

date of 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 of the two high contracting parties may have to any part of the said country," etc.

By the first article of the convention of 1827, it is agreed that the provisions of the first article of the convention of 1818, above recited, "shall be, and they are hereby, indefinitely extended and continued in force in the same manner as if all the provisions of the said article were herein specifically recited."

By the second article it is agreed, "it shall be competent, however, to either of the contracting parties, in case either should think fit, 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 annulled and abrogated, after the expiration of the said term of notice."

The third article saves all rights and claims of the parties. The first remark we have to make upon these articles is, that they contain no reference whatever to the possession, which, by the treaty of Ghent, and subsequent acts under it, was acknowledged to be in the United States, in the most formal manner, and which could not be divested except in a manner equally formal, or by the consent of the United States, under the limitations of that acknowledgment. It is hardly necessary to observe that in neither manner is it directed by the stipulations of these conventions, or either of them.

What rights, then, were granted or acquired by these conventions? Clearly none inconsistent with our previously admitted possession. We have seen, from the highest authority, that the right to govern is incident to the possession. The right of the citizens of the United States, under this possession, and with the permission of this government, to cultivate the soil, navigate the rivers, fish, hunt, etc., is also clear. This right of our citizens existed with the possession before the War of 1812, and was restored with the restoration of the "settlement of Fort George," on the 6th day of October, 1818, prior to either of these conventions, and of course independent of both. If this be true, we acquired no new rights under the convention of 1818; all these accompanied our prior possession. That convention, then, was a concession to English subjects of a participation in individual rights, which, but for that convention, would have appertained exclusively to our own citizens. It contains no recognition of any authority in the British Government: over the territory.

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