

the Pacific side of America, north of the forty-second parallel of latitude, he says, (p. 48,) "Thus was the undefined line from the Rocky Mountains to the Pacific, inserted in the treaty with France, converted into a defined line." Speaking of the western limits of Louisiana, (p. 60,) he says, — "There was no strip of land to the west, belonging to France, as mentioned in the treaty of 1803, 'lying between the territory claimed by Great Britain on the one side, and Spain on the other.'" — and (page 61,) when comparing the provisions of the latter treaty with those of the Florida treaty, he remarks — "The treaty with France, in 1803, professed to give 'a line' across some country lying between the territory claimed by Spain and Great Britain."

It is needless to say, to any one acquainted with the history of the transfer of Louisiana, by France to the United States, that the treaty by which that cession was effected, contains no other words respecting the limits of the country ceded, than those extracted from the treaty of 1800, whereby France obtained Louisiana from Spain, — viz.: "the colony or province of Louisiana, with the same extent that it now has in the hands of Spain, and that it had when France possessed it; and such as it should be, after the treaties subsequently entered into between Spain and other states;" and that no other description of boundaries could ever be obtained from the French government. Mr. Falconer quoted these words himself; but it is most charitable to suppose that he never saw the treaty, as he must otherwise stand amenable to the charge of having falsely brought forward the passage forming the subject of these remarks, as one of its stipulations, with the object of defaming the American government.

Mr. Falconer next presents a review of the accounts in my history, of the discoveries of the Spaniards, of Cook, and of the fur traders, as also of the pretended British settlement at Nootka Sound, of which he says, "the personal facts of the case are not of the slightest importance;" though upon those facts rests the whole question as to the superiority of the Spanish, or of the British claim to the territory about Nootka. He then enters upon the examination of the rights derived from discovery and occupation of a country, and quotes a large portion of the observations, in pages 187 to 189 of my history, omitting, however, some which have an important bearing on the subject. Here he contends that "a settlement must be understood to mean the establishment of the laws or government of the persons making the settlement, with the consent and authority of the nation to which they belong;" that, "discoveries actually accompanied by occupation, without such consent, do not entitle the settlers to any of the rights of their own government, or to exercise any power, even of the most inferior description, under the pretence of being a colony;" and that, "taking possession," — that is to say, the declaration of the right of a sovereign, or state, by one of its officers, to the possession of an unoccupied country, which he may touch, "is the exercise of a sovereign power, a distinct act of legislation, by which the new territory becomes annexed to the dominions of the crown." Upon these grounds he regards the right of Great Britain to the north-west coasts of America, as paramount; forgetting, or concealing the facts, that Spanish officers had landed on all those coasts, and on each occasion had most formally taken possession, in the name of their monarch, and had made a settle-