and to trade on the coasts of any part of it northwest of America; but that right not only had not been acknowledged, but disputed and resisted; whereas by the convention it was secured to us—a circumstance which, though no new right, was a new advantage." Not a word of a "new right" to establish colonies in America, or of a "new advantage" in the exclusion of territorial sovereignty previously claimed by Spain. On the contrary, Mr. (now Earl) Grey well argued, that the "settlements" of the third article amounted to nothing, since *access* was everywhere left to both the parties; and if England made a settlement in a valley, Spain might erect a fort on the hill overlooking it; which conclusively shows that the right of colonization was never in the contemplation of the treaty. And Mr. Fox argued the same point at great length, and with great force; demonstrating that, before the treaty, England might colonize in the Pacific; but that now she could only settle, (as the phrase is in the third article,) or build huts, (as restricted in the sixth,) for the sole purpose of the fisheries, excluding colonization. (*Parl. Hist.* vol. xxviii.) Add to which, it is only as a commercial treaty that this convention can, upon the principles contended for by Great Britain in other great controversies, be considered in force; for such treaties only were renewed by the treaty between Spain and Great Britain of July, 1814.

In fact, the Nootka convention is obviously impossible to execute, if the word "settlements" is to include colonies, or carry after it any title of dominion; because the express language permits promiscuous and intermixed settlements everywhere, and over the whole face of the country, to the subjects of both parties; and even declares every such settlement, made by either party, common to the other. Or if, as England contends, the convention is but a recognition of the general rights of all nations, then it admits of such promiscuous settlements by all nations; which is wholly incompatible with any idea of sovereignty, but applies well enough to "huts and other temporary buildings" for the fisheries.

In this view of the subject, the United States further say, that, under the convention, the sovereignty is not in abeyance; it remains unchanged; it is left untouched; temporary commercial rights only are, for the time being, regulated; that the question of sovereignty stands upon its former footing; that, when it comes up, the parties are remitted to their pre-existing rights; and that before the convention, and notwithstanding its provisions, the right of sovereignty appertained to Spain as against Great Britain; or, in the words of the Count of Fernan Nuñez, "By the treaties, demarcations, takings of possession, and the most decided acts of sovereignty exercised by the Spaniards, * * * all the coast to the north of western America, on the side of the South sea, as far as beyond what is called Prince William's sound, * * is acknowledged to belong exclusively to Spain." (*Letter of June* 16, 1790.) And the United States will not be debarred from the exercise of the just rights she derives from Spain, when there is nothing set up against her but new and monstrous constructions of a treaty extorted from Spain by what Lord Porchester justly called "unprovoked bullying," and founded not in right, but in power. (*North Am. Rev.*, vol. xxvii.)

The committee proceed to *the French title:*

When Louisiana was acquired by the United States, it was well known, as already suggested, that the limits were not well defined. Indeed, they were defined on neither side, except along the Mississippi. The northern