

The conclusion upon the foregoing statement of facts, and of documentary evidence anterior to the year 1846, and of the legal inferences based upon them is, that taken together, they constitute a body of proof of admitted title, in so far as Great Britain is concerned, which it is impossible to controvert or doubt.

2nd. Having exposed the substantial nature of the title of the claimants, as derived from facts and documentary evidence of consent and recognition by Great Britain anterior in date to 1846, I have, in the next place, to request attention to the admissions and confirmations of that title contained in the Oregon Boundary Treaty itself, as alleged in my second proposition.

It has already been suggested that the Treaty of 1846 is to be regarded as a compromise upon unrecognised claims, and not as a declaration and adjustment of pre-existing rights. It is therefore not to be construed by the rules which apply to that class of boundary treaties in which the antecedent rights of each of the parties to his portion of the divided territory is admitted. There is here no admission of the kind. It is indeed curious to observe with what care all language is avoided which could justify such an interpretation. The nature of the Treaty is declared in its preamble to be the desirableness, for the future welfare of both countries, of removing the state of doubt and uncertainty respecting the sovereignty and government of the territory to which it relates, and thereupon an amicable compromise is made, not for bounding but for dividing it. This language might apply equally well to the division of territory in which both parties had a common and equal right, or to which neither party had shewn any right at all, but which they were mutually appropriating in certain proportions by special agreement. The question, which portion of the territory really belonged to one party, and which to the other, before the appropriation, is avoided. All previous ownership is unasserted. And as if to shew more conclusively, that such is the basis of the Treaty, the 3rd Article speaks of the *future appropriation* of the Territory as *provided by the first Article*. The legal consequence of these forms of expression is, that any ownership which the contracting parties may have claimed, was either a joint-ownership in the undivided territory, or it was virtually and mutually denied that any ownership existed, in the one or the other, and