

SETTLE OREGON.
[To accompany bill H. R. No. 771.]

FEBRUARY 9, 1843.

MR. REYNOLDS, from the Select Committee to which the subject had been referred, submitted the following

REPORT :

The Select Committee (composed of Messrs. Reynolds of Illinois, Miller of Missouri, Dawson of Louisiana, Cross, of Arkansas, and Kennedy, of Indiana) to whom were referred various memorials and proceedings of public meetings, praying for the adoption of suitable measures by Congress for the occupation and settlement of Oregon Territory, beg leave to submit the following report :

Before proceeding to recommend any measure providing for the exercise of sovereignty and dominion, on the part of the United States, over the Oregon Territory, it will be proper, in the first place, to consider the right of Congress to do so.

The claim of the United States to the tract of country called Oregon Territory, extending east and west from the Rocky mountains to the Pacific ocean, and north and south between latitudes 42° and 54° 40", is founded upon discovery, occupancy, and treaty. It has not been questioned by any Power but Great Britain, and it is not, to the knowledge of the committee, doubted or disputed by any American statesman.

This claim has been so often and ably investigated and asserted, and so fully and conclusively established by the Executive department of this Government, and by reports of committees and in debate in both branches of Congress, that the committee have not considered it necessary, for any useful purpose, to enter into any further argument in support of its validity or justice.

Assuming, then, as we justly may, that the matter of title to the Oregon Territory is a settled question in favor of the United States, every one must admit that Congress has the same right to provide for its occupation and settlement, and to extend over it the jurisdiction of our laws, that we have been in the habit of exercising over our other conceded public domain, unless such right has been restricted by treaty stipulations with some other Power. Whether that right has been so restricted, the committee will now proceed to examine.

The principal if not the only objection that the committee have heard urged why this Government cannot now rightfully exercise over the Oregon Territory, the same rights of sovereignty and dominion that it has been ac-

customed to exercise over its other acknowledged territory, in which settlements have been encouraged, and over which we have established Territorial Governments, is, that treaty engagements exist between the United States and Great Britain which forbid it. These engagements are supposed to be contained in the third article of the treaty of 1818, which was renewed in 1827, and which defines the actual relations now existing between the two Governments in respect to this Territory. The following is the third article of the treaty of 1818, which is relied upon to sustain the pretensions of Great Britain :

“ It is agreed, that any country that may be claimed by either party on the northwest coast of America, westward of the Stony mountains, shall, together with its harbors, bays, and creeks, and the navigation of all rivers within the same, be free and open for the term of ten years from the date of the signature of this convention, to the vessels, citizens, and subjects, of the two Powers ; it being well understood that this agreement is not to be construed to the prejudice of any claim which either of the two high contracting parties may have to any part of said country ; nor shall it be taken to affect the claims of any other Power or State to any part of the said country—the only object of the high contracting parties, in that respect, being to prevent disputes and differences amongst themselves.”

And the convention of 1827, between the two Governments, contains the following provisions on the same subject :

“ ART. 1. All the provisions of the third article of the convention concluded between the United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland, on the 20th of October, 1818, shall be, and they are hereby, further indefinitely extended and continued in force, in the same manner as if all the provisions of the said article were herein specifically recited.

“ ART. 2. It shall be competent, however, to either of the contracting parties, in case either should think fit, at any time after the 20th day of October, 1828, on giving due notice of twelve months to the other contracting party, to annul and abrogate this convention ; and it shall, in such case, be entirely annulled and abrogated, after the expiration of the said term of notice.

“ ART. 3. Nothing contained in this convention, or in the third article of the convention of the 20th of October, 1818, hereby continued in force, shall be construed to impair or in any manner affect the claims which either of the contracting parties may have to any part of the country westward of the Stony or Rocky mountains.”

Now, is there any thing in either or all these provisions which prohibits or restrains the United States from exercising at any time their pre-existing rights of sovereignty and dominion over the territory in dispute ? The committee confess that they cannot discover in them any thing of that character. They do not prevent us from using our own property as we might have used it before the treaties were entered into. Instead of granting Great Britain any right of soil, they expressly declare that they shall not be construed in any manner to affect title. They neither give nor withhold rights of sovereignty, but leave them as they existed before. The reservation, expressly made, that nothing therein contained should operate to impair the pre-existing rights of parties, is conclusive that we retain all those rights which we do not grant. Great Britain derives no new right but freedom of trade, commerce, and navigation, to her sub-

jects in common with the citizens of the United States, and to the exclusion of all other nations. The whole spirit and purpose of the treaty provisions referred to are entirely commercial.

The only respect, as the committee conceive, in which the conventional regulations above quoted changed the previously existing relations of the parties, in regard to Oregon Territory, is, that the United States concede to the subjects of Great Britain, under our sovereignty and dominion, a participation in rights belonging to American citizens in our own territory and jurisdiction. It is an agreement, on the part of the United States, that the Oregon country should, together with its harbors, bays, and creeks, and the navigation of all rivers within the same, be free and open to the vessels and subjects of Great Britain, the same as they are to citizens of the United States, for the purposes of trade, commerce, &c. The great object which the British Government had in view, in forming this arrangement, was to secure *free trade* to her subjects, in carrying on their traffic with the Indians in that portion of this continent. At the time this arrangement was formed, the Hudson's Bay Company were the only persons then in the Oregon Territory to avail themselves of its advantages. This was a mere fur company, whose chief business was trading with the Indians, and whose interests consisted in the uninterrupted enjoyment of that pursuit, and the free importation of British goods to make their purchases of the Indian tribes. The primary object of the treaty stipulations quoted, were to advance and protect the temporary interests of that company, which did not then, as the committee understand, carry on any agricultural pursuits, except so far as was necessary to support them in the primary business of the fur trade. From these circumstances, the committee are clearly of the opinion that the conventions of 1818 and 1827 were designed and understood to be mere commercial arrangements, impairing none of the territorial rights of the United States.

That this Government parted with none of its sovereignty and dominion by the conventions alluded to, will appear obvious by facts which we will now advert to. In 1826, negotiations were renewed between the United States and Great Britain, in relation to this territory. After various propositions had been mutually made and rejected by the parties, it was finally proposed, on the part of Great Britain, that the arrangement actually subsisting between the two Governments should be renewed and extended for the term of fifteen years, with the new and additional provision that neither party should assume or exercise any right of sovereignty or dominion over any part of the Oregon country during that period, and that no settlement then existing, or that might be thereafter made, should ever be adduced by either party in support of such claims of sovereignty and dominion. This proposition, made to our minister, Mr. Gallatin, was submitted by him to his Government, which refused to agree to any such modification of the then existing relations between the parties.

Upon this rejection of their proposition, the British minister then expressed a willingness to agree to a mere renewal of the arrangement of 1818, provided a clause was added explaining what they understood to be its object and meaning. But the American minister refused to accede to any addition of that or any other nature; and then, as a last resort, the treaty of 1827 was formed, merely renewing the provisions of the 3d article of the treaty of 1818.

From these proceedings, it will be seen that the Government of the Uni-

ed States refused to stipulate that it would not assume or exercise any right of sovereignty or dominion over their Oregon country. The committee consider that the proposal of such a stipulation by the British authorities was a virtual acknowledgment, on their part, that the United States, under the treaty of 1818, could justly exercise the right of sovereignty and dominion over that territory; and that the rejection of such proposition, on the part of the American Government, is conclusive evidence of its opinion that it possessed that right, and that it was determined not to compromise or yield it by further concessions.

Let us take another view of this question. Suppose that a similar convention had been entered into between the two Governments, at the same time, in regard to the Northeast coast of America, and north of the disputed territory, inclusive, between New Brunswick and Maine. It would have been regarded by both parties in no other light than a mere proclamation of free trade—an abolishment of all commercial restrictions on the trade and commerce of the citizens of the United States with the British colonies in that quarter. Neither party would have construed it to grant any territorial rights or impose any restraint upon the sovereignty and dominion of Great Britain, nor concede any such rights to the Government of the United States. It would have been considered a mere admission of American citizens to an equal participation with British subjects in the trade, navigation, fisheries, and commerce of the colonies, and would have rendered them alike amenable with British subjects to the jurisdiction of British laws.

The committee having thus, as they believe, shown the right of the United States to the sovereignty and dominion over the Oregon Territory, within the limits claimed by this Government, will now proceed to consider the expediency of exercising it. And, first, we will glance for a moment at the character of the country in dispute. From the accounts which have been given to the public, from authentic sources, the general fact may be considered well settled, that the soil, climate, and natural advantages of Oregon Territory are very similar to the country in the same latitude east of the Rocky mountains, with this difference, that the climate of Oregon is far more mild and genial and uniform. A resident of that country tells us that ploughing can be done throughout most winters, the weather is so mild; and that, within his knowledge, there had been but one winter when the ground was frozen; and that, in the same year, during February, the average of the thermometer at sunrise was 40 degrees, and this on the same parallel with Quebec. The American agent who received the restoration of "*Astoria*," at the treaty of peace after the last war, tells us that the climate to the southward of 53 degrees assumes a mildness unknown in the same latitude on the eastern side of the continent. The author of "*Astoria*" informs us that "a remarkable characteristic of the country is the mildness and equability of the climate. In the plains and valleys but little snow falls throughout the winter, and usually melts while falling; it rarely lies on the ground more than two days at a time, except on the summit of the mountains. The winters are airy rather than cold. The mild temperature prevalent throughout the country is attributed by some to the succession of winds from the Pacific ocean, extending from latitude 20 degrees to at least 50 degrees north. These temper the heat of summer; so, in the shade, no one is incommoded by perspiration. They also soften the rigors of winter, and produce such a moderation in climate that the inhabitants can wear the same dress throughout the year. One traveller describes a farm on

the Columbia river which, in one year, raised 4,500 bushels of wheat, 4,000 of peas, 1,700 of barley, 1,500 of oats; his horned cattle 750 head, swine 400; with from 200 to 300 horses. Another respectable authority says: "This region is well calculated for wheat, barley, rye, oats, peas, potatoes, and all sorts of roots cultivated in the United States; apples succeed well, and also tobacco. Corn, for some reason, has thus far turned out to be an unprofitable crop. Horses and neat cattle succeed tolerably well; the winter being mild, enables them to subsist without other food than the open fields afford. Hogs live and multiply, but cannot be made fat on the range of the country. For stock, this part of the country is, in every respect, inferior to the Middle and Western States, except in its winter; and this may, perhaps, counterbalance its other disadvantages." Another one says: "I consider the Wallamette, a branch or tributary of the Columbia, as the finest grazing country in the world." Another declares that, "in beauty of scenery, fertility of soil, and other natural advantages, no portion of our country surpasses that which is found upon the Wallamette. The whole valley of this river abounds in white oak and other valuable timber. Fringes of trees grow along the margin of the stream, and back of them are rich bottom lands, or prairie ground, of inexhaustible fertility, and adorned with all the wealth of vegetation. From these prairies, which are sometimes a few rods and sometimes several miles wide, often rise round isolated hills, heavily wooded, and presenting a lovely contrast to the sea of grasses and flowers from which they spring." The same person says he saw at Vancouver a large and splendid barn, in which was a threshing machine that cost \$1,500, worked by oxen. Connected with the farming establishment there, he saw more than 1,000 head of neat cattle, and flocks of sheep, and swine, and horses, and domestic fowls of various kinds; 12,000 bushels of wheat, he estimates, were in the sheaf when he was there in the spring. In the middle region of the country, in the neighborhood of Collville, the centre of a valley of more than 150 miles in width, the herdsman could at all times keep his animals in good grass, by approaching the mountains in summer, on the declivities of which almost any climate may be had. It is in this section of the country, says he, that all the horses are raised for the supply of the Indians and traders in the interior. It is not uncommon for one Indian to own several hundreds of them. I think this section, for producing hides, tallow, and beef, is superior to any part of North America. There is no question that sheep may be raised to any extent, in a climate so dry, and sufficiently warm, where very little snow or rain falls. It is also, I think, the healthiest country that I have ever been in." Mr. Slacum, an agent of the Government, sent out to explore the country during President Jackson's administration, thinks that the rivers within Oregon Territory, *exclusive* of the valleys of the Wallamette and Columbia, contain *fourteen millions* of acres of land of the first quality, equal to the best lands of Missouri or Illinois.

In regard to timber, it is said that the low country is well supplied with oak. Some species of fir are enumerated by one traveller, one of which he says grows to an immense size, commonly twenty-seven feet in circumference, many of them thirty-six feet; and he and his party measured one forty-two feet in circumference. This one was 300 feet in height, though they usually did not rise higher than 230 feet. Martin, in his History of the British Colonies, says that, below the junction of Lewis and Columbia rivers, the country presents nothing but a succession of plains; lower down

rapid currents and cascades are met with; after which, the river flows in a smooth and tranquil stream, through a charming and fertile valley, shaded by lofty forest trees, and possessing a soil capable of every kind of cultivation. The trees are remarkable for the greatest beauty, and for rising sometimes to a height of 300 feet, with a girth of forty-five; and many of the forest timbers tower 200 feet before they branch.

In regard to animals, those carried into the county thrive remarkably well. Horses are said to be found wild in many parts of the country; and they are described as being an excellent race, lofty, elegantly formed, active, and durable, like fine English coursers, and resembling, in fleetness and bottom, as well as in form and color, the best blooded horses of Virginia. Sheep are found in many places, but most in the timbered parts of the Rocky mountains. The beaver, common otter, sea otter, mink, seal, and all animals valuable for their skins and furs, are produced in abundance. The finest fish and fowl, of every variety, are very plenty throughout the country.

Such are some of the productions and natural advantages of our Oregon Territory, and the committee concur most fully with their fellow-citizens, whose petitions and memorials are before them, that measures should be immediately taken by Congress to occupy and settle it, and extend over it our republican institutions and laws. It is our own American soil; some of our fellow-citizens already inhabit it, our shipping in the Pacific often find it necessary to enter its harbors; and yet, to the discredit of our national honor, we have hitherto neglected to afford them the protection due to our soil, our citizens, and our flag. Our highest duties to our countrymen, as well as a just sense of national pride, should impel us to adopt and carry into effect some suitable measure to put an end to this shameful state of things.

Every one acquainted with the insidious and steady policy of Great Britain is aware, that, in all questions of boundary dispute with her neighbors, she invariably pushes her pretensions to territory, however unfounded or absurd, to the utmost limits of what is occupied by her subjects, and sometimes so far as to claim as a right what is convenient to her settlements, whether on her own soil or not. Our interest, therefore, is, and our policy should be, to adopt a counteracting policy, and meet her advancing tide of settlement with ours; and the sooner we do this the better, for experience shows that a people, under the impulse and enterprise of republican institutions, peacefully repel, by their approach, the subjects of monarchical or despotic Governments, just as the aborigines of the country recede before the advance of civilized man. The occupation and settlement of Oregon, by American citizens, will of itself operate to repel all European intruders, except those who come to enjoy the blessings of our laws. This would secure us more powerful arguments than any diplomacy could invent or use, to assert and maintain our just rights in that country, if war should ever be necessary to preserve and protect them.

The settlement of Oregon with American citizens, of kindred with us on this side of the Rocky mountains, is also important for cultivating and cherishing friendly relations between the Indians and the people of this country. If we should ever have another war with Great Britain, the great theatre of conflict would be upon the ocean, or along our Indian borders in the West and Northwest. Great Britain has already infused her own unfriendly spirit into the tribes that wander along the borders of her Canadian possessions, and she will instil it into the breasts of those

west of the Mississippi, unless we supplant her hostile subjects west of the mountains with our own citizens, who, if they cannot conciliate the Indians, and keep them at peace with us, will, if war should come, render important and essential service to their country. We should remember that, by removing the Indians from within the limits of the States to our territory beyond the Mississippi, we have endangered the safety of our Western border, and made it important that we should have friends instead of enemies in our territory beyond them.

The new relations which have recently sprung up between Great Britain and China, and which will, without doubt, eventually result in opening the ports of the Celestial Empire to the commerce of the world, will tend greatly to enhance the value of our interests in the Pacific, and thus require the watchful attention of this Government. Our trade, commerce, and fisheries, in that quarter, which are already very valuable, will now grow doubly more so. For the protection of those interests, a naval force is now necessary to be kept there, and it will have to be increased with the growing demands of our commerce in that ocean. In order to sustain in that quarter a proper naval force, every consideration of economy, efficiency, and national policy, requires that we should not only have a secure naval station within our own sovereignty and jurisdiction, but also a sufficient agricultural population in the neighborhood, to furnish the means and facilities for the construction, repairs, fitting out, and subsistence of our ships.

It may be asked if it is not necessary for the United States to give the one year's notice provided for in the treaty, before we can proceed to exercise our rights of sovereignty and dominion, by adopting measures for the occupation and settlement of our Oregon Territory. The committee think not. Such notice will only be necessary when the United States wish to establish custom-houses in that country, and close their ports against the free importation of British goods—when we will put British subjects there under the same commercial restrictions that we impose upon the trade of the people of other countries with our Atlantic ports. The bill which the committee report does not interfere with or violate the rights of British subjects in Oregon, under the treaties of 1818 and 1827. Their pursuits and settlements there, which are protected by those treaties, are not, in the opinion of the committee, inconsistent with the proposed measure, nor, indeed, with the established policy of this Government in inviting or permitting the occupation and settlement of our public domain by emigrants from all countries and climes. When we come to extinguish the Indian title in Oregon, survey the country, and throw the lands into market, in pursuance of our long-settled policy, it will then be time to determine how we will treat the British settlers—whether we will not then grant them, individually, the same rights of soil that we give to our own citizens; all to be subject to our own jurisdiction and laws.

In conclusion, the committee beg leave to remark, that, in their opinion, those persons mislead themselves who believe that this Territory, under suitable legislation by Congress, will not, like the new States that have sprung up in the Mississippi valley, rise rapidly into agricultural, commercial, and political importance. Have they forgotten that, when Great Britain, because her Canadian possessions extended so near the sources of the Mississippi, claimed the right to the "free and open" navigation of that river through its whole extent, together with the liberty of passing

to and from it through our territory—have they forgotten, we say, that a respectable number of our intelligent citizens were willing to grant that important right, because they thought the Mississippi country would not be settled in their day and generation? Even Mr. Jefferson himself was so moved by the clamors of that day against the purchase of Louisiana, which, it was alleged, was such a worthless wilderness that it would not be inhabited within the present century, that he recommended donations of land to the first 30,000 settlers there, as an inducement to its population and settlement.

But look at the Mississippi valley now, and see its immense population, its highly cultivated fields, its large cities, and growing towns, and the hundreds of majestic steamboats that plough the waters of her mighty rivers. And may we not anticipate, from a wise system of legislation, something like this from our Oregon Territory? When we consider the natural advantages and resources of that country within itself; the rich furs of the northwest; the vast trade of the islands of the Pacific; the tropical productions of the northern coast of Mexico and Central America; the pearls and gold of Panama and Choco; the inexhaustible mineral and other productions of Peru, on the western coast of South America; the immense trade of the East Indies, so valuable to every commercial nation; the whale fisheries, which are the nursery of seamen; the prospect of the opening of the ports of China to the commerce of the world, as they now are to Great Britain—when we consider these immensely valuable interests, and how easy our enterprising republican people in Oregon could outstrip all other competitors in availing themselves of those interests, if they could not practically monopolize them, may we not reasonably expect that, under the benign auspices of such legislation as Congress can adopt, the valley of the Oregon will exhibit an improvement in population, agriculture, commerce, navigation, wealth, and political importance, such as has been witnessed in our day in the valley of the Mississippi?

The following is the bill which the committee beg leave to report to the House on this subject; and they earnestly recommend its passage, for the reasons herein given.