

escaped 'midst the perilous voyage of human life! How grateful the repose of heaven, when toil and suffering shall have ceased for ever! How joyous immortality, when earth and the grave shall have lost their dominion!

From the New York Tribune.

THE RIVAL CLAIMS TO OREGON.

Nations are often pushed into collisions and wars by a lack of knowledge rather than of disposition to gender and be satisfied with justice. —Conflicting claims are set up on points where the right is not clearly or exclusively on either side; in the process of controversy passions are aroused and ill-blood created; each party becomes more obstinate and positive in its opinion at each successive stage of the dispute, and determines never to give way; at length words of defiance are interchanged, one makes a clutch at the possession in dispute and the other is as eager to parry it, and the result is a bloody and destructive War—a War justified neither by the importance of the matter at stake, by the difficulty of its peaceful adjustment, nor by the calmer judgment—to say nothing of the interest or the conscience—of either party. It is oftenest thus that Christendom is disgraced and devastated by human butchery.

The primary mischief in such cases is the concealment from each nation of all the facts which do not support its own claim. Its public functionaries are obliged to present and urge whatever makes in its favor; its public press finds popularity and profit in first exciting and then playing upon the easy and natural prepossession that our side must be the right side; and if any journal dare to study those things which make for peace, and mildly urge that the other side is our side to another people not absolutely devoid of intellect and conscience, and that we should impartially weigh all the considerations urged by that side before dogmatically deciding that ours is wholly right, at once the cry is raised, "You are always siding against our own Country and in favour of its enemies." Alas that willful, selfish man can never recognize the truth that the best friend of any country is he who admonishes her against rapacity and wrong, and labours to keep her in the path of rectitude and peace! Is the lesson too hard to be learned by some wiser and purer generation?

—Late advices from Washington give reason to conclude that a fourth attempt to settle by negotiation the boundary between the United States and Great Britain West of the Rocky Mountains has proved unsuccessful—that the negotiations have been terminated, and that all hope of a speedy adjustment of the difference by negotiation is at an end. Why this result has been reached we will endeavour to show.

The territory commonly known as Oregon embraces that portion of North America lying between the crests of the Rocky Mountains on the East, the Pacific Ocean on the West, the territory of Mexico on the South and that of Russia on the North. The Southern limit of Russian America is fixed by several subsisting treaties at North lat. 54° 40m., and is not questioned on any side. The Northern line of Mexico is fixed by Mr. Adams's much calumniated but most advantageous Florida Treaty of 1819 at the parallel of 42° North latitude, from the head waters of the Arkansas to the Pacific Ocean. Spain by that Treaty ceded to us all her territorial rights North of that parallel, and Mexico by a subsequent Treaty has ratified the cession. Here is the foundation, and the only solid foundation, of our claims to Oregon. We had, prior to 1819, based pretensions on the discovery of the mouth of the Columbia River by Capt. Gray of Boston in 1792, followed by the exploration of Capt. Clark and Lewis in 1805, and the erection of a trading post (Astoria) near the mouth of the River by Astor & Co. in 1811. But these can hardly afford a defensible basis for a claim of occupation, none at all for a pretence of exclusive sovereignty and jurisdiction. For the whole Oregon Coast had been visited and explored both by Spanish and British negotiators long before 1792; the very Cape on the side of the mouth of the Columbia had been seen and named (Disappointment) by Lieut. Meares in the British service, and the Bay formed by the mouth of the river named by him Deception Bay. But in fact it is known that the River itself had been discovered, *seventeen years before* Capt. Gray saw it, by Capt. Bruno Heceta, in behalf of Spain, who gave it the name of Rio de San Roque, in honor of the Saint on whose anniversary the discovery was made. Under this name the River appears in Spanish maps of subsequent years. We may therefore justly claim the discovery of the mouth of the mouth of the Columbia or Oregon, not by Capt. Gray, but by Heceta—we having been invaded by treaty with all the rights of Spain. But the discovery of the mouth of a River, on a coast long before visited and claimed, can give no title to sovereignty over the territory watered by that river, as has been most absurdly claimed. Exploration and settlement in a region long previously discovered but not settled by another nation are held to confer rights to the territory so settled; for no nation, by first discovering and sailing by all the unappropriated territory on earth would acquire a right to hold it forever unsettled and unimproved, and prevent all others from settling and improving it. Justice, common sense and general utility are the basis of the public law of nations.

The question of sovereignty, then, hinges here: What rights of territory in Oregon was Spain empowered to cede to us in 1819—for it is not pretended on either hand that we have added to or impaired those rights since that cession. Whatever rights in Oregon we possessed prior to 1819 will not be found of much account, but they may be put in as auxiliary to our much stronger claim.

Spain there seems no reason to doubt, was

the original discoverer and explorer of the Oregon coast. Her expedition of 1544 under Cabrillo, and Ferrelo only reached N. lat. 44°. Her next, under Gali, sailed along the coast as far as 57° 50m., North. Meantime the British freebater Francis Drake visited the coast in 1578, but there is no proof that he ever sailed farther North than lat. 43°—so that he amounts to nothing. In 1592, the Spanish commander Juan de Fuca coasted as far as lat. 47°, while Admiral Fonte reached lat. 55° in 1640. Nothing farther need be said on the point of prior discovery. Whatever rights spring from this were clearly Spain's and are now ours.

But we have already said that the Law of Nations does not permit any one to rest forever on mere discovery without settlement and thus exclude the human race from the use of the unappropriated region. If the discovering nation does not within a reasonable time proceed to colonize and subdue, she forfeits her right of exclusion and other nations may justifiably settle. Now Spain, as we have seen, first discovered Oregon in 1542, yet up to her cession to us in 1818, she had never attempted to make a settlement upon it. From its Northern limit her nearest post was distant about one thousand miles, although settlement from California or Mexico was perfectly easy. So far as affected by her action, the entire region remained perfectly useless to her and to mankind. Spanish, British and Russian commanders had at various times landed on different parts of the coast, and performed what they held to be acts of discovery, taking formal possession, &c. &c. Prior to 1789, a British settlement and trading post had been formed in Nootka Sound under Lieut. John Meares. In 1789, this post, with its vessels, &c. was attacked and captured by a Spanish expedition under Martinez. Great Britain promptly demanded restitution of Spain, and the demand was complied with. In order to prevent such collision in future, a treaty between Great Britain and Spain was framed and ratified at the Escurial in 1790, which, after providing full restitution and compensation by Spain for the seizures at Nootka Sound, proceeds—

"ART 3 In order to strengthen the bonds of friendship, and to preserve in future a perfect harmony and good understanding between the two contracting parties, it is agreed that their respective subjects shall not be disturbed or molested, either in navigating or carrying on their fisheries in the Pacific Ocean, or in the South seas, or in landing on the coasts of those seas in places not already occupied, for the purpose of carrying on their commerce with the natives of the country, or of making settlements there: the whole subject, nevertheless, to the restrictions specified in the three following articles."

These restrictions do not all limit or affect the right above conceded to each party of making settlements in what is now termed Oregon. They simply provide, (Art. 4) that, to prevent smuggling, British subjects shall not fish within ten leagues of the coast where settled by Spain; (Art. 5.) that the subjects of either power shall have free access to any settlements made or to be made by the other, on the North-West coast of America or the islands adjacent, [clearly implying again that each was at liberty to plant colonies there, and expected to do so;] and (Art. 6) that new settlements shall be formed by either party South of the actual Spanish settlements in South America.

Such is the treaty under which Great Britain claims and has exercised an equal right with Spain to form settlements, in the territory we now term Oregon. It is a Treaty which, by the Law of Nations, (see our own Wheaton,) no subsequent rupture between the parties could annul, nor has either questioned its subsisting validity. Accordingly, the British North West Company established a post in 1806 on Fraser's Lake, in Oregon north of the Columbia—five years before we attempted any thing of the kind; and in 1811 (the same year with the founding of Astoria,) the same Company established stations on the Northern branch of the Columbia. The subsequent establishment and continued existence of fur-trading posts throughout the territory by British Companies is matter of common notoriety.

Such are the facts in the case. Can any man who candidly considers them affirm with the National Convention which nominated Polk and Dallas "that our title to the whole of Oregon [that is to 54° 40m. North,] is clear and indisputable?" Can he fail to see why we have not yet been able to adjust the questions of boundary and of sovereignty? There is little chance of the peaceful settlement of a long-standing controversy while one party insists that it will have every iota in dispute—peaceably or forcibly. Especially in a case like this, where we demand of Great Britain the surrender to us of posts which, on the faith of her Convention with Spain, she settled years before we had any rights at all in the Oregon Territory.

Yet we still confidently believe that this difficulty will be peacefully adjusted. It was very nearly so in 1827, when we offered to make the 49th degree of North latitude the boundary between us and Great Britain from the Rocky Mountains to the ocean. She rejected this, but offered to strike from this parallel at the Mountains to the nearest head-waters of the Columbia, and follow down to the ocean. Even this would have given us the better half of the territory, but it would not have been a happy adjustment. British and American possession of the two sides of the great River of the West will be certain to lead to collisions and broils. If any division is to be made, the 49th parallel of latitude is the proper line, being the same that obtains on this side from the

Lake of the Woods to the Rocky Mountains.

Our own strong conviction is, however, that it is the true policy of both Nations to admit and guarantee the Independence of Oregon, yielding it, while weak, from all external dangers, and leaving it to govern itself and manage its own affairs. It is an immensely overrated country, and would be poorer still if divided. The crests of the Rocky Mountains form one of the best natural boundaries in the world. Why cannot one side of the planet permit the other to govern itself?

Editor's Department.

MIRAMICHI:

CHATHAM, TUESDAY, MARCH 11.

THE SEASON.—We have several times during the season, spoken of the severity of the weather, the heavy and frequent snow storms with which we have been visited, rendering it very difficult, and at times, impossible to travel on the public roads in any other way than on snow shoes. But all these have been entirely eclipsed, cast into the shade, and considered of no account, when contrasted with the one which took place last week.

On Wednesday about two in the afternoon, snow began to fall, and continued so to do during the remainder of the day, through the night, and a portion of Thursday. On the morning of the last named day, the wind commenced blowing violently, which continued with little or no abatement until the evening. The snow, which still fell fast and heavily, together with that which was on the ground, was blown about with fearful violence. Several individuals ventured out, and proceeded to their offices, but on arriving there, some of them found their premises buried in snow banks, and others, that their doors were blockaded by a rampart of snow, in many cases twelve feet high. After casting "a longing, lingering look" at their buildings, several of the parties, made as rapid a retreat home as the state of the weather would admit; but others stopped, and endeavored to cleave an entrance; but after working some time they found it an Herculean task, and give it up—for they discovered that as fast as they threw up a shovel-full, it was returned to them with interest.

On Friday all hands were busily employed in breaking roads, clearing plat-forms and doorways, and reducing the snow in the streets by carrying it away in box sleds. We think the quantity of snow which fell would not be less than two feet on an average. We do not recollect ever seeing a more violent storm, or such mountains of snow as were piled up in endless variety, in all parts of Chatham.

A correspondent has furnished us with the following account of a melancholy accident which occurred.

On Wednesday night last, a man by the name of THOMAS SHEARER, left Newcastle with his horse and sled, for his home in North Esk, and not having reached home, and from the unparalleled violence of the snow storm that night, and consequent drift, fears were entertained as to his safety. His friends, after the storm had subsided, turned out in search of him, and on Friday afternoon following, he was discovered near Shielagh Cove, seriously frozen, with signs of life merely perceptible, and very shortly afterwards he expired. It appears that his horse had got into a spring hole; that Shearer had got him out, taken him out of the sled, and unharnessed him, with the exception of the collar, and had put on his rug, and had there left the animal, and proceeded to the Bank of the River, and had taken shelter among some bushes, and sat down, where it was very evident he had remained until discovered; the horse had not left the place in which his master had put him, and was alive when found, and is doing well. A settler resides within two hundred yards from the spot where the accident occurred. He was an honest, industrious man, an affectionate husband, kind parent, and good neighbour; and his untimely end is much regretted in the settlement. He has left a widow and eight young children to deplore the sad catastrophe.

NOVA SCOTIA.—The Assembly of this Province having declared the election of Mr Smith, for Pictou, null and void, a poll will be opened at the Court House in that place, on the 17th inst. Mr Smith has declined coming forward again. The liberals have prevailed on Mr James D.

B. Fraser to offer himself as a candidate. Mr Wilkins is also in the field.

CUBA.—An exchange paper says, that the Governor General of Cuba has issued a Proclamation, declaring all vessels coming into that port with Slaves on board, confiscated.

OUR JURY LAW.—Trial by Jury is the birth right of every Briton, and although of the greatest importance to the liberty of the subject, the law of Juries has not received that attention which its importance deserves. This we believe to arise from ignorance of the law as it now stands in this Province, for we certainly think if our readers were more generally aware of the mode of choosing Juries, they would ere this, have sought an alteration in the law.

"The Representatives of the People" appear to be extremely tenacious of the Peoples' rights, when the supposed claims of an individual are passed over; and raise a mighty clamour, and lay their grievances at the foot of the Throne, while without scruple, they place one of the Peoples' dearest rights wholly in the power of the Executive.

We think we are fully borne out in this remark, when we refer to the law passed a few years since in this Province, relative to the appointment of Sheriffs. Formerly this important office was held during good behaviour, although nominally an annual appointment; but the law to which we have referred, makes it an annual appointment, by the Lieutenant Governor, by and with the advice and consent of his Council, who may remove the incumbent without assigning any reason; the appointment being only for one year, the incumbent has no cause of complaint if he is not re-appointed; and as it is an office generally sought after, and the person holding it derives his living from the emoluments, it naturally follows that he will endeavor to deserve their good opinion, and do that which may seem good in their eyes.

Our attention has been drawn to this important subject, from observing in the Journals of the House of Assembly, a Petition presented by J. A. Street, Esq., from William Carman, Jun., Esq., praying an alteration in the existing law, "regulating Juries," and declaring the qualification of Jurors." Being a little anxious to know its contents, we have procured a copy, and now publish it to gratify those of our readers who may feel interested in this subject. They will perceive that his object has merely been to draw the attention of the Legislature to the law as it now stands, without suggesting any alteration. We must confess we were a little startled on perusing the Petition, to find that the whole power of choosing and returning Jurors was vested in the annual servant of the Government; and consequently turned our attention to the existing Jury law, and on doing so, we find that all persons between the ages of 21 and 60, who have resided in the County three months, and who possess property to the amount of £50, are liable to serve on Juries, with the exception of Councillors, Members of Parliament, and a few others;—that the Sheriff of each county, on or before the first day of May in each year, is required to make out a list of persons liable to serve on Juries, and to file it in the office of the Clerk of the Peace, and before each Court to summon 24 persons from this list to act as Grand Jurors, and 24 to act as Petit Jurors;—and we at once saw that the whole power is really vested in the Sheriff, who is in this respect, wholly irresponsible except to the Executive, who have the power of removing him, as we before stated, at pleasure.

Let us put a case that may occur in the law now stands:—

An Editor, whose business it is to look after, and protect the just rights of the People, sees it incumbent upon him to