

(I quote from the letter of Aug. 30th, 1845,) "had stated as a historical and striking fact, which must have an important bearing against the claim of Great Britain, that this convention, (the Nootka,) which was dictated by her to Spain, contains no provision impairing the ultimate sovereignty which that power had asserted for *nearly three centuries* over the whole western side of North America as far north as the 61st degree of latitude, *and which had never been seriously questioned by any European nation.*" Under what title but that conferred by the Bull of Pope Alexander VI. could Mr. Buchanan have conceived that Spain had asserted the ultimate sovereignty over the Western side of North America for nearly three centuries? This was the only title possessed by Spain, and asserted in the face of Europe for any thing near three centuries; and neither this nor any other title asserted by Spain to the western coast of America beyond the regions *contiguous* to her actual settlements was "acquiesced in by all European governments," as Mr. Buchanan affirms, but was merely permitted to pass unnoticed, so long as it did not interfere with their trade and settlements. But of this more presently.

Let us pass to the claim set up for Spain founded upon discovery, taking possession, settlement, &c. Here let me commence by quoting a passage from Vattel's Law of Nations, which may be recommended to the serious attention and careful study of all who wish really to understand the subject under consideration—a passage to which I am astonished that so little reference has been made by either side in this controversy. Vattel, as every body knows, is the very highest authority in such matters, and in the present instance his opinions are so reasonable, so accordant with common sense and sound philosophy, as to claim universal assent. The passage may be found in Book I., chap. 18, at page 99 of the fourth American edition.

"All mankind have an equal right to things that have not yet fallen into the possession of any one; and those things belong to the person who first takes possession of them. When, therefore, a nation finds a country uninhabited, and without an owner, it may lawfully take possession of it; and after it has sufficiently made known its will in this respect, it cannot be deprived of it by another nation. Thus, navigators going on voyages of discovery, *furnished with a commission from their sovereign*, and meeting with islands or other lands in a desert state, have taken possession of them in the name of their nation: and this title has