

terms of the Convention of the Escurial. What he did was published with the sanction and authority of the Government, and no more distinct approval and confirmation of his proceedings could have been given. The Government of Spain made no remonstrance, nor did it complain of any violation of the terms of the Convention. If his acts had not been just and proper, our Government would not have given to them publicity or the approval which they received; nor would the Government of Spain have allowed them to pass uncensured.

After the Treaty of the Escurial, it was just to declare over what part of the coast British settlements might be made in conformity with the rights it sanctioned. To do this, Vancouver was sent to ascertain what part of the coast was abandoned and unoccupied, and to determine the limits within which settlements could be made. By "taking possession" of the vacant coast, an inchoate right of sovereignty was established concurrent with the inchoate and imperfect right of sovereignty existing in the Spanish Government—if such right existed after the Spaniards abandoned the coast. It did not supersede the necessity of *occupation*, but it anticipated and prevented any renewal of disputes when any actual settlement should be officially sanctioned by the British Government. Neither did it imply or render necessary actual settlements throughout the whole extent of country thus taken possession of. It was a proceeding preliminary to the establishment of any settlement. The limits of subsequent occupation could not then be determined, as they could only be fixed by the position of any settlement that should be made.

That the Mexican Government or that Russia should now enjoy part of the coast "taken possession of" by Vancouver, is perfectly consistent with the claim asserted by the British Government; for the claim contended for in the contest with Spain was not exclusive of that which any other country might establish by actual occupation. Our assertion of a right to make settlements was founded on the principle that a vacant and abandoned territory, not within the limits or control of any jurisdiction, is open to occupation by the subjects of any Government having its authority to settle in it and subject to the jurisdiction of the laws of their own country.

If, by the statement that no attempt was ever made to act upon what is called "the absurd assumption of sovereignty," is meant that we have not continued to assert a title to the *whole* country "taken possession of"—rejecting the word "absurd"—this statement may be assented to; and the reasons for not asserting so extensive a title have already been mentioned. But if it is meant that we have made no claim on account of this assumption of sovereignty to *any part* of the country, the assertion is incorrect. In the British statement annexed to the protocol of the sixth conference held at London in 1826, the British negotiators did rely on the assertion of the title arising from the country having been taken possession of by Vancouver. And in the earlier negotiations, the late Sir C. Bagot, the British Minister at Washington, declared—"That the post at the mouth of the Columbia had *not been captured* during the late war, but that the Americans had retired from it under an agreement with the North-West Company, which had purchased their effects, and ever since retained peaceable possession