THE

OREGON QUESTION,

AS IT STANDS.

BY M. B. SAMPSON.

WITH A MAP.

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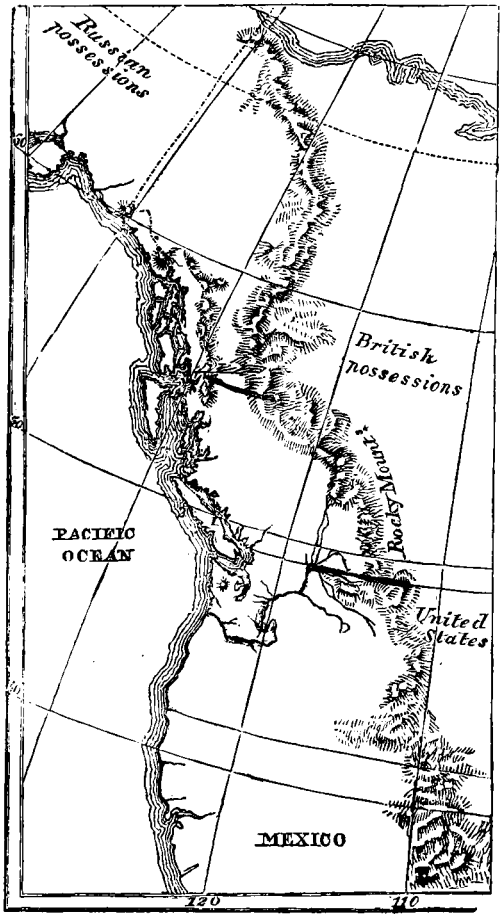

REFERENCES.

Yellow.—Russian boundary.
Mexican do.
Blue.—American claim, 54deg. 40min., (present British boundary)
Green.—American offer in 1844, 49deg.
Red.—British offer; course of the Columbia.
1. Vancouver's Island. 2. Nootka Sound.

THE leading points of the Oregon question, embraced in the recently published correspondence between the British and American plenipotentiaries, admit of being concisely stated, and as it is certain that almost every person will have something to say upon the subject, and equally certain that not one in a hundred will previously seek the information necessary to warrant the expression of any opinion whatever, so long as this information is only to be gained by wading through the voluminous and not very clearly-connected statements of the conflicting parties, it is desirable at once to undertake the task.

The subjoined map will show the entire extent of the disputed territory, bounded on the north by the possessions of Britain and Russia, on the east by the rocky mountains (dividing it from the possessions of Britain,

and also from the United States), and on the south by Mexico. The whole of this territory is termed the Oregon, and the following are the circumstances upon which the United States and Great Britain respectively rest their claims to the exercise over it of entire or partial sovereignty. First as to the claims of the United States.

The United States rest their claims on three grounds, namely—1. On the rights of France to the territory, which rights the United States obtained from that country by the treaty of Louisiana in 1803. 2. On the rights of Spain, which they obtained by the treaty of Florida in 1819, and, 3. On their own priority of exploration and settlement.

On the rights derived from France by the treaty of Louisiana but little stress is laid, and they may be very shortly described. From its mouth at New Orleans, in the state of Louisiana, the Mississippi river ascends to about the 47th degree of north latitude, running its course parallel with, and about 15 degrees east of, the rocky mountains. In the treaty of 1763, between Great Britain and France, this river was fixed as the western limit of the British dominions in America, leaving France to assert her right to all the unknown territory between that river and the Pacific Ocean, so far as she could make it good, either by exploration, or by setting up a claim, (for which Great Britain in respect of her own settlements in America had previously furnished a precedent,) solely on the ground of *contiguity*. Spain, however, as we shall presently see, was recognized as possessing a claim to the whole of the Oregon, and the French claim to the country west of the Mississippi was, consequently, never extended with much chance of success beyond the rocky mountains, although in old French maps the sovereignty of France is assumed over the whole region to the Pacific. It is only therefore, in case the original Spanish claim to Oregon could be invalidated that the French claim could possibly acquire any value, and as the original existence of the Spanish right is not really disputed either by Great Britain or the United States, this branch of the question is at once rendered almost wholly unimportant.

It is upon the two other grounds, namely, the rights derived from Spain, and priority of exploration and settlement, that the United States chiefly take their stand. By the treaty of Florida, in 1819, Spain made over to the United States all her rights on the West Coast of North America; the said rights, which arose in the following way, and which extended as far north as the Russian possessions, being those of prior discovery.

The voyages of discovery instituted by Spain in this region commenced in 1528, with that of Maldonado and ended with that under Galiano and Valdes, in 1792, and their priority over all others has never been contested. They not only included the entire coast of what is now called the Oregon territory, but included the discovery of the mouth of the Columbia river (coloured red on the map), which

discovery was made by the Spanish navigator, Bruno Heceta, on the 15th August, 1775. For nearly three centuries, therefore, Spain had claimed power over the whole of this territory. She maintained this claim with jealous vigilance, and it had been in a great measure acquiesced in by all European governments. Although constantly sending out expeditions after the date of her first discoveries, it is alleged she did not send them out for the purpose of rendering her title more valid, but simply to ascertain the character and extent of her own territory, while at the same time she took the ordinary formal steps for asserting her title whenever it was practicable to do so. With this view the expedition of Heceta, which was fitted out from Mexico in 1775, and which landed at various places on the coast from the 41st to the 57th degree of latitude, took possession of the country, upon all such occasions, according to a prescribed regulation: celebrating mass, reading declarations asserting the right of Spain to the territory, and erecting crosses with inscriptions to celebrate the event.

These facts afford strong grounds for regarding the rights of Spain to the territory as almost incontestible, and if it can be shown that she ceded these rights to the United States by the treaty of Florida in 1819, they would, of course, now be equally strong when urged on behalf of that Government. It will be subsequently seen, however, that this cession is not admitted by the British Government to have taken place.

Having thus stated the rights of the United States as founded on their alleged acquisition of the original rights of Spain, the third ground of claim, viz., that of their own prior exploration and settlement of the territory as compared with the exploration and settlements effected by Great Britain, remains to be considered. This claim chiefly refers to the portion of the territory drained by the Columbia river.

It appears that the first navigator who entered this river was a citizen of the United States, named Gray, the captain of a trading vessel of Boston, called the Columbia. On the 11th of May, 1792, he passed its bar, and anchored 10 or 15 miles above its mouth, and he then gave it the name of the Columbia, after his ship, which name it still retains.

This transaction constitutes the American claim as far as relates to discovery by navigation. They have, however, an argument based on exploration by land. In 1803 an expedition was arranged and placed under three United States' citizens, Meriwether, Lewis, and Clarke, to explore the river Missouri, and its principal branches, to their sources, *and then to seek and trace to its termination in the Pacific*, some stream, "whether the Columbia, the Colorado, or any other which might offer the most direct and practicable water communication across the continent for the purposes of commerce," and in 1805 this party reached, what they considered, *the head-waters of the*

Columbia. After crossing, and giving names to many tributary streams, they descended to its mouth, and encamped for the winter. In the spring they commenced their return, still continuing their observations, and in September, 1806, they again reached the United States, after an absence of two years and four months.

Thus much with regard to exploration. As regards priority of settlement, it is urged that establishments were formed by American citizens on the Columbia as early as 1809 and 1810. In the spring of 1811, also, the celebrated settlement of Astoria was founded by a company, at the head of which was John Jacob Astor, and whose purpose was to establish a regular chain of trading posts on the Columbia and the contiguous coasts of the Pacific.

The United States' claims rest on the three several grounds thus detailed. They are, of course, entitled to the full benefit of each and all of them, so far as they can be harmoniously blended. It will be seen, however, that they gain little strength from each other, as the strength of one rests for the most part on the supposition that the others do not exist. Thus, if the Spanish title be held valid, the French claim can be good for nothing; while, if the American title, (founded on exploration by Americans,) be worth anything, the Spanish title must be held void. One of the three may be perfectly good, *but only one*, because they are discordant in their nature. Although, however, it is impossible they can be united so as to present one complete claim more powerful than that which is to be derived from the best of them singly, they are still each valuable to the United States, and may legitimately be used in turn in opposition to the claims of Great Britain. If, for instance, Great Britain should see fit to base her claim on the argument of *contiguity* in preference to acknowledging the rights of original discovery, or of subsequent explorations, then she can be met by the French claim as it is now possessed by the United States; if, on the other hand, she takes the ground of *original discovery*, then it is perfectly competent to the Americans to urge what they also possess, in this respect, namely, the Spanish title; or if, again, refusing all acknowledgment of the French or Spanish titles, Great Britain should prefer to take her stand on the extent and value of the explorations made by British subjects in comparison with those made by citizens of the United States, then the Americans, if they see fit to do so, are at perfect liberty to meet her on her own ground, and to urge their claims in this direction. It is quite fair for them to use each one of their three grounds of title to meet Great Britain on her own arguments, should they deem it expedient; or, on the other hand, to rest upon any one of them, and to refuse to consider the others.

We have now to consider the way in which these claims have been respectively met.

As regards the claim derived by the United States from France

in the cession of Louisiana, little discussion has taken place, because Great Britain has never contested the original claim of Spain by which the French claim is rendered untenable.

As regards the Spanish claim, now possessed by the United States, the view taken by Great Britain is as follows. The early discoveries and consequent rights of Spain are not denied, but it is denied that these rights were conceded to the United States, as alleged, by the treaty of Florida; and for the reason that this treaty took place in 1819, while by a treaty known as the Nootka Sound treaty, and which was made so far back as 1790, Spain had renounced all right of exclusive sovereignty over Oregon, and it was therefore impossible that she could concede to the United States what she no longer possessed. This treaty originated in the following way. In 1788, John Meares, a British subject, sailing under the Portuguese flag, landed at Nootka Sound and formed an establishment there, of which the Spaniards took forcible possession in the following year, under the orders of the Viceroy of Mexico, who *claimed for Spain the exclusive sovereignty of the whole territory* on the north-west coast of America up to the Russian line. Meares appealed to the British Government for redress against Spain, which, under the apprehension of hostilities, was promptly accorded by that country. The convention by which this was effected, and which is called the Nootka Sound treaty, not only provides for the restoration of the lands and buildings of which the subjects of Great Britain had been dispossessed by the Spaniards, and the payment of an indemnity for the injuries sustained, but also agrees that "in order to preserve perfect harmony" for the future, the subjects of Great Britain and Spain respectively, shall thenceforth enjoy equal rights over the whole of the Oregon territory, so far as it was then unoccupied by the subjects of either power. "The respective subjects," it was contracted, "of Spain and Great Britain, 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." This treaty evidently amounts on the part of Spain to a complete surrender of her right of sovereignty. John Meares, a British subject, had taken possession of a part of the territory, and the Viceroy of Mexico perceiving at once that this could not be tolerated consistently with the claim of Spain to exclusive sovereignty, took prompt measures to dispossess him. Whereupon the Spanish Government disallowed the act of their Viceroy, recognized the legality of Meares' claim to the territory he had taken possession of (for the convention provided that his *lands* should be restored to him), and acknowledged the right of Great Britain thenceforth to form independent *settlements*, that is to say, settlements

in which they should not be "disturbed or molested" by the exercise of any authority or sovereign power on the part of Spain. From this it would appear that Spain had reserved no rights as against Great Britain which she could possibly nine-and-twenty years afterwards make over to the United States. She reserved *equal* rights with Great Britain (that is to say, to joint occupation or to one-half the territory), but nothing more.

It is, however, contended by the United States, that the Nootka Sound treaty is no longer in force. "The general rule of national law," says Mr. Buchanan, "is that war terminates all subsisting treaties between the belligerent powers," (a proposition which he shows to have been maintained by Great Britain to its fullest extent*) and he contends therefore that by the fact of Spain having declared war against Great Britain in 1796, the provisions of the Nootka Sound treaty have been annulled, and the parties freed from its obligations. It is admitted that by the treaty of Madrid, on the 28th of August, 1814, it was subsequently agreed between Great Britain and Spain, that "pending the negotiation of a new treaty of commerce, Great Britain shall be admitted to trade with Spain, *upon the same conditions as those which existed previous to* 1796; all the treaties of commerce which at that period subsisted between the two nations being ratified and confirmed," but it is alleged, 1. That as the terms of this agreement are confined to Spain, it cannot be made "to embrace her colonies or remote territories;" and 2. That even supposing it could be made to embrace these possessions, it would not revive the Nootka Sound treaty, as that treaty was not a commercial treaty, because it had no relation to any trade or commerce between the respective powers, but "merely prohibited the subjects of either from disturbing or molesting those of the other in trading with third parties—the natives of the country."

It will be seen, however, that these qualifications will not stand. Although the Madrid treaty speaks of "trade with *Spain*," it is to be remarked that it afterwards states that all the treaties of commerce which at that period (viz., 1796,) subsisted *between the two nations* should be ratified and confirmed, and if the Nootka Sound treaty was not a treaty *between the two nations*, that is to say, between Great Britain and Spain, it would be hard to say what it was. The difficulty of her colonies or remote territories not having been included by Spain in the treaty of Madrid, is thus at once got rid of, and the only remaining question is whether the Nootka Sound treaty can be called a commercial one. The distinction set up that it was merely a treaty relating to

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* "Great Britain knows of no exception to the rule that all treaties are put an end to by a subsequent war between the same parties."—*Lord Bathurst to Mr. Adams, in* 1815.

the trade of Spanish and English subjects with the natives of the Oregon appears a remarkably fine one. It does not alter the fact that it gave Great Britain all the *trading* as well as other rights which Spain had the power to give. It was in fact strictly a treaty relating to commerce, because it amounted to a special surrender of all right to interfere with the commercial operations of Great Britain in that district.

The great fact, however, in connexion with this treaty, appears to be, that there was no occasion for its renewal in order to preserve to Great Britain all the rights she had originally acquired by it. It amounted to a *surrender* of sovereignty, as far as regarded its exercise over British subjects, and no subsequent war between Great Britain and Spain could restore to Spain a throne which she had thus for ever abdicated, or which, at all events, she had agreed to share in common with this country; thus granting a joint sovereignty, from which England could thenceforward not be deposed except by a formal act. It must also be particularly borne in mind that it had a retrospective no less than a prospective action, and that its effect with regard to the past cannot be altered or set aside. It acknowledged that Spain in interfering with British subjects who had taken possession of unoccupied lands in Oregon, had done what she had *no right* to do, and although this acknowledgment was obviously made by her under the mean influence of fear, it could not afterwards be recalled. It is impossible, therefore, to admit that she could in 1819 make over to America a right which nine-and-twenty years previously she had not only disclaimed, but for an attempted exercise of which, on the part of one of her officers, she had actually made reparation.

The third ground of claim advanced by the United States, namely, that of prior discovery, exploration, and settlement by American citizens, now remains to be considered. It is admitted that, when the United States became an independent nation they possessed no claim, direct or indirect, to the Columbia territory. Their western boundary was defined by the treaty of 1783. Great Britain, on the contrary, had at that time already directed her attention to the north-west coast of America, Captain Cook having in 1778 visited and explored a great portion of it from latitude 44 degrees northwards. Her subjects also established settlements which, as in the case of Meares in 1788, she resolutely defended. Subsequently, in 1792, 1793, and 1794, Captain Vancouver effected a complete survey of the entire coast, and especially of the island which bears his name, and which he then circumnavigated. These transactions, with the exception of the last, all took place before Captain Gray explored the Columbia, and although it is conceded that this navigator was the first to enter that river, it is asked if this discovery, although an important one, can be held as superior to, or as one even to be placed in competition with, the vast extent of discovery and survey accomplished by British

navigators. With regard to exploration inland, the feat of a British subject, named Mackenzie, who in 1733 effected a passage across the Oregon from the Rocky Mountains to the Pacific, and who explored the upper waters of a river since called Fraser's river, which joins the sea near the 49th degree of latitude, is urged as a considerable set-off against the admitted exploits of Clarke and Lewis, performed nearly three quarters of a century afterwards. It is also contended that Clarke and Lewis did not touch upon the head waters of the principal branch of the Columbia river, which lie much further north than the country explored by them, and that this branch was first navigated by a person named Thompson, the Astronomer of the British North-West Company. As to priority of settlement, so far as regards the banks of the Columbia, which is claimed by the Americans as having taken place on their part in 1809, it is asserted that in 1806 and 1811, respectively, the North-West Company established posts on the Tacoutche, the Tesse, and the Columbia.

From what has now been detailed, a review of the three heads under which the dispute necessarily arranges itself can easily be made. The first head, that of the claim derived by the United States from France, seems to be of no importance whatever. The second, that of the claim derived from Spain, seems to result in showing that Spain first conceded to England *equal* rights with herself in the Oregon territory, and that she then conceded her own rights to the United States, so that under this head America and England are entitled to joint occupation, or an *equal division.* The third head, (that of prior discovery as regards United States' citizens and British subjects,) is one of more difficulty because the circumstances connected with it are less precise. It is a matter for rough and liberal estimate, and not for higgling argument. In this broad way it certainly seems not too much to assume, that the careful and complete survey of an entire coast, and of its principal adjacent islands, may, at least, be set up as equivalent to the discovery of the mouth of a single river, even though that river may be its most important one,—and also that the circumstance of one British subject having been the first to cross from the Rocky Mountains to the ocean, and of another having been the first to navigate the real head-waters of the Columbia, may be viewed in a like aspect when compared even with the elaborate exploration of the Columbia performed by Clarke and Lewis. This view, therefore, would bring us to a conclusion under the third head similar to that at which we arrive under the second, namely, that the claims of the United States and of England are so nearly equal, that they can only be satisfactorily settled by a fair division.

From these conclusions we pass to examine the terms of settlement which have been proposed. Previously to the negotiation commenced by the British minister at Washington, on the 24th of February, 1844,

three several attempts had been made to settle the question. The first in 1818, the second in 1824, and the last in 1826. The negotiation of 1818 having failed, a convention was agreed upon on the 20th of October of that year, by which it was stipulated that the Oregon territory should remain open for ten years, without prejudice to the ultimate claims either of Great Britain or the United States, or of any other country. The negotiations of 1824 and 1826 also failed, and as the term of the convention of 1818 was now drawing to a close, a new convention was agreed upon (under date 6th August, 1827,) to permit the continuance of joint occupation for an indefinite period; each party, however, having the privilege of annulling such agreement, by giving twelve months' notice. This arrangement still remains in force (unless the British minister shall have recently given the required notice,) but it is evident that it will soon be terminated by the action of Congress.

In the negotiation commenced in 1844, and which has just ended in failure, the offer of the United States was, that the Oregon territory should be divided by the 49th parallel of north latitude (coloured green), from the Rocky Mountains to the Pacific Ocean, making free at the same time to Great Britain, any port or ports on Vancouver's island, south of that parallel which they might desire. The proposal of Great Britain was for an "equitable partition," to be effected by running the boundary along the 49th parallel from the Rocky Mountains till it intersects the Columbia river, and then taking the middle of that river to the ocean—the navigation of the river remaining perpetually free to both parties (see red line). Any port or ports, moreover, whether on Vancouver's island, or on the continent south of the 49th parallel, to which the United States might desire to have access, to be made free ports. This proposition would amount to a division of the entire territory, nearly acre for acre—insuring an equality also as relates to the navigation of the principal river.

These propositions having respectively fallen through, the President of the United States, in his message delivered to Congress last December states his conviction that "no compromise which the United States ought to accept can now be effected;" that he had sanctioned the attempt at an arrangement out of respect for the propositions of former Presidents; but that in his opinion, the title of the United States to the WHOLE OREGON TERRITORY, is supported by irrefragable facts and arguments, and that it should now, consequently be asserted. "The civilized world," he says, "will see in these proceedings a spirit of liberal concession on the part of the United States; and the government of that country will be relieved from all responsibility which may follow the failure to settle the controversy."

We have now traced the dispute in all its bearings from its origin to the present time; and having arrived at this point, the question arises,

looking at the tenor of the President's message, what hope or possibility is there of a satisfactory arrangement?

Few persons can read what has now been stated, without arriving at the conclusion of Mr. Webster, that the case is thoroughly one for amicable adjustment. Looking at the American claim as it is derived from Spain, on the one side, and the obvious bearing upon it of the Nootka Sound treaty on the other; at Captain Gray's first exploration of the Columbia, and at the previous or simultaneous surveys of nearly the entire coast by Cook, Meares, Vancouver, and others; at the expedition of Lewis and Clarke, and at the feat of Mackenzie, together with all the other conflicting circumstances we are irresistibly led to the conviction that the claim of one country is about as good as that of the other.* Under this view the only equitable adjustment must appear to consist in an equal division of the territory, and *this is what Great Britain has proposed.* Beyond this it is difficult to see any other step except that of consenting to refer to arbitration, and *this she has also proposed.* In what mode then can the affair be settled? It is quite clear that by the present methods of conducting the discussion it never can be settled, unless by a compromise more or less discreditable. Plenipotentiaries on both sides may argue and argue, and even if, unlike all preceding plenipotentiaries, they should consent to abandon all special pleading, they will never, so long as they ground their proceedings on a reference to the "law of nations," arrive at any satisfactory demonstration; because this law is so uncertain, so subject to inferences, and, as far as precedents are concerned, so full of contradictions, that the moment you get an illustration on one side, your opponent is able to produce something equally strong on the other. This has been particularly shown in the present question, and will be still more exhibited, in proportion as the discussion may be renewed or prolonged. If, therefore, the United States, refusing an equal division, and also the intervention of arbitrators, persist in their

* Additional proof of this is furnished in the way in which the plenipotentiaries on both sides, during the recent correspondence, endeavoured to catch at every feather that might serve to turn the scale. We would refer especially to the plea used against the United States, that the discovery made by their citizen, Captain Gray, was made in a trading vessel, and not a government ship, an objection which would tell equally against Meares, who sailed in a Portuguese and not a British vessel; and also to the pleas put in against the British claim that there is no proof that Meares' property was ever *actually* restored to him by Spain, although she had agreed to do so, (as if this could in any way invalidate the acknowledgment of British rights conveyed by such agreement); and also that the Nootka Sound treaty was essentially "temporary" in its nature, and, therefore, not to be quoted in the present day,—as if a treaty having for its object to confirm the right of British subjects to take possession of and to hold unoccupied *lands*, and to make *settlements*, had not in its very nature more of the elements of permanency than ninety-nine treaties out of a hundred.

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determination to be judges in their own cause, and, if this be not permitted, to resort to violence, there will seem, according to ordinary views, nothing left but war. We need hardly say, however, that, under any circumstances, we should disallow the justice of that alternative.

What, then, do we desire? Would we have Great Britain, for the sake of buying peace, give up some portion, or, if need be, the whole of what she conceives herself entitled to? Certainly not. If she consent to a wrong against herself it is just as bad as consenting to a wrong against another; and as a resort to evil means that good might come never yet proved successful, such a compromise could only in the end lead to demands still more unjust than those it is intended to pacify. If the question is to be settled by the law of nations, and it should appear to the people of England that, as far as they can see by the light of this law, their claim is as good as that of the United States, they ought to *consent* to nothing but an equal division, to meet their equal claims; but, at the same time, this does not involve the necessity, in case the United States should resort to violence, of meeting force by force. England in that case should protest in the face of the world against the barbarism of America, and at the same time treat the Government of that country as one with whom no relations whatever could be held. Without interfering with the private intercourse of the individuals of both nations, she should refuse to receive an American minister at her court; and this pacific, but determined step, (the necessity for which towards a nation which threatens brute force, when it is proposed to refer a matter in which it is an interested party to the decision of a properly-constituted court of arbitration, would at once be recognized by the whole civilized world), would, by rendering persons unwilling to settle in a country which had thus been put out of the pale of intercourse with the leading nations of the earth, soon convey a lesson leading to a wiser course.

But it need hardly be said that this idea is an idle one as regards measures likely to be adopted. England is not so sensible or so moral as to take such ground, and to forbear, under much provocation, from becoming as violent as the strongest enemies of the world's peace could desire, and therefore if the United States persist in their present course, the only probable termination of the matter seems to be the dishonourable one, on the part of England, of consenting to an injustice, or the equally deplorable one of repelling it by war.

But the question arises, *Is it absolutely essential that the law of nations should be taken as the standard by which the matter must be settled?* Is this law so perfect that advancing civilization can find no better guide? Have the laws of God and the rights of man been at all times so carefully proclaimed by it, as to leave us nothing to fall back upon? We see the confusion in which an attempted adherence to it has already placed us,

and, as there is no chance of its finally helping us out, why should we not inquire for some better instruction,—why not go back to FIRST PRINCIPLES, and deal with the matter by a reference only to those laws which the Creator has established to regulate human rights?

Taking up the question in this aspect, it is plain that neither England or the United States have the slightest claim to the territory. It should belong solely to those who go forth to it, and labour upon it, and bring it into usefulness. The doctrine that any particular government can acquire a right over an uninhabited and unreclaimed part of the earth, merely from the circumstance of its having discovered that there is such a part in existence, is altogether intolerable. There is now, perhaps, hardly a spot on the globe undiscovered, and therefore, according to this doctrine, not a plot of ground where a free man may set his foot, and exclaim, "Here at least I am untrammelled by human conventionalities, and here persons like myself, who see that there is no government in existence which does not in some way or other interfere with natural rights, may congregate together, and found communities to be governed by laws, such as in their own wisdom, and *according to their own consciences*, they may decide upon." From every prospect of this kind we are to be shut out. The experiment of self-government is everywhere to be checked. If we fly to some remote district discovered by England, we must have the dignitaries of a State Church sent after us (no matter what our religious opinions may be) to dictate what we are to believe; or, if one wretched member of our community should kill his fellow, we must, in order to beget a horror of killing, kill him in return. If, turning from this, we fly to a part discovered by America, we are to be compelled to join a Union which does not object to number, amongst the states of which it is composed, some one or more who openly repudiate every principle of public honesty,—which, like England of old, establishes restrictive laws to prevent the free commercial intercourse of nations, which permits the existence of slavery within the special district of her legislative chambers, and which, moreover, does not hesitate to avow her intention of settling by bloodshed any simple question of legal right in which she may become involved. That which the Pilgrim Fathers found in America is no longer to be found in any quarter of the globe!

In advancing this doctrine, or suffering it to be advanced by others, the United States are outraging all principles of human liberty. It is their privilege, above all others, to insist that at least those portions of the earth which are now free should be *left free*, so that the communities which may hereafter settle upon them should choose entirely their own form of government.

It is plain, however, that this freedom would be merely nominal, unless some guarantee were taken for it. Suppose, for instance, that the United States and England were to agree that the Oregon territory

should be left for the future settlers to determine their own mode of rule, it would immediately become a race between the two countries to fill up certain portions of it, and to get those portions as soon as possible to declare for one or the other. There would be constant intrigues for acquiring predominance, and constant quarrels and revolutions. It would not do, therefore, to leave the country in this state, and the following appears the plan that, according to the foregoing views, should be adopted.

The territory should be divided into free states, say each of an area of 500 miles square, or such amount as experience may have shown to be most convenient, and the settlers in each of these states should be perfectly at liberty to frame their own forms of government. They should, in fact, be completely independent, one only proviso being enforced by England and the United States, namely, that any laws which these new communities might frame, should always, as regards England and the United States, be the *same for both*; that they should never give the United States a preference over England, nor England a preference over the United States; but that whatever should be lawful and open to a native of one country, should be lawful and open to a native of the other. A treaty of this kind would be based upon the purest equity, and if either country should object to it, it would at once show that a desire is entertained of obtaining some undue advantage. The plan would also effectually stop all colonizing intrigues, since no one of the new states could by possibility unite either with England or the United States under its conditions;—at least until these countries had no laws save such as were in common, a consummation to be reserved, it is to be feared, for far distant generations.

The extent to which the adoption of these views would benefit both England and the United States is hardly to be conceived. On the new territory, the people of each country would meet, not as rivals, but on mutual terms, and with common interests. It would be like a marriage between the two nations, and the new communities (its offspring) would serve permanently as a tie leading to the exercise of mutual forbearance, constancy, and love.

This looks better than war. Is it to be a dream, and is war to be the reality?

THOMAS HARRILD, Printer, Silver Street, Falcon Square, London.

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