

title to this tract was at one time submitted for decision to the Judicial Committee of the Privy Council in England, but was withdrawn, and the right of the Company as proprietor was admitted and confirmed. (Doc. Ev. F 20 a. b. c. d.)

This seems to me to complete the evidence of a title to the lands in Oregon as between Great Britain and the Hudson's Bay Company, which cannot with any reason or semblance of fairness be contested.

Two objections, however, have been suggested. It is said, 1st, That the Convention of 1818 between Great Britain and the United States, concluded both parties from obtaining any rights by settlement. It might be urged in reply to this, that the possession of the claimants through the North West Company of considerable portions of the land claimed, was anterior to that date. But it is not necessary to rest upon this fact, for the effect of the convention of 1818 was not to deny to either party his right in the territory, or in other words, to give to either an exclusive right there; it was, on the contrary, to establish that each might occupy freely without hindrance by the other. The words of the convention * are that, "it is agreed that any country that may be claimed by "either party on the North West Coast of America, westward of "the Stony Mountains, shall together with its harbors, &c., be free "and open for the term of ten years, to the vessels, citizens and "subjects of the two powers, without prejudice to the claims of "either." These provisions were afterwards, in 1827, renewed for an indefinite period. Greenhow says in relation to it (p. 390): "As the advantages offered to the citizens or subjects of the two "nations are not defined, the terms of the convention relating to "them are to be understood in their most extensive, favorable "sense; including the privilege, not only of fishing, hunting and "trading with the natives, but also of clearing and cultivating the "ground, and using or disposing of the products of such labor in "any peaceful way: of erecting buildings for residence or other "purposes, and making dams, dikes, canals, bridges, and any other "works which the private citizens or subjects of the parties might "erect or make in their own countries."

* Greenhow App. K, p. 467.