

Spanish court, and ended in a virtual abandonment of the *exclusive* claims of Spain by the treaty of the Escorial.

The United States too have pursued the same course as Great Britain in regard of the Spanish title. All the claims set up by Spain to the exclusive sovereignty of the western coast of America, were treated as chimerical by Mr. Jefferson, when he commissioned Lewis and Clarke to explore the countries watered by the Columbia; that is, if he intended that this country should, by the discovery and exploration of the regions west of the Rocky Mountains, establish any claim to the possession of them. If not, there is an inconsistency in our negotiators setting up any title to the country on the banks of the Columbia, in consequence of the discoveries and exploration of Lewis and Clarke. But passing this, it is plain that, by the convention of 1818 with the British government in regard of the Oregon territory, this country treated the *exclusive* claims of Spain to the unoccupied parts of the western coast as chimerical, as deserving no respect, as unsanctioned by the principles of public law, and the usages of civilized nations. By entering into that convention, the government of the United States distinctly recognized the principle that the territory was still open to the occupation of others, notwithstanding the claims of sovereignty asserted by Spain. Of Mr. Buchanan's inconsistency in asserting claims founded on principles irreconcilable, and which consequently nullify each other, and of the damage which he has in this way done to his cause with every honest and sound reasoner, and of the sophistry by which he attempts to defend himself, when charged with this inconsistency by Mr. Pakenham, I intend to take notice hereafter. The remarks now made will suffice to show that the doctrine laid down in the passage above quoted from Vattel accords with the principles which have generally governed the conduct of nations in regard of the right of prior discovery, and of forming settlements on this continent.

Let us then pass in review some of the principles laid down in this passage, and make their application to the subject in debate.

1. That a claim founded on the right of discovery be reckoned valid, the discovery must be made by parties furnished with a commission for this express purpose from the sovereignty of the country which advances the claim. This is a principle obviously conformable to common sense. In all the ancient claims founded on the right of discovery by the European nations, this principle seems to have been fully recognized. To suppose that a private adventurer