

country affected by it. But it is to be regretted that this claim of title is not free from difficulties. Whether the establishment of a trading post in a country unoccupied by civilized man is such a "settlement" as satisfies that principle of international law, which requires actual settlement to perfect a title by discovery, is a question, upon principle and authority, more than doubtful. And it is worthy of consideration, admitting that such a settlement does satisfy that principle—to what extent of territory does it give good title? I am not prepared to admit that it confers any title whatever. The principles upon which these doctrines of international law are based, are plain, simple, reasonable, and just. The earth was made for the use of man—whatever portion of it is at any time not appropriated to his use by actual occupancy, or municipal law, rightfully belongs to him who first takes, uses, and subdues it. Such a settlement does not satisfy this great principle. The idea that the building of a hut, for the temporary protection of trappers, and half a dozen sheds for the reception of the skins of animals, gives title to, and excludes the rest of the human race from a country 600 miles square, is a mockery of the common sense of mankind, and a libel upon the goodness and the providence of God. Contiguity is the only remaining ground of American title. It is not insisted that it gives a perfect right. At best, it is an interpolation upon the international code. It means simply that the territory in dispute belongs to nobody, but that it adjoins some that we own. It is based upon the idea that nobody owns the land. So all other titles must be vacated before this one acquires vitality. By acknowledging this to be a ground of title, the country would be divided between this country and England by the 49° parallel of north latitude. Such is our title. But, defective as it may be, it is still better than that of England. It is unnecessary to dwell upon the English title. Every defect in our own applies with equal or greater force to that of England. She has not even a decent pretext, laying contiguity out of the question, to any portion of the country drained by the Columbia river. Drake came after Juan de Fuca; he may have seen the coast at about 48° north latitude, though even that fact is disputed. Cook's voyage to that coast was in 1778, more than two years after the explorations of Perex and Haceta, and Vancouver at a still later period. She therefore never had any rights by discovery on the coast. McKenzie explored Frazier's river, and British traders established a trading post on that river.

The establishment of this post on Frazier's river is obnoxious to the same objections which have already been urged to ours at Astoria. It confers the same rights upon Great Britain to the country washed by that river, as ours