

gives to him who first takes, retains, and uses it. Mere discovery, without occupation, gives no perfect rights, either by the law of nations or natural equity. And that occupation must be continued; for, after abandonment, it is again open to him who chooses to enter and occupy, and good title is thereby acquired, notwithstanding the first discovery and occupation. By applying these sound and obvious principles to the title claimed by Spain, and by us through her, its defects must be apparent to every one. Spain made no "settlement" upon any part of the northwest coast of America between 42° and $54^{\circ} 40'$ north. It is true that she resented the temporary occupation of a trading post in this territory by Meares, and ousted him in 1789, and continued in possession of that post until 1795. From that time hitherto she has never had possession of an inch of that territory; therefore, if she ever had any rights there, they were lost by her abandonment of the territory. This was the state of her title in 1819, when she gave us a quit claim to the country. She had nothing to convey, and we therefore took nothing by the conveyance. I am warranted in the conclusion, that this was the opinion of our Government in 1818; for, at that time, in utter contempt, but with full knowledge, of the claim of Spain, we offered to divide the whole country with Great Britain. And, what is still more conclusive, we were, at that very time, treating with Spain, among other things, for the purchase of this title, and did actually acquire it, by treaty, within four months after the offer was made; and five years after having acquired that title, we again made the same offer to Great Britain.

Yet now we have the boldness to say, in the face of these facts, that this Spanish title is "clear and unquestionable." This is the ground assumed by our Government, for we do not pretend to have any other title but that of Spain to any part of this territory north of the country drained by the Columbia river. And it has been said, in very respectable quarters, that our title "to the whole of Oregon" (to $54^{\circ} 40'$) is "clear and unquestionable." This Spanish title will require the endorsement of a victorious army to make it available. It is worthless by itself.

The American claim is based upon the entrance of Gray into the Columbia river, the explorations of the main branches of that river by Lewis and Clark, and the settlement at Astoria. Grey did not discover the Columbia river; the credit of that achievement is acknowledged to belong to the Spaniard Huceta. Exploration, of what was before discovered, is not recognised by any principle of international law as a means of acquiring title. It could, in no event, stand on a better foundation than discovery without settlement. The settlement at Astoria presents our strongest claim to the