

gument merely, that the discovery by Captain Gray of the mouth of the Columbia, its exploration by Lewis and Clarke, and the settlement upon its banks at Astoria, were encroachments on Spain, she, and she alone, had a right to complain. Great Britain was a third party; and, as such, had no right to interfere in the question between Spain and the United States. But Spain, instead of complaining of these acts as encroachments, on the 22d February, 1819, by the Florida treaty, transferred the whole title to the United States. From that moment all possible conflict between the two titles was ended, both being united in the same party. Two titles which might have conflicted, therefore, were thus blended together. The title now vested in the United States is just as strong as though every act of discovery, exploration, and settlement on the part of both powers had been performed by Spain alone, before she had transferred all her rights to the United States. The two powers are one in this respect; the two titles are one; and, as the undersigned will show hereafter, they serve to confirm and strengthen each other. If Great Britain, instead of the United States, had acquired the title of Spain, she might have contended that those acts of the United States were encroachments; but, standing in the attitude of a stranger to both titles, she has no right to interfere in the matter.

The undersigned deems it unnecessary to pursue this branch of the subject further than to state, that the United States, before they had acquired the title of Spain, always treated that title with respect. In the negotiation of 1818, the American plenipotentiaries "did not assert that the United States had a perfect right to that country; but insisted that their claim was at least good against Great Britain;" and the convention of October 20, 1818, unlike that of Nootka Sound, reserved the claims of any other power or State to any part of the said country. This reservation could have been intended for Spain alone. But, ever since the United States acquired the Spanish title, they have always asserted and maintained their right in the strongest terms up to the Russian line, even whilst offering, for the sake of harmony and peace, to divide the territory in dispute by the 49th parallel of latitude.

The British plenipotentiary, then, has entirely failed to sustain his position, that the United States can found no claim on discovery, exploration, and settlement, without admitting the principles of the Nootka Convention. That convention died on the commencement of the war between Spain and England, in 1796, and has never since been revived.

The British plenipotentiary next "endeavors to prove that, even if the Nootka Sound Convention had never existed, the position of Great Britain in regard to her claim, whether to the whole or to any particular portion of the Oregon territory, is at least as good as that of the United States." In order to establish this position, he must show that the British claim is equal in validity to the titles both of Spain and the United States. These can never now be separated. They are one and the same. Different and diverging as they may have been before the Florida treaty, they are now blended together and identified. The separate discoveries, explorations, and settlements of the two powers previous to that date must now be considered as if they had all been made by the United States alone. Under this palpable view of the subject, the undersigned was surprised to find that in the comparison and contrast instituted by the British plenipotentiary between the claim of Great Britain and that of the United States, he had entirely omitted to refer to the discoveries, explorations, and settlements made by Spain. The undersigned will endeavor to supply the omission.

But, before he proceeds to the main argument on this point, he feels himself constrained to express his surprise that the British plenipotentiary should again have invoked in support of the British title the inconsistency between the Spanish and American branches of the title of the United States. The undersigned cannot forbear to congratulate himself upon the fact, that a gentleman of Mr. Pakenham's