

neither the British nor American nation, as early as 1791, claimed jurisdiction over any Indian territory on the northwest coast ; and, about the same time of the purchases, the former nation fully recognized in individuals of any nation a free right to purchase lands of the same Indians of whom the claimants, lands were purchased, See ps. 40, 41.

In the public document to which reference has been made, it is stated, that, in 1783, a proclamation was issued by the American Congress prohibiting all purchases of lands within the territories of the United States without the express authority of Congress. As has already been stated, our government had no territory on the shores of the Pacific at the time the purchases were made ; and pretended to no jurisdiction there. The proclamation, therefore, could not affect the purchases ; because, having no power it could have no effect, beyond jurisdictional limits.

The citizen of any country, says the same document, first taking possession does so in the name of his nation, and jurisdiction of the country with the exclusive right to the soil, subject to the possessory right of the natives, invests in the government of him who first asserts and maintains possession." The correctness of the logic for these deductions, if *deductions* they should be called, does not appear. Reasons why "the right to the soil" so invests are not given. Had it been stated, that the "citizen" taking possession, had, also, purchased land of the natives, a case would then be presumed, which, in one respect at least, would be similar to that of the claimants. For Kendrick while taking possession, purchased lands, and did many meritorious acts to benefit his country. The purchases were made of Indians living under governments of their own beyond, far beyond the sovereignty of any civilized nation, unless Spain is considered an exception. It makes, however, no difference as to the merits of the question, whether Spain is or is not an exception. The proper authority of that nation *permitted* and *allowed the purchases*. Thus Spain confirmed the title ; and, by a subsequent act, distinctly recognized the principle of right to purchase ; and, again, virtually confirmed the title.

There are abundance of reasons, and good ones too, why the exclusive right to the soil should *invest* in the claimants. The individual citizen (Kendrick) purchased in the reasonable exercise of a natural right, not required to be given up to the sovereignty commanding the society of which he and the owners were members—over the country of which they were citizens ; And the Indian chiefs of whom the purchases were made, had not, as