

SPEECH OF MR. BENTON.

Continued from the first page.

But it is not to be expected that this attenuated privilege will even be used for seventeen years. The trade is diminishing now, and as it must immediately cease on all the waters of the Columbia south of 49 deg., it must soon become quite insignificant. The bulk of the goods brought to Fort Vancouver go to Fraser's river; and when these pay duties at the mouth of the Columbia, they cannot stand a land and water carriage of seven or eight hundred miles. Some other mode of reaching Fraser's river where alone any valuable trade is now carried on—some way shorter in distance and free from duties—must be found; and it is probable that the preparations now making for a new port high up on the northwest coast, it is intended by the Hudson Bay Company to be their channel of communication with Fraser's river. Simpson's river, just under the famous line 54 deg. 40 min., where the Hudson Bay Company have built Fort Simpson, and which the British Government made it a point to obtain from Russia in 1825, will, in all probability, be the new route for the trade which now reaches Fraser's river through the Columbia, the Okanagan and Thompson's river. It would be a shorter distance, free from duties to a foreign Government, and from foreign port regulations.

Thus this free and perpetual navigation of the Columbia, with the sovereignty of the right bank of the river, which the capacious mind of Sir Alexander McKenzie conceived, as the substitute for the northwest passage, and which has been the real point of contention between the United States and Great Britain for thirty years, has dwindled down to a temporary and limited privilege, under our own jurisdiction, and will probably be abandoned before the time is out. As far back as 1801, Mr. McKenzie proposed to get the sovereignty of the Columbia, that, through it, and the rivers and lakes connected with Hudson's Bay, a new commercial route to India might be opened. His government has struggled for it ever since. It now yields; and it will be for the American Government to make the Columbia and the Missouri the new line of that commerce with India, which since the time of the Phoenicians, has aggrandized every Power that possessed it, and enriched every country through which it flowed.

The third article of the treaty provides for the possessory rights of the Hudson Bay Company and other British subjects who may be in the occupation of land lawfully acquired. It is in these words:

"In the future appropriation of the territory south of the 49th parallel of north latitude, as provided in the first article of this treaty, the possessory rights of the Hudson's Bay Company and of all British subjects who may be already in the occupation of the land or other property lawfully acquired within the said territory, shall be respected."

The limitation of a lawful acquisition to all these rights would seem to exclude them all, as neither our own laws nor those of Great Britain admit the validity of Indian sales to individuals; and as for possessory rights under the joint occupation convention, they could only continue to the end of the company, (1863.) The whole object of this article would seem to be for the quiet of the company, and the other British subjects until they can remove. The whole language of the article is technically precise, and equally explicit in admitting the dominion of the United States over the occupied places, and the absence of all present or expected title in the possessors. The first words of the article (future appropriations,) admit our right to dispose of these possessions; the last words (shall be respected,) stipulate that the occupants shall not be disturbed. At the utmost this undisturbed possession can only extend to seventeen years; for it is still of the new licensed company, and not of the old chartered company, that the article speaks. I would wish the time to be shorter, and believe it will be; for, the trade being stopped, there is no earthly inducement to remain upon the land, with a mere possessory right, doomed to a certain and speedy termination. These possessions are few in number, and small in extent. Fort Vancouver exceeds all the rest put together, and it only amounts to a few hundred acres. The rest is in the limit of the possession, for there is no simple title to give a constructive possession to what is not enclosed. I am willing to understand the article liberally,

and to execute it generously; but in strictness there can be no lawful possessions in Oregon, (unless the defunct treaty would impart that character,) the persons now there being, in the eye of our law, intruders and trespassers; certainly grants of land will be made to our citizens there, but, in legal contemplation they are trespassers.

The fourth article applies to the Puget Sound Agricultural Company, and stipulates for the confirmation of the lands belonging to them, or their transfer at valuation, to the United States, if deemed of public or political importance to this country. The article is in these words:—

"The farms, lands, and other property of every description belonging to the Puget Sound Agricultural Company, on the north side of the Columbia river, shall be confirmed to the said company. In case, however, the situation of these farms and lands should be considered by the United States to be of public and political importance, and the United States Government should signify a desire to obtain possession of the whole, or of any part thereof, the property so required shall be transferred to the said Government at a proper valuation, to be agreed upon between the parties."

The option of taking the lands of this company at valuation, render the confirmatory clause entirely harmless. The valuation can but little exceed the improvement, and for these it is fair and equitable that payment should be made. The only settlement of this company is at Nisqually Bay, on Puget's Sound, which Capt. Wilkes describes as small in extent, and inferior in locality. The company can claim no grants beyond their possessions. Neither our laws nor British laws admit the validity of Indian grants; and under the treaty of occupation neither party could alienate the soil. This company is in the Olympic district, and it will be of public and political importance that no foreign company should be established there. The Olympic district is detached from the valley of the Columbia—is fertile and picturesque—a square of mountains and valleys on the seacoast—and will make a fine American settlement of about one hundred miles every way. Puget's Sound and its waters will afford select positions for naval stations, but it is too far inland, has too little country dependent upon it, and too long an approach through straits and channels, to be a commercial position; and since the excellence of the mouth of the Columbia as a harbor has been vindicated, it is not needed for such a purpose. A naval station, especially for large ships, may be established there; and in that point of view it may be of public and political importance that no foreign company should be there. If the article had been simply for the confirmation of their lands to the company, I should have had great objections to it; but the option of taking them at valuation removes that difficulty.

In my high and responsible character of constitutional adviser to the President, I gave my opinion in favor of accepting the propositions which constitute this treaty. I now advise its ratification. The first article is in the very terms which I would have used; and that article constitutes the treaty. With me it is the treaty. The remaining three articles are subordinate and incidental, and only intended to facilitate the execution of the first one. The great question was that of boundary. On that point hung the issues of peace or war. That being settled, statesmen do not permit subordinate and accidental matter to balk the great conclusion. In this spirit the British Ministers have acted. They have not made their proposition an ultimatum; they leave it open to our objections, and of course to modifications. I have no doubt the three minor articles might be modified to my entire satisfaction; but the question with me is, whether the difference is worth the delay? And I am very clear that it is not. The whole business of the country requires the political relations of Great Britain and the United States to be settled. The country has suffered too much already. Not a farmer but what has suffered in the price of his produce; not a merchant but what has suffered in his commerce; not a business man of any character that is not now in doubt and uncertainty as to his operations. Many have been irrevocably ruined; many are trembling on the brink of ruin.

Rumors of war fill the land; they have filled it since the beginning of the century; and although these rumors do not kill men,

they fill the minds with gloomy forebodings. They fill the minds with gloomy forebodings. They fill the minds with gloomy forebodings. They fill the minds with gloomy forebodings. They fill the minds with gloomy forebodings. They fill the minds with gloomy forebodings.

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FOR SALE at my farm in Champoeg Co. Flows, Axes, Harrow Teeth, Sood Wheat, Potatoes, Pork, Store Hogs, &c. &c. A. BEERS. Sep. 30, 1847. 18—U

NEW GOODS. JUST RECEIVED and for sale at the Store of JOHN H. COUCH, Striped Cotton Shirts, Beating do.; Merimack Blue Prints; Sheetings; Domestic Blue and Brown Drills; Cotton Carpeting; White Bed Quilts; Ball Cotton; Linen Thread; Sewing Machine; German Silver Tea and Table Spoons; Looking Glasses; Ink; Paper; Needles; Fishing Reels; Heavy and Light Boots; Brogans; Brown Sugar; Molasses; Coffee; Tea; Tobacco; Brown and White Soap, Shaving do.; Salt; Spices and Linseed Oil; Spirits Turpentine; Black and White Lead; Pitch; Glass; Crochery and Queens Ware; Platform Scales and Brass Clocks. For sale cheap for Cash or Produce. Sept. 30th, 1847. 18—U

VALUABLE PROPERTY FOR SALE. THE undersigned offers for sale his claim, which is situated in West Tuality Plains, Tuality Co., 20 acres of which is under fence, with other good and necessary improvements upon it; an excellent grist mill in successful operation upon a stream passing through the premises that also affords a superior site for a saw mill. This water course indeed is susceptible of great milling improvements. A considerable lot of logs will likewise be sold with the above named property, all of which will be sold on very liberal terms. It would be to the interest of any one desirous of purchasing an improved claim to examine the above. For further information apply to Capt. Kilborth or JOSEPH GALE. Sept. 30, 1847. 18—U

FRANK WARD. WILLIAM M. SMITH. Ward & Smith, COMMISSION MERCHANTS, SAN FRANCISCO, CALIFORNIA. 18—U

Female School. THE FOURTH SESSION OF Mrs. N. W. THORNTON'S SCHOOL, in this city, will commence on Monday, October 11th, and will continue eleven weeks. All the branches usually comprised in a thorough English education, are taught in this School, together with Plain and Ornamental Needle Work, Drawing, and Painting in Mezzotint and in Water Colors. Strict attention will be given, not only to the intellectual improvement of the pupils, but also to their morals and manners. It is Mrs. Thornton's design to make this a permanent school; and her past success and long experience as a teacher, enable her to hope that she will give general satisfaction. Pupils will be charged from the time of their entering the school, until the close of the Session. For further particulars, inquire of Mrs. Thornton. 18—U

His Excellency, Gen. Abernethy, Hon. A. A. Skinner, Rev. Wm. Roberts, Dr. Marcus Whitman, Wallawalla, Oregon City, October 4, 1847. 1y6

Oh Yes! Oh Yes! Everybody. THE undersigned having entered into copartnership at Clackamas City, would inform their friends and the public generally, that they will carry on the BLACKSMITHING BUSINESS in all its various branches, as follows:—All kinds of wrought Mill work, and furnishing utensils. Ironing new and repairing old Wagons, Carriage, Bearnons, &c. Edge Tools of every kind made and repaired, also cast steel Bearing Augers, Bells, Gun Work, Spurs of every description and many other things too tedious to mention; on reasonable terms or a little cheaper than any other shop in Oregon. NORRIS & CUTTING. Clackamas City, July 6, 1847. 14—U

MESSRS. BURNETT & LOVEJOY hereby give notice that they have been appointed agents for Mr. Benjamin Stark Jr. and are authorized to attend to his business during his absence. Oregon City, Nov. 25, 1847. 22—6t

Notice. HEREBY forbid all persons from improving and intruding upon or in any way whatever interfering with any part or parcel of lot No. 2 and lot No. 7, in block No. 1, as found in Hastings' plat of the town of Oregon City. S. H. L. MEEK. Oregon City, Nov. 18, 1847. 22—3t

Just Published. THE second No. of the Main street House, corner of Main and third cross streets, Oregon City, is now ready for inspection, where the proprietor will continue to furnish the best accommodation in his power to both Man and Beast and charges nothing at all, you know the rest. There is Stabling attached to the Establishment sufficient to accommodate 100 Horses. A few No. 1 Saddle Horses on hand at all times and will be let or sold low for cash. I will continue to buy anything that no one else wants. S. W. MOSS. Oregon City, Nov. 18, 1847. 21—U

The Oregon Spectator. TERMS.—Five dollars in advance; if not paid until the expiration of three months, six dollars, and if not paid at the expiration of six months, the directors reserve the right to discontinue. If paid in cash, 50 per centum. Advertisements inserted at one dollar and fifty cents per square of sixteen lines or less, for the first insertion, and seventy-five cents for each subsequent insertion. A liberal deduction to yearly advertisers. All kinds of JOB WORK handomely executed at the shortest notice—payment in advance. 19—U