made to it on the part of England during the negotiation of that year on the Oregon question.

In reply to this argument it will be sufficient for the undersigned to remind the American plenipotentiary that in the year 1818 no claim, as derived from Spain, was or could be put forth by the United States, seeing that it was not until the following year (the year 1819), that the treaty was concluded by which Spain transferred to the United States her rights, claims, and pretensions to any territories west of the Rocky Mountains, and north of the 42d parallel of latitude.

Hence, it is obvious that in the year of 1818 no occasion had arisen for appealing to the qualified nature of the rights, claims, and pretensions so transferred—a qualification imposed, or at least recognized, by the convention of Nootka.

The title of the United States to the valley of the Columbia, the American Plenipotentiary observes, is older than the Florida Treaty of February, 1819, and exists independently of its provisions. Even supposing, then, that the British construction of the Nootka Sound convention was correct, it could not apply to this portion of the territory in dispute.

The undersigned must be permitted respectfully to inquire upon what principle, unless it be upon the principle which forms the foundation of the Nootka convention, could the United States have acquired a title to any part of the Oregon territory, previously to the treaty of 1819, and independently of its provisions? By discovery, exploration, settlement, will be the answer.

But, says the American Plenipotentiary, in another part of his statement, the rights of Spain to the west coast of America, as far north as the 61st degree of latitude, were so complete as never to have been seriously questioned by any European nation.

They had been maintained by Spain with the most vigilant jealousy, ever since the discovery of the American continent, and had been acquiesced in by all European Powers. They had been admitted even by Russia, and that, too, under a sovereign peculiarly tenacious of the territorial rights of her empire, who, when complaints had been made to the court of Russia against Russian subjects, for violating the Spanish territory on the north west coast of America, did not hesitate

to assure the King of Spain that she was extremely sorry that the repeated orders issued to prevent the subjects of Russia from violating, in the smallest degree, the territory belonging to another power, should have been disobeyed.

In what did this alleged violation of territory consist? Assuredly in some attempted acts of discovery, exploration, or settlement.

At that time Russia stood in exactly the same position with reference to the exclusive rights of Spain as the United States; and any acts in contravention of those rights, whether emanating from Russia or from the United States, would necessarily be judged by one and the same rule.

How then can it be pretended that acts which, in the case of Russia, were considered as criminal violations of the Spanish territory, should, in the case of citizens of the United States, be appealed to as constituting a valid title to the territory affected by them; and yet from this inconsistency the American Plenipotentiary cannot escape, if he persists in considering the American title to have been perfected by discovery, exploration, and settlement, when as yet Spain had made no transfer of her rights, if, to use his own words, "that title is older than the Florida treaty, and exists independently of its provisions."

According to the doctrine of exclusive dominion, the exploration of Lewis and Clarke, and the establishment founded at the mouth of the Columbia, must be condemned as encroachments on the territorial rights of Spain.

According to the opposite principle, by which discovery, exploration, and settlement are considered as giving a valid claim to territory, those very acts are referred to in the course of the same paper as constituting a complete title in favour of the United States.

Besides, how shall we reconcile this high estimation of the territorial rights of Spain, considered independently of the Nootka Sound convention, with the course observed by the United States in their diplomatic transactions with Great Britain, previously to the conclusion of the Florida treaty? The claim advanced for the restitution of Fort George, under the first article of the treaty of Ghent; the arrangement concluded for the joint occupation of the Oregon territory by Great Britain and the United States; and, above all, the proposal actually made on the part of the United States for a partition of the Oregon territory; all which transactions took place in the year 1818, when as yet Spain had made no transfer or cession of her rights—appear to be as little reconcilable with any regard for those rights, while still vested in Spain, as the claim founded on discovery, exploration, and settlement, accomplished previously to the transfer of those rights to the United States.

Supposing the arrangement proposed in the year 1818, or any other arrangement for the partition of the Oregon territory to have been concluded in those days, between Great Britain and this country, what would, in that case, have become of the exclusive rights of Spain?

There would have been no refuge for the United States but in an appeal to the principles of the Nootka convention.

To deny, then, the validity of the Nootka convention, is to proclaim the illegality of any title founded on discovery, exploration, or settlement, previous to the conclusion of the Florida treaty.

To appeal to the Florida treaty as conveying to the United States any exclusive rights, is to attach a character of encroachment and of violation of the rights of Spain to every act to which the United States appealed in the negotiation of 1818, as giving them a claim to territory on the north-west coast.

These conclusions appear to the undersigned to be irresistible.

The United States can found no claim on discovery, exploration, and settlement, effected previously to the Florida treaty, without admitting the principles of the Nootka convention, and the consequent validity of the parrallel claims of Great Britain founded on like acts; nor can they appeal to any exclusive right as acquired by the Florida treaty, without upsetting all claims adduced in their own proper right, by reason of discovery, exploration, and settlement, antecedent to that arrangement.