

country by two independent nations, without common tribunals or a common superior, would be obviously impossible. Indeed, joint occupation is impossible even for mere hunting and trading purposes. We have seen that in the Indian fur-trade the competition of white men, even though belonging to the same nation and governed by the same laws, is destructive to the Indians, to the furred animals, and to the success of both parties. The Hudson Bay Company have acted, and continue to act, on this principle. They hold no trade to be worth having which is shared. British rivals they exclude by law; Russian and American by reckless competition. Nothing can be kinder than their conduct to their competitors as men. They protect them, they clothe them, they feed them; but as traders they crush them. If an American post is established, a Hudson's Bay post instantly rises in its neighbourhood. If an American vessel trades along the coast, a Company's ship follows in her wake. If an American offers goods for barter, the Company, whatever be the loss, undersells him. 'We have 'compelled,' says Mr. Pelly in 1838, 'the American adventurers 'one by one to withdraw from the contest, and are now pressing 'the Russian Fur Company so closely, that we hope, at no very 'distant period, to confine them to the trade of their own proper 'territory.'\*

The great error of all parties has been the importance attached to Oregon. But assuming it to be of any value, the Americans cannot be expected to rest satisfied with an arrangement which, professing to give them equal rights, practically excludes them. We have seen that in 1818, they proposed a partition. They again proposed one in 1824; but as the terms offered by each party were a mere repetition of those of 1818—namely, on the part of England the Columbia as a boundary, and on the part of America the 49th parallel—the second negotiation was as fruitless as the first had been. Another attempt was made in 1826. The American minister, Mr. Gallatin, now offered a slight modification. He proposed that the forty ninth parallel should be adopted merely as a basis, subject to deviation according to the accidents of the country; and further, that if that line should cross any navigable tributaries of the Columbia, the navigation of such tributaries, and also of the Columbia, should be open to British subjects. The British negotiators, Messrs. Huskisson and Addington, adhering to the Columbia as the general boundary, offered to America a detached peninsula, bounded on the south by a line to be drawn from Hood's inlet to Bulfinch harbour, giving excellent harbours, and the southern coast of the Straits of Fuca; and further, that a strip along the north bank of the Columbia should be neutral, and unoccupied by either nation. Neither proposal was accepted, and the result was an indefinite prolongation of the convention of 1818, terminable at the option of either party on twelve months' notice.

As this was the last negotiation of which the Papers are printed, it may be worth while to show the position taken by each party. It is contained in the British statement annexed to the Protocol of the sixth conference; and in the American counter-statement annexed to the Protocol of the seventh conference.†

The British negotiators disclaimed all right to exclusive sovereignty over any part of Oregon. But they maintained that no other power had acquired such a right; and therefore that the whole country must be open to settlement by any nation, and, among the rest, by Great Britain. They then refuted by arguments which we need not reproduce, (for we have already stated their substance,) the exclusive pretensions of America. And they concluded by declaring the determination of Great Britain to maintain her qualified rights under the Nootka Sound convention, until a fair partition shall have been effected.

The only parts of Mr. Gallatin's answer which we need notice are as follow: He maintained that the Columbia was first discovered by the United States—that this discovery was followed by an actual settlement made by Mr. Astor within a reasonable time—and that this discovery and settlement give a right to the whole country drained by the Columbia, and by its tributary streams; that is, to the whole territory between the 52d and 42d parallels. He contended that the Nootka Sound convention was purely commercial—that the settlements which it authorized were trading posts, not colonies, since colonies imply exclusive sovereignty—and that it terminated by the war of 1796. He affirmed that America, having purchased for a valuable consideration the rights of Spain, had acquired a double title, and therefore was entitled to a double share; whereas the British proposal offered her only one-third. He contended that title by contiguity must have reference to the magnitude and population of the settlement in respect of which it is claimed, and the facilities and probabilities of actual occupation; and he urged that, on comparing the comparative population and rate of increase of the United States and of British America, it must be evident that it is from the United States, not from Canada, that the future population of Oregon will proceed.

It is strange that a man of Mr. Gallatin's ability should have relied on the settlement made by Mr. Astor. Omitting, for the present, the fatal objection that it was a private, not a government enterprise, it was a mere attempt to form a trading post. And in the very paper which we are considering, Mr. Gallatin affirms,

with reason, that mere factories established for the purpose of traffic, and not followed by actual cultivation, give no title. And lastly, it was abandoned by its creator, and is now a ruinous log house. That the erection of a stockade by private traders, and its retention for a few months, can give, thirty years after it has been abandoned, the sovereignty of a country nearly twice as large as France, is a position which no Statesman educated on this side of the Atlantic will seriously maintain. The construction of the Nootka Sound convention is not free from doubt. It certainly resembles the provisions of the treaty of 1783 respecting the right of fishing, which, according to the English negotiators, was annulled by the war of 1812; and, according to the Americans, was a permanent arrangement. The convention of 1827, however, seems to have made this discussion unimportant. By that convention, either party may terminate the present arrangement on twelve months' notice. But as that arrangement, and the Nootka Sound arrangement, are substantially the same, the power to terminate the one necessarily implies a power to terminate the power.

The claim founded on purchase from Spain was sophistical. The disputed territory—the territory to which the Nootka Sound convention applied—began in latitude 38°. By the Florida treaty, America ceded to Spain the part of it which lies between that parallel and 42°. But as the ceded portion belonged just as much to England as it did to America, to found on this cession a title against England was altogether childish. But we admit that there is a foundation for the premise, that title by contiguity is affected by the importance of the settlement in respect of which it is claimed. And we firmly believe in Mr. Gallatin's prophecy, that 'under 'whatever nominal sovereignty Oregon may be placed, whatever its 'ultimate destinies may be, it will be almost exclusively peopled by 'the surplus population of the United States.'

The negotiation for partition is now resumed, and we trust with a fair prospect of success. It is much that the real worthlessness of the country has been established. All that any prudent Englishman or American can wish is, that the controversy should be speedily and honourably settled. A week's interruption of confidence—such, for instance, as followed the reception of Mr. Polk's inaugural speech (of 1845.)—costs each party twenty times the value of the matter in dispute.

We think that we have supplied premises from which it may be inferred, that no nation now possesses any title, perfect or imperfect, by discovery, by settlement, by treaty, or by prescription. We have shown, too, that no nation possesses a perfect title by contiguity; and we have shown that an imperfect title by contiguity to the portion which lies north of the forty ninth parallel, is vested in England—and to that part which lies south of that parallel, in America. We think, therefore, that that parallel ought to be the basis of the boundary; but as, if prolonged indefinitely, it would cut off the southern extremity of Vancouver's Island with little advantage to America, and great injury, if we shall ever occupy that island, to England; we think that it should cease to be the boundary when it reaches the coast, and that from thence the boundary should be the sea. This would give to us the whole of Vancouver's Island, which, if we are absurd enough to plant a colony in the Northern Pacific, is the least objectionable seat. It possesses excellent ports, a tolerable climate, and some cultivable soil—an ascertained and defensible frontier—and the command of the important straits, by which, to the east and to the south, it is separated from the Continent. That its distance from Europe would render it a costly, unprofitable incumbrance, is true; but that objection applies with equal force to every part of Oregon.

*Review of a Report of an Exploration of the Country lying between the Missouri River and the Rocky Mountains.* By Lieut. J. C. Fremont. Washington, 1843: Printed by order of the United States Senate.

The government of the United States, in furtherance of the resolution to survey the road across the great Western Prairies, and the Rocky Mountains to the Oregon territory, selected Lieut. Fremont for the execution of that work. The country gone over by Lieut. Fremont is certainly not the most interesting in the world, nor is it quite new. His orders were "to explore and report upon the country between the frontier of Missouri and the South Pass in the Rocky Mountains, and in the line of the Kansas, and Great Platte rivers." He began his preparations at St. Louis on the Mississippi, where he collected twenty-one men, principally Creole and Canadian *voyageurs*, who had grown familiar with prairie life in the service of the fur companies in the Indian country.

The expedition started from Chouteau's Station on the Kansas, on the 10th of March, 1843, and met with its first disaster four days later; when, in crossing this river during a temporary flood, the india-rubber boat

\*Letter to Lord Glenelg, House of Commons Paper, 1842. No. 547.

†29th Congress—1st Session—Document, No. 199, pp. 50-60.