

other during the war, or which may be taken after the signing of the treaty, excepting the islands hereafter mentioned (in the Bay of Fundy) shall be restored without delay." Under this provision, which embraces all the establishments of the American Company on the Columbia, Astoria was formally restored, on the 6th of October, 1818, by agents duly authorized on the part of the British Government to restore the possession, and to an agent duly authorized on the part of the Government of the United States to receive it—which placed our possession where it was before it passed into the hands of British subjects.

Such are the facts on which we rest our claims to priority of discovery and priority of exploration and settlement, as against Great Britain, to the region drained by the Columbia River. So much for the claims we have, in our own proper right, to that region.

To these we have added the claims of France and Spain. The former we obtained by the treaty of Louisiana, ratified in 1803, and the latter by the treaty of Florida, ratified in 1819. By the former, we acquired all the rights which France had to Louisiana "to the extent it now has (1803) in the hands of Spain, and that it had when France possessed it, and such as it should be after the treaties subsequently entered into by Spain and other States." By the latter, His Catholic Majesty "ceded to the United States all his rights, claims and pretensions" to the country lying west of the Rocky Mountains, and north of a line drawn on the 42d parallel of latitude, from a point on the south bank of the Arkansas, in that parallel, to the South Sea; that is, to the whole region claimed by Spain west of those mountains, and north of that line.

The cession of Louisiana gave us undisputed title west of the Mississippi, extending to the summit of the Rocky Mountains, and stretching south between that river and those mountains to the possessions of Spain, the line between which and ours was afterwards determined by the treaty of Florida. It also added much to the strength of our title to the region beyond the Rocky Mountains, by restoring to us the important link of continuity westward to the Pacific, which had been surrendered by the treaty of 1763—as will be hereafter shown.

That continuity furnishes a just foundation for a claim of territory, which, in connexion with those of discovery and occupation, would seem unquestionable. It is admitted by all that neither of them is limited by the precise spot discovered or occupied. It is evident that, in order to make either available, it must extend at least some distance beyond that actually discovered or occupied; but how far, as an abstract question, is a matter of uncertainty. It is a subject in each case to be influenced by a variety of considerations. In the case of an island it has been usually maintained in practice to extend the claim of discovery or occupancy to the whole. So, likewise, in case of a river, it has been usual to extend them to the entire region drained by it—more especially in cases of a discovery and settlement of the mouth; and emphatically so when accompanied by exploration of the river and the region through which it flows. Such, it is believed, may be affirmed to be the opinion and practice in such cases since the discovery of this continent. How far the claim of continuity may extend in other cases, is less perfectly defined, and can be settled only by reference to the circumstances attending each. When this continent was first discovered, Spain claimed the whole, in virtue of the grant of the Pope; but a claim so extravagant and unreasonable was not acquiesced in by other countries, and could not long be maintained. Other nations, especially England and France, at an early period, contested her claim. They fitted out voyages of discovery and made settlements on the eastern coasts of North America. They claimed for their settlements, usually, specific limits along the coasts or bays on which they were formed,

and generally, a region of corresponding width, extending across the entire region to the Pacific Ocean. Such was the character of the limits assigned by England in the charters which she granted to her former colonies, now the United States, when there were no special reasons for varying from it.

How strong she regarded her claim to the region conveyed by these charters, and extending westward of her settlements, the war between her and France, which was terminated by the treaty of Paris, 1763, furnishes a striking illustration. That great contest, which ended so gloriously for England, and effected so great and durable a change on this continent, commenced in a conflict between her claims and those of France, resting on her side on this very right of continuity, extending westward from her settlements to the Pacific Ocean, and on the part of France on the same right, but extending to the region drained by the Mississippi and its waters, on the ground of settlement and exploration. Their respective claims, which led to the war, first clashed on the Ohio river, the waters of which the colonial charters, in their western extension, covered, but which France had been unquestionably the first to settle and explore.—If the relative strength of these different claims may be tested by the result of that remarkable contest, that of continuity westward must be pronounced to be the stronger of the two. England has had at least the advantage of the result, and would seem to be foreclosed against contesting the principle—particularly as against us, who contributed so much to that result, and on whom that contest, and her example and pretensions, from the first settlement of our country, have contributed to impress it so deeply and indelibly.

But the treaty of 1763, which terminated that memorable and eventful struggle, yielded, as has been stated, the claims and all the chartered rights of the colonies beyond the Mississippi. The seventh article established that river as the permanent boundary between the possessions of Great Britain and France on this continent. So much as relates to the subject is in the following words:—"The confines between the dominions of His Britannic Majesty in that part of the world (the continent of America) shall be fixed irrevocably by a line drawn along the middle of the River Mississippi, from its source to the River Iberville; and from thence by a line drawn along the middle of this River, and the Lakes Maurepas and Pontchartrain, to the Sea," &c.

The important stipulation, which thus establishes the Mississippi as the line "fixed irrevocably" between the dominions of the two countries on this continent, in effect extinguishes in favor of France, whatever claim Great Britain may have had to the region lying west of the Mississippi. It of course could not affect the rights of Spain—the only other nation which had any pretence of claim west of that river; but it prevented the right of continuity previously claimed by Great Britain from extending beyond it, and transferred it to France. The treaty of Louisiana restored and vested in the United States all the claims acquired by France, and surrendered by Great Britain, under the provisions of that treaty, to the country west of the Mississippi, and among others, the one in question. Certain it is that France had the same right of continuity, in virtue of her possession of Louisiana, and the extinguishment of the right of England, by the treaty of 1763, to the whole country west of the Rocky Mountains, and lying west of Louisiana, as against Spain, which England had to the country westward of the Alleghany Mountains, as against France—with this difference, that Spain had nothing to oppose to the claim of France, at the time, but the right of discovery; and even that, England has since denied; while France had opposed to the right of England in her case, that of discovery, exploration and settlement. It is, therefore, not at all surprising that France should claim the country west of the Rocky Mountains, (as may be inferred from her maps,) on the