

to the interests of the United States. By the provisions of that Convention the whole of the country west of the Stony Mountains, bordering on the North-west coast, which was then claimed both by Great Britain and the United States, is to remain free and open to the citizens and subjects of both countries. There is no limitation as to the time of its duration, but either party can put an end to it by giving the other twelve months notice of the intention so to do.

It has been said by a very distinguished gentleman, whose opinions are at all times entitled to great weight, that this Convention has been improperly called a Treaty of Joint Occupation. It is, as he maintains, rather a treaty of *non-occupation*, than one of joint occupancy. But, in this opinion your committee cannot concur. The language of the Third Article of the Convention of the 20th October, 1818, which was to be in force for only ten years, but which is adopted by the Convention of 6th August, 1827, and is to continue and remain in force for an indefinite period, will not admit of such construction. The language is, "That *any country* that may be claimed by either party, on the North-west Coast of America, westward to the Stony mountains shall, *together with its* harbours, bays, creeks, and the navigation of all rivers within the same, *be free and open*, for the term of ten years, &c., to the vessels, *citizens and subjects of the two Powers.*" Not only are the harbors, bays, creeks, and the navigation of all rivers to be free and open to the vessels of both nations, but *any country* that may be claimed by either party, is also to be free and open to the citizens and subjects of *the two Powers*. If the rivers, harbors, &c., are to be free and open to the vessels of either party, so also, is the country or territory itself, to be free and open, to occupancy by the citizens and subjects of either party. It is not, as is supposed; an agreement, to leave the country, claimed by both, free and open to all the world; but, on the contrary, it is to be free and open, only to the citizens and subjects of *the two contracting Powers*. The country being free and open to both, gives to each the right to occupy, and it is precisely this right of free occupancy, secured to *both*, which makes it, properly speaking, a Treaty of Joint Occupancy.

At the time when this Convention was made, the title of the United States to the Oregon Territory was not so clearly developed as it has been since, nor was it to the same extent believed to be better than Great Britain's, as it is at the present time. Your committee are not disposed to cast any censure on the individuals who negotiated that Convention, but your committee entertain no doubt, that if it were now a new question, and for the first time proposed to the Government and People of the United States there would be but few in the country who would be found to be its advocates. The agreement to occupy jointly, is in itself, the admission of a doubtful title; and it is difficult to suppose that any nation, with a full knowledge of its title, and with a firm belief in the soundness of it, would so materially impair its strength, by