, That if any Crime or Offence charged and prosecuted under this Act, shall be proved to have been committed by any Person or Persons not being a Subject or Subjects of His Majesty, and also within the Limits of any Colony, Settlement or Territory belonging to any *European State*, the Court before which such Prosecution shall be had shall forthwith acquit such Person or Persons not being such Subject or Subjects as aforesaid of such Charge.

V. Provided nevertheless, That it shall and may be lawful for such Court to proceed in the Trial of any other Person, being a Subject or Subjects of His Majesty, who shall be charged with the same or any other Offence, notwithstanding such Offence shall appear to have been committed within the Limits of any Colony, Settlement or Territory belonging to any *European State* as aforesaid. [Extended to the *Hudson's Bay Company*, see 1 & 2 G. 4, c. 66.]

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