

THE STATE SENTINEL.

SEMI-WEEKLY.
ETERNAL VIGILANCE IS THE PRICE OF LIBERTY.
INDIANAPOLIS, JUNE 18, 1845.
For Congress, Fifth District.
WILLIAM W. WICK.

STATE SENTINEL—WEEKLY.
This week's number closes the Fourth Volume of the WEEKLY STATE SENTINEL, and another, of course, commences the Fifth. We shall then change the principal head for one occupying less space, by which we shall gain room for new matter. Our arrangements will be very favorable to our subscribers, giving them a much larger amount of reading matter for the same money than can be obtained in any other paper in this State. We hope our friends throughout the State will continue their subscriptions, and aid us as much as they can in obtaining new ones. Grateful for such favors, we shall always endeavor to repay them by increased energy, enterprise and improvement. Our ambition has chiefly been to establish at the Capital of Indiana, a newspaper of a respectable and useful character. We may have fallen short in our aim, but we have done all that our means would permit to accomplish it. The people generally, and particularly the Democratic party, its eminent members especially, ought to feel some interest in this matter, and we trust will do all in their power to aid us.

To Advertisers.
It will be of interest to our subscribers, advertisers and the public generally, to know that all advertisements for the Semi-Weekly, will appear at least once in the Weekly Sentinel. This gives them a larger circulation than can be obtained in any other paper in the State.

The story, brought to our notice a day or two since, that some other paper in this place has a larger circulation than the State Sentinel, we have heretofore been unwilling to notice; and because we doubted if any could be so deceived. To be sure, a notice to that effect, apparently, has been published; but he must be so fond, who cannot see the big hole left to crawl out. It was as bad as a lie, however, because intended to deceive. The Sentinel has the largest, and the Journal the next largest list, in the place.

ATTENTION!
For the especial benefit of their friends, and to meet the wishes of their Democratic brethren, we are authorized to say that Messrs. WEBBER and WILSON will "hold forth" on WEDNESDAY NEXT, June 25th, at precisely 10 o'clock, A. M., at the Court House in Indianapolis, when and where they will present their views for the consideration of all disposed to hear them. There may be other candidates present, who will, if time allows, address their fellow citizens.

We have a word to say: Our candidates are punctual men. Therefore, all who desire to hear all that may be said, will do well to be on the spot precisely at the hour. The whig candidates are also invited to be present, and to address the meeting.

Let none forget such a treat.

Madison and Indianapolis Railroad.

The President of the Rail Road has furnished the Madison Banner with the following abstract of business done on the Road during the months of March, April and May last. It should be mentioned that these months are the busiest with farmers, and when perhaps less than the average amount of business is done. Notwithstanding this, the road is increasing every day in its business, and in popular favor.

Passengers on the route inward—Through 799, Way 1044. Receipts from inward passengers, \$1725 96. Inward Freight—21 loads Bacon, 25,377 lbs Bacon in bulk, 311 lbs Pork and Lard, 3407 lbs of Lard, 4322 lbs Flour, 14,888 bushels of Wheat, 7099 of Corn, 523 Fruit, 150 Flaxseed, 21,207 lbs Furniture, &c., 22,407 lbs Tobacco, 22,407 lbs Honey, 4285 lbs Feathers, 12,500 lbs of Hides and Leather, 100,522 lbs unspecified freight, 308,250 lbs sawn Timber, 73 tons of Hay, about ten tons of other articles, and 140 cords of Wood, for which the tolls charged amounted to \$242 25.

The through passengers outward during the same period, numbered 566; but the full number of Way passengers outward, as well as that of the way freight, can only be ascertained from the books at Columbus. The outward freight started from Madison, however, consisting of Dry Goods, Groceries, Iron, and various articles, during the month of March, amounted to 261 tons 1300 lbs—in April, 332 tons 200 lbs—in May, 361 tons 900 lbs—besides 200 tons Railroad Iron, and more than that amount of timber for the repair or construction of the Road. The actual receipts from tolls amount to \$11 400 or \$300 more than was received last year in the same months.

The average freight for customs has been 36 tons, passengers 50, and receipts \$146 per day.

The amount of Bacon, Pork, &c. is less than half that of last year; but most other articles have largely increased. The increased distance is 24 miles. The passenger car has for about a week gone 5 miles north of Columbus, and before the end of the month, the train will be at Edinburgh, on 11 miles of new road, making the whole distance 56 miles from Madison.

The grading and bridging of the thirty miles from Edinburgh to Indianapolis, have been put under contract on favorable terms, and there can be scarcely a doubt but before two years the road will be completed the whole distance.

Rail Road Directors.

There will be a meeting of the Stockholders of the Madison and Indianapolis Railroad, at the office of SEROT W. NOBLE, Alabama street, on Saturday, June 21, for the purpose of nominating candidates for Directors of the Rail Road Company, to be chosen on the 25th inst. at Columbus. A full attendance is requested.

The Eastern Mails.

Why is it, that we get news from New York, through the Tri-weekly papers of Columbus, Ohio, generally about a week later than we get the same news direct from the daily papers of New York? There is something very mysterious in this, and we can account for it in no other way than by supposing that the mail bags are suffered to remain at the Columbus, Ohio, post office, until it is convenient to assort and send them on. We have suffered the infliction of this evil until we have become impatient. It ought to be remedied.

The Journal of Commerce.

And N. Y. Morning News still continue to arrive about one week after they are due. It would be for their own interest to attend to the matter.

The ship "Muskingum," built at Marietta, on the Ohio, and which floated down that river some weeks since, has safely arrived at Liverpool, England. Her arrival was regarded with much interest there.

The Difference.

We are willing to accord to the Whigs of Indiana strict justice on the Native American question. While in the East, at Boston, Philadelphia, New York and New Orleans, to say nothing of smaller cities and towns, that party in their desperation united with the miserable faction for the sole purpose of getting into office and power, the whigs of Indiana invariably denied the "soft impeachment," and "reputed" the doctrine as a party. Yet as a component part of that party, they rejoiced over the victories of the illegitimate "exceeding great joy,"—claiming them as their own—as a "terrible defeat and prostration" of the Democratic party. They were willing to "ride the fence," keenly anxious to ascertain whether to continue, Gilpin like, as did a few of the neck-or-nothing underlings, or to wait the result, when Indiana, with her hardy and industrious naturalized population would be unable to turn the scale. Their hopes and their fears are alike blasted. Hence we cannot give them credit for honesty, either then or now. The sensible people of the country have frowned down the miserable faction. The whigs of the West, then, as now, were acting the demagogue to our naturalized citizens. Had the Native American party in the east been successful, western whigs would have followed their eastern brethren, and thrown themselves into that foul embrace. In the east, they are scattered to the four winds of heaven. In the west, a different course must be pursued. Now, they pretend to be, par excellence, the exclusive friends of the foreigner. So much so, indeed, that they flatter themselves to be able to elect a candidate of that stripe in at least one district, by a barefaced attempt to impose upon the honest naturalized citizens, a renegade. Let the voters of the Second District, especially naturalized Irishmen, read the following from one of the Native American Organs, and if they don't give Roger Martin leave to go "back to his hole," then we must mistake their good sense.

"Back to your holes, ye slimy, stinking reptiles! We verily begin to think from the myriads of vermin, that are infesting our land, that St. Patrick has been committing another miracle in the 'swate land' of boisterous blunderers—driving out the vermin!"

A Murder Trial.

William Jackson was recently tried in the Dearborn Circuit Court on the charge of murdering Merritt Scoggin. The evidence, which was altogether circumstantial, bore strongly against the accused, but the Jury, nevertheless, returned a verdict of not guilty. This result appears to be very unsatisfactory, if we can judge by the tone of the papers in the vicinity. The Lawrenceburgh Register, for instance, says—

"We feel free to say that we subscribe to the general opinion that Jackson did commit that most foul and atrocious murder, and we mourn over the melancholy fact, that through a disgraceful timidity on the part of the Jury, a ruthless assassin is again let loose upon society, emboldened in villainy by his successful evasion of the stroke of the law in this instance."

"We understand from a reliable source, that Judge Cushing was well satisfied of the defendant's guilt, and his almost certain conviction, and was astounded, as was every body else, at the rendition of the verdict."

Ohio Statesman.

We cannot do justice to our own feelings, and pass over a compliment like the following, even though it may subject us to the charge, perhaps, of egotism and a love of flattery. But the high character of the OHIO STATESMAN, the long-continued and energetic labors of its talented editor, his firmness and unsuspected honesty in the same cause to which our humble efforts have been devoted in a less extended sphere, render it of high value. Next to a large list of advertisers and paying subscribers, nothing cheers on and more encourages an editor than a knowledge that his labors, however humble, have been appreciated.

Our friend of the Statesman, we trust, will not be disappointed in his expectation of a loud cry in August next. It shall not be our fault, if he is, at all events. The signs are favorable in all quarters. We shall have to buy out next year's suit.

Indiana State Sentinel.

Clayman—the real crowing Chapman from the Hoosier State—now publishes the Indiana State Sentinel twice a week. While published but once in seven days, the Sentinel was an excellent paper—of course, as a semi-weekly, it is twice as good now.

Ohio More.

We would request the County Clerks to send current money with stray notices; otherwise we must retreat it at their expense. Subject to pay double postage, then 50 per cent. discount on a one dollar bill, is cutting a little too close. We hope attention to this matter will be paid by those in red dog sections.

More Trouble.

Dr. A. C. Stevenson, Ex-Speaker of the last Legislature, refuses to accept the nomination of the Putnam County whigs, or rather a portion of them, who desired to kill him off and elect McGaughey to Congress by getting him to run for the Legislature. Couldn't they get Doctor Burns to run? It might benefit us, should he be elected!

There is a great deal of billing and coining between the whig candidates for Congress in the 9th and 10th districts, and the abolitionists. The abolitionists seem rather shy; but the whig candidates persevere in their blunderships, as they know the necessity there is of their getting abolition votes to secure their election.

The U. S. Journal says that there are more than twenty printers who are performing the duties of clerks in the Departments at Washington, and that they are equal, if not superior, to others who had the advantages of a collegiate education. We have no doubt about it. Half the college students don't know a comma from the hulk of an anchor.

The Democratic Review for June is richly laden, as usual, with excellent articles. We would call attention to one on the subject of Oregon; which we commence republishing this week. The Review will be further noticed hereafter.

It is stated that the defalcation of McNulty has been covered by a draft presented to Mr. Woodward, of Mt. Vernon, Ohio, and accepted by the Government. A note will be entered, it is said, upon the criminal prosecution.

Elliot, the British Anti-Texas Emissary.

was robbed on his journey to the city of Mexico. All his papers; his money and clothes were taken, and he was left with nothing but his shirt. It is supposed that the government of Mexico is in league with these robbers.

Meeting of the Whig and Democratic Candidates for Representatives for Marion County, at the Broad Ripple, in Washington Township—the Whig Champion, Doctor Evans, backed out on the Oregon Question, &c. &c.

BROAD RIBBLE, June 16, 1845.
Last Saturday was a great day for this village. Messrs. Webber and Wilson, the Democratic candidates for Representatives, who had been canvassing this township, were Doctor Evans, one of the Whig candidates, resides, during the past week, had an appointment to address the people on that day, to which the Whig candidates were particularly invited to attend. Accordingly, at the appointed hour, a large number of Whigs and Democrats assembled in the commodious new merchant mill of Messrs. Kocent and Burk just about going into operation in this place. The Whig candidates for Representatives were on the ground, and every thing betokened a regular set-to or measurement of intellectual strength. Mr. Webber opened the discussion, and, in a masterly manner, spoke for a considerable length of time, in relation to subjects of State policy, in which he exhibited a thorough knowledge of the present and past condition of the State—the efforts of the Democratic party and press to arrest the ruinous effects of carrying on all our improvements at once, by a timely classification; the failure of their efforts and the consequent embarrassment of the State, without the completion of any of our public works, &c. He spoke of the efforts now making, by the joint action of the two great political parties, to restore the public credit, and promised his hearty co-operation in any plan that might produce a desirable result, let it proceed from a Whig or Democrat. He spoke of a suggestion of Mr. Owen, who has recently done more towards inspiring confidence to our bondholders than any other individual in the State, as worthy the most sincere consideration. He then defended the Senate of Indiana for putting off the Senatorial election—showed how the State had been gerrymandered by the Whigs, at the memorable session of 1810-1, to meet the election of two United States Senators; gave a number of Whig precedents in other States to show that it was not a novel proceeding, and then proceeded to the important questions now before the nation, which are directly involved in the election of a Senator; showed, that in relation to Oregon and Texas a direct issue was made in Indiana and throughout the Union by the Democratic party, previous to the election of President Polk, as to the annexation of the one and our right to the other; showed from the Journals of Congress that when a proposition was made to give England a year's notice, according to treaty stipulation, as to our rights, that every Whig voted against it in the Senate of the United States; thereby defeating the measure and suffering England to go on unopposed, until now she takes the broad ground that the whole of Oregon is hers, and by the grace of God she intends to maintain it; also, that when the proposition was before the last Congress, which had passed the Democratic House of Representatives; to extend our laws over that territory for the protection of the thousands of Americans that are already there and the six thousand others, men, women and children, that are now climbing the Rocky mountains, on their journey to that desired country, every Whig in the Senate again voted against the measure; and in conclusion, said, that a crisis had now arrived, when we must either basely desert our Democratic President, who has taken the ground that our right to the country is clear and indisputable, or we must stand by him at every hazard. To exhibit the feelings of the Whig Senators in Congress he read extracts from their speeches, showing their willingness to give up the whole of the country; urging that our limits were already too large, and we might have difficulty with England, if we stood up for our rights. During this portion of his speech he became much excited. Nearly all present entered into his feelings, and old grey headed men exhibited, in the kindling eye and determined countenance, that the fires of the revolution had not all gone out. He referred to the glory of our tars upon the ocean, although John Quincy Adams had once tauntingly said, that our navy consisted of only a few frigates, with bits of striped bunting floating at their mast-heads; of our victories on the Lakes; of the bravery of our soldiers at the Thames, at Raisin, at Erie, and the imperishable laurels won upon the field of New Orleans, closing the second war of independence in a blaze of glory.

When Mr. Webber had concluded, Doctor Evans was called on for a speech, who declined; stating that he was not then prepared to refute the arguments advanced by Mr. Webber. Mr. Wilson then addressed the people, in a speech of considerable length, confining himself, principally, to questions of State policy. The crowd were then about to disperse when Mr. Bolton was requested by some gentlemen who had attended a meeting in Indianapolis, in relation to the death of Gen. Jackson, to invite the co-operation of the citizens of Washington township in paying appropriate honors to the memory of the hero, patriot, statesman, and Christian of the Hermitage; which he complied with in a short and appropriate speech. The meeting now began to disperse; when Doctor Evans, summoning the whole resolution of which he was capable, informed the people, that another period during the canvass he would answer Mr. Webber's arguments on the Oregon question. He said the Democratic policy contended for by Mr. Webber, would involve this country in a war with England. A negotiation ought to be had between the two countries, to arrest the evils that might ensue. He was sorry that National questions had been brought into the canvass, although Mr. Webber had brought forward the Indiana Journal to show, that the questions of National interest he had discussed had been forced upon him by the Whig party; and quoted that print, which is considered the Whig organ of Indiana, to show, that its editor in effect was willing to give up our claims to Oregon altogether.

Doctor Evans is said to be of Quaker descent, and there are some hundred and fifty Quakers in Marion county; some of whom are about to fly off from the Whigs and support the Abolition candidates; and, in order to save these Quaker Abolitionists, Dr. Evans, in answer to Mr. Webber, is to hold up the evil of war in all its horrors, and the danger of coming in conflict with all-powerful England; so he is to be considered by the Quakers as the peace candidate, although there is the least danger imaginable of England going to war with America. President Polk has never opposed an amicable arrangement with England. But he has had the nerve plainly to tell John Bull that Oregon is ours, and, until the latter proves (if the contrary, he is bound to maintain our right; and the question is, shall we, as American citizens, stand by our President? Doctor Evans, on this subject, is non-committal. Oregon may or may not be ours. He wants to arbitrate the question, and some twenty years hence, when England has completely fortified herself on the Pacific, and monopolized every thing, the question may be decided—that, in the language of Whig Senators in Congress, the country of Oregon is not worth troubling ourselves about.

When Dr. Evans had finished his remarks, Mr. Webber proposed for himself and Mr. Wilson that the Democratic and Whig candidates should canvass the country together, under regulations equally fair to both parties—allowing an equal length of time for the candidates on each side to address the people. This arrangement Doctor Evans declined, until he should consult Mr. Harris, who, he said would take part in the canvass, and who was not in the room at the time; having, at an early period left the building, being occasionally in the distance discernible, looking very high, as if watching for a deer in the adjacent woods. So the matter rests, both sides operating on their own hook, for the present.

Stabbing—Funny Proceedings.

On Sunday last, a man, whose name we have not learned, was arrested by Marshal Norwood, on complaint for drunkenness and beating and stabbing his wife with a fork. The Marshal took him before Mr. Levy, President of the Common Council, Mayor, and Justice of the Peace, who discharged him; as we understood, because no complaint was lodged in writing. It seems to us a strange proceeding, to say the least. The man deserved arrest for his drunkenness and vile language before his honor, if for nothing else. But why was not summons issued immediately, when it was well known that the witnesses were at hand, to compel their attendance? These matters must be examined into at once; for this is not the first instance where, as we understand, culprits have been discharged. Of what use is it for the Marshal to arrest violators of the laws and disturbers of the peace, if no form exists whereby they may be convicted? We have not the least ill feeling toward the worthy magistrate; and we have said this much that he may see that some mode may be adopted to bring scoundrels to justice. It is demanded by the public.

A Good Idea.

We have noticed a subscription paper of a company of Young Men, who are soliciting some assistance from our citizens, for the purpose of forming a Thespian Society. Considering how limited are the opportunities for the young men, apprentices, &c. of our town to combine amusement and instruction, we are highly pleased with this move; and we do hope the liberality of our citizens will not be appealed to in vain on the occasion. How much better is such a place, than strolling about the streets with a huge cigar stuck in the cheek! Or loitering about Greece, till, if not induced to drink, becoming next besotted with the fumes of rum and tobacco! Or worse still, led by youthful curiosity, hanging about the Steam Mill Guard, watching with intense anxiety the interesting game of "Old Sledge" their ears, at first shocked, becoming by degrees familiarized with obscene and blasphemous language!—till the greasy deck next appears before themselves! We say, encourage their proposed enterprise. They are then under our eyes; and by due encouragement, a spirit of emulation will arise which, we doubt not, will prove beneficial to community at large.

Awinings.

We are glad to see so many new awnings put up. They should be more general, and ought to cover the whole side walk. We advise the ladies to give those stores the preference, which have awnings, for several reasons which will suggest themselves.

The Fire in Quebec.

The loss of property by this terrible conflagration is estimated at two to three millions of dollars; but this is far from indicating the amount of human suffering caused by it. The papers say that no less than 1200 people are left homeless, and that as many as one hundred lives were lost. The buildings were mostly of wood and the district compactly built. The fire spread with such rapidity and fury, that the sick and helpless could not be saved. It is supposed that not less than one hundred perished. This is a terrible calamity.

MORMON TRIALS.—The trials at Carthage, Ill., of the persons charged with the murder of Jo. Smith, have resulted in their acquittal. It is stated that the perjury of three of the Mormon witnesses was palpable, so much so, that the prosecuting attorney, in his opening speech, asked the jury to pay no attention whatever to their testimony—that it was rank perjury from beginning to end—as such, he wanted it thrown out of the case entirely, and the witnesses handed over to perdition. He also expressed a willingness to stop all further proceedings against two of the defendants—Captains Faxon and Grover—who were most implicated in the transaction by these perjured witnesses—there being nothing proved against them by the credible portion of the witnesses; they however declined the proffer, preferring to await the decision of the jury. The accused were bound over for trial on another indictment for the alleged murder of Hiram Smith.

It is stated that the Supreme Court of New York, at its last term, decided that the General Banking Law, so far as it authorizes associations for carrying on the business of banking, is unconstitutional and void! The Albany Atlas thinks that this decision comes rather late in the day, after the law has been in force seven years, and just as the present constitution of the State is to be superseded by a new one. The question, we suppose, will be carried to the Court of Errors for decision.

NEW IMPROVEMENT.—Mr. Coleman of New York has invented a locomotive engine which ascends inclined planes with facility. The newspapers speak of it in terms of approbation. It consists of a screw under the engine, operating on a set of coggs, which form a third rail placed midway between the other two. It is both simple and ingenious. The attachment is elevated above the level of the driving wheels, and does not interfere with the running of the engine on the level portion of the road.

It is announced in the Alton Telegraph, by one just returned from Lexington, Ky., that the domestic customs of the distinguished statesman Henry Clay, have lately been greatly added to, by his youngest son's becoming deranged. This is the second son that is now an inmate of the Lunatic Asylum; and we deeply sympathize with Mr. Clay and his wife in this hour of their distress. We are also informed from the same source, that Mr. Clay has become a communicant in the Episcopal Church in Lexington. In the consolation of the religion he has embraced, may be found the means of reconciliation to those domestic afflictions which are beyond his control.

A PHENOMENON.—The New Orleans Republican says: "The only place in the world where there are contracts made and broken, and regular courts, and judges and litigants, but no lawyers, is at the Balize in the British settlement of Honduras—so says Stevens in his Central America. A jury is empanelled; the parties state the case, and if not satisfied with the verdict an appeal lies to the Crown, in council; but Mr. Stevens was assured that only one case had been carried up in twenty-two years."

The Frederick, Md., Examiner says: "The rain of last week has given an additional tinge to the deep verdure of our fertile farms. The prospect of a wheat crop has never been more flattering, but we understand that the Rye is generally thin and comparatively unpromising."

The "Richmond Enquirer" states, that the harvest of the early wheat has commenced in Virginia with better prospects of a crop than were sometime since anticipated.

The time; having, at an early period left the building, being occasionally in the distance discernible, looking very high, as if watching for a deer in the adjacent woods. So the matter rests, both sides operating on their own hook, for the present.

From the Democratic Review for June.

The Oregon is a tract of country on the western side of the new world, principally watered by the river Oregon, or Columbia, and its tributaries. It extends from 42 degrees of north latitude, to 54 degrees and 40 minutes, and from the Pacific eastward, five or six hundred miles, to the ridges of the Rocky or Oregon mountains. The name taken from the river which, long before its actual discovery, had been supposed to exist beyond the mountains, and which was first called the Oregon, by Jonathan Carver, of Connecticut, who travelled in the interior of the continent in 1776. How he got the name, or whether he invented it himself, it is impossible, at the present day, to determine. The stream was not actually seen till 1792, many persons until then believing it to be fabulous. The name, however, remained, and is now not only applied to the country from which its waters are gathered, but, as the name of the river itself, is

The Oregon Question.

"Married to immortal verse."
"The continuous woods
Where rolls the Oregon, and hears no sound,
Save his own dashings—yet no less
In solitude, than here in company and noise,
He masters the element."
This country is traversed by ridges of lofty mountains. The shores are bold and high; in many parts mountains rising immediately from the sea. Up to the 48th parallel there are few inlets, or islands, but further north there are thousands of islands, and a network of bays and peninsulas. The valleys of the interior are generally narrow. The climate is milder and drier by many degrees than on the Atlantic side in the same latitude. The soil, different accounts have been given, some representing it as fertile, and others of little value. The most valuable portion of it undoubtedly lies south of the river, though by far the best part of the territory, for its harbors and maritime advantages lies around the strait of Fuca. To us, as a trading power on the Pacific, these are invaluable.

Until within a few years, there have been but scanty settlements—a few trading posts and missionary stations. But the tide of American emigration has lately set in that direction, and nothing but some fatal misstep, on our part, can prevent its habitable portions being occupied in a few years by our countrymen, and a vast trade thence carried on over all the Pacific.

This country is claimed by America as belonging exclusively to her; while England claims, not an exclusive right in any part of it, but a right to occupy and settle it, in common with America and other nations. The discussion between the two governments has grown into an angry one; and if we were to judge by the late declarations of the English ministry, there remains no artifice, but the sword. It is difficult, however, to believe that the government of Great Britain can seriously think of pushing their pretensions to the extent of a war, while we are confident that our government, in maintaining the rights of our government, in maintaining the rights of America, will see the propriety of discussing them with moderation as well as firmness, doing no act to provoke, and scrupulously abstaining from even the appearance of disregarding the obligation of treaties. But while it does this, it has also a duty to perform to Americans. It is time that the insolence of Englishmen, now become almost habitual, were rebuked. Let us indeed be just; let us appear just; and let England and consequences take care of themselves.

That we may present a *casus belli* as well as a just view of the real merits of this question of the Oregon, we shall endeavor to condense into as small a space as possible the grounds, both of fact, and of public law, on which our rights are founded. In doing this, we shall strive to omit nothing material to the inquiry.

What are the rules of public law, by which the question of right, in this case, is to be judged? They are these:

1. That in respect to newly discovered countries, the first discoverer has the prior right to occupy, provided he does so within a reasonable time. What is a reasonable time depends upon the nature of the country, the uses to which it may be applied, and the wants of mankind in respect to it. If, for example, it were a rich west India island, the first discoverer could not rightfully prevent other nations from occupying and cultivating it, if he did not see fit soon to do so himself. If, on the other hand, it were a remote barren island, there would be no necessity of immediate occupation.
2. That if the first discoverer does not occupy within this reasonable time, he is deemed to have abandoned his right, and the next discoverer stands as if he had been the first, and so on through any number of discoverers.
3. That the discovery of a river is deemed the discovery of its course and branches, and of the country drained by it.
4. That all treaties and engagements between governments, of an executive nature, are annulled by a subsequent war.

With these rules before us, let us examine the questions of fact. The first settlements in the New World were all on its eastern shores. The Pacific ocean was discovered by Balboa at Panama, in 1513. No person, however, ventured to the northwest coast as far as Oregon till 1543, when Ferrelle, a pilot in the service of Spain, penetrated to the latitude of 43. Thirty-six years afterwards, Drake made his famous voyage round the world, and it is maintained by the English government that he sailed as high on this coast as 48; but while one account of his voyage has it at 48, the other has it at 43; and there is good reason to think that this latter account is the true one. The discrepancy in the two accounts destroys their value as evidence, and no reasonable person would think of resting any title upon them. Drake did not land on any part of this coast, and from that period for about two hundred years no Englishman visited it. The Spaniards, however, visited it several times, once more, at least during the sixteenth century, twice in the seventeenth, and three times in the eighteenth, before the time of Cook's voyage. In 1778, that great navigator sailed along the coast, particularly examining the upper parts of the 47th and 48th parallels, and stopping at Nootka Sound. Afterwards the coast was frequently visited by the vessels of the different nations. The river remains undiscovered. Vancouver passed along the shore in 1792, examined it, and concluded that there was no river. Captain Gray, an American, in the American ship Columbia, however, discovered it on the 11th of May, 1792, and sailed into it a considerable distance. Its existence had been previously suspected, as we have already mentioned, and Heceta, a Spanish navigator, had, in 1775, run along the shore, and on the 15th of August, at six in the evening, arrived opposite a bay in the latitude of 49 deg. 17 min., "where the currents and eddies were so strong that, notwithstanding a press of sail, it was difficult to get clear out of the northern cape, towards which the current ran, through its direction was eastward in consequence of the flood." The river remains undiscovered. Vancouver passed along the shore in 1792, examined it, and concluded that there was no river. Captain Gray, an American, in the American ship Columbia, however, discovered it on the 11th of May, 1792, and sailed into it a considerable distance. Its existence had been previously suspected, as we have already mentioned, and Heceta, a Spanish navigator, had, in 1775, run along the shore, and on the 15th of August, at six in the evening, arrived opposite a bay in the latitude of 49 deg. 17 min., "where the currents and eddies were so strong that, notwithstanding a press of sail, it was difficult to get clear out of the northern cape, towards which the current ran, through its direction was eastward in consequence of the flood." The river remains undiscovered.

It is to be observed, that the Spanish government had the title to the coast, and the country about Fuca's straits, and that the American government had the same title to the interior washed by the river Oregon and its tributaries.

As to occupancy: After the American war a considerable trade in furs sprung up on the northwest coast—reels going there to take in cargoes for the China market. This trade provoked the jealousy of the Spanish government, which all the while claimed the dominion of the coast, so that, in 1778, the viceroy of Mexico sent two vessels—the *Princesa* and the *San Carlos*—to inquire particularly respecting the Russian establishment at Prince William's sound, and

then to explore the coasts southward to California, looking for places convenient for the reception of Spanish colonies. The commanders, on their return, reported that the Russians had eight settlements on the coast, containing altogether 252 Russian subjects, all west of Prince William's Sound, and that they were informed that two vessels had been sent that summer from Kodiak to form an establishment at Nootka Sound. The viceroy thereupon dispatched vessels early in 1779, with orders, in case any Russian or British vessel should appear at Nootka, to receive her civilly, but to declare the paramount rights of the crown of Spain. Up to this period, May, 1780, no settlement or establishment whatever had been attempted, for the alleged settlement of Meares at Nootka must be regarded as a mere pretence, and no civilized nation had exercised any jurisdiction in any part of the west coasts of the New World between San Francisco and Prince William's Sound.

Arriving at Nootka, the Spanish commanders landed materials and built a fort; and afterwards seized two British vessels, which were engaged in the trade of the coasts. For this proceeding the British government demanded reparation; a warm dispute arose between the two governments, that had well nigh ended in war; but finally, under the mediation of France, it was brought to a close by a convention, commonly called the Nootka treaty, or the convention of the Escorial; which, as it is important in this controversy, we shall give entire in the course of this article.

The Spaniards also forced another settlement on the south side of the Strait of Fuca; and they continued at Nootka, with some intermissions, until about 1795, when they left it, for no other reason, so far as it is known, than that it was useless and expensive. Since then they have had no settlements north of San Francisco.

The first settlement of any kind made by British subjects west of the Rocky mountains was in 1806, by Simon Fraser, who formed a trading establishment at a small lake, in the 54th parallel of latitude. Neither he nor any other British subject saw any of the waters of the Oregon until five years afterwards, and after Astoria had been founded in the Oregon country itself by American citizens. Before 1810, Mr. Henry, an agent of the Missouri Fur company, had established a trading post on a branch of the Lewis river, one of the tributaries of the Oregon. The hostility of the Indians, and the want of provisions, led to its abandonment, however, in that year. In the same year, Captain Smith, of the ship *Albatross*, of Boston, attempted a settlement on the Oregon, about forty miles from its mouth. He built a house, and planted a garden; but the site not being good, he left it before the close of the year. Meantime Mr. Astor's expedition had been fitted out, and in March, 1811, Astoria was founded at the mouth of the Oregon. During the war it was captured by the British, but was restored in October, 1818, in pursuance of the stipulations of the treaty of peace.

From that time to the present, the two governments, with few intermissions, have been engaged in negotiations about the title to the country. And it was agreed between them, first in 1818, and afterwards in 1827, it might be temporarily occupied by the people of both nations, without, however, impairing in any way the title of either. So that none of the discoveries or settlements, of either America or England, since that time, can, in any manner, affect the title. So far, then, as occupancy is concerned, it is scarcely disputable that the first settlements were by Spain, the second by America, and the last by England; and that the rights derived from occupancy are held in the same order.

The rights we have been hitherto considering, are those which are derived from discoveries and settlements on the Pacific coast of America, and on the eastern side of the mountains. But there are certain other rights which must not be overlooked; the rights derived from discoveries and settlements on the Atlantic coasts.

On the first colonization of the New World, the discovery and settlement of the Atlantic border were claimed to give a title across the continent. The engaged charter to the first colonizing party, for example, granted the country extending along the sea coast four hundred miles, and into the land throughout from sea to sea.

De Soto, a Spaniard, was the discoverer of the Mississippi; but the French from Canada first explored its northern branches, established posts and colonies on their banks, and advancing down the river, finally got possession of the whole valley. Up to the peace of 1763, France claimed and possessed the countries watered by the St. Lawrence and the Mississippi, and their dependencies, under the names of New France and Louisiana; and by the treaty then made, Canada was ceded to Great Britain, and the Mississippi adopted as the boundary of their respective territories on the south.

The conventions between the two countries are as follows:

1. Convention of October 20, 1818.
2. 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 the rivers with which it may be connected, be free and open for the term of ten years from the date from the signature of the present 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 party may have to the said territory, or to the object of the said contracting parties, in that respect, before to prevent disputes and differences among themselves.
3. Convention of August 6, 1827.
4. All the provisions of the third article of the convention concluded between the King of the United Kingdom of Great Britain and Ireland, on the 20th of October, 1818, shall be, and they are hereby further, as if the said convention had been originally concluded and continued in force, in the same manner as if all the provisions of the said article were herein specifically recited.
5. It shall be competent, however, to either of the contracting parties, in case either should die, at any time after the 20th 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 accordingly entirely null and void, after the expiration of the said term of notice.
6. Nothing contained in this convention, or in the third