

This acknowledgement had reference especially to the territory which forms the subject of the present negotiation. If Spain could not make good her own right to exclusive dominion over those regions, still less could she confer such a right on another power: and hence Great Britain argues that from nothing deduced from the treaty of 1819 can the United States assert a valid claim to exclusive dominion over any part whatever of the Oregon Territory.

There remains to be considered the claim advanced by the United States on the ground of prior discovery and prior exploration and settlement.

In that part of the memorandum of the American Plenipotentiary which speaks of the Spanish title, it is stated that the mouth of the river; afterwards called the Columbia River, was discovered by the Spanish navigator, Heceta. The admission of this fact would appear to be altogether irreconcilable with a claim of priority of discovery from anything accomplished by Captain Gray. To one, and to one only, of those commanders, can be conceded the merit of first discovery. If Heceta's claim is acknowledged, then Captain Gray is no longer the discoverer of Columbia river. If on the other hand preference is given to the achievement of Captain Gray, then Heceta's discovery ceases to be of any value. But it is argued that the U. States now represent both titles—the title of Heceta and the title of Gray:—and, therefore, that under one or the other, it matters not which, enough can be shown to establish a case of prior discovery, as against Great Britain. This may be true as far as relates to the act of first seeing and first entering the mouth of the Columbia river; but if the Spanish claim to prior discovery is to prevail, whatever rights may thereon be founded are necessarily restricted by the stipulations of the treaty of 1790, which forbid a claim to exclusive possession.

If the act of Captain Gray, in passing the bar and actually entering the river, is to supersede the discovery of the entrance—which is all that is attributed to Heceta—then, the principle of progressive or gradual discovery being admitted as conveying, in proportion to the extent of discovery or exploration, superior rights, the operations of Vancouver in entering, surveying and exploring to a considerable distance inland, the River Columbia, would, as a necessary consequence, supersede the discovery of Captain Gray, to say nothing of the act of taking possession in the name of his Sovereign—which ceremony was duly performed and authentically recorded by Captain Vancouver.

This brings us to an examination of the conflicting claims of Great Britain and the United States on the ground of discovery, which may be said to form the essential point in the discussion; for it has above been shewn that the claim derived from France must be considered as of little or no weight, while that derived from Spain, in as far as relates to exclusive dominion, is neutralized by the stipulations of the Nootka convention.

It will be admitted that when the United States became an independent nation, they possessed no claim, direct or indirect, to the Columbia territory. Their western boundary in those days was defined by the treaty of 1784. Great Britain, on the contrary, had at that time already directed her attention to the northwest coast of America—as is sufficiently shown by the voyage and discoveries of Captain Cook, who, in 1778, visited and explored a great portion of it, from latitude 44° northward.

That Great Britain was the first to acquire what may be called a beneficial interest in those regions, by commercial intercourse, will not, either, be denied. In proof of this fact, we have the voyages of several British subjects, who visited the coast and adjacent islands previously to the dispute with Spain; and that her commerce, actual as well as prospective, in that part of the world, was considered a matter of great national im-

portance, is shown by the resolute measures which she took for its protection when Spain manifested a disposition to interfere.

The discoveries of Meares, 1788, and the complete survey of the coast and its adjacent islands, from about latitude 47° northwards, which was effected by Captain Vancouver in 1791, 1793, and 1794, would appear to give to Great Britain, as against the United States, as strong a claim, on the ground of discovery and exploration coastwise, as can well be imagined, limited only by what was accomplished by Captain Gray at the mouth of the Columbia—which, as far as discovery is concerned, forms the strong point on the American side of the question.

In point of accuracy and authenticity, it is believed that the performances of Cook and Vancouver stand pre-eminently superior to those of any other country whose vessels had in these days visited the northwest coast; while in point of value and importance, surely the discovery of a single harbour, although at the mouth of an important river, cannot, as giving a claim to territory, be placed in competition with the vast extent of discovery accomplished by British navigators.

As regards exploration inland, entire justice must be done to the memorable exploit of MM. Lewis and Clarke; but those distinguished travellers were not the first who effected a passage across the Oregon Territory from the Rocky Mountains to the Pacific. As far back as 1783, that feat had been accomplished by Mackenzie, a British subject. In the course of the expedition, Mackenzie explored the upper waters of a river, since called Fraser's river, which, in process of time, was traced to its junction with the sea, near the 49th degree of latitude; thus forming, in the point of exploration, a counterpoise to the exploration of that part of the Columbia which was first visited by Lewis and Clarke.

Priority of settlement is the third plea on which the American claim proper is made to rest.

In 1814, an establishment for the purposes of trade was formed at the south side of the Columbia river, near to its mouth, by certain American citizens. This establishment passed during the war into the hands of British subjects; but it was restored to the American government in the year 1818, by an understanding between the two governments. Since then, it has not, however, been in reality occupied by Americans. This is the case of priority of settlement.

The American Plenipotentiary lays some stress on the admission attributed to Lord Castlereagh, then principal Secretary of State for Foreign Affairs, that "the American government had the most ample right to be reinstated and to be considered the party in possession while treating of the title." The undersigned is not inclined to dispute an assertion resting on such respectable authority. But he must observe in the first place, that the reservation implied by the words "while treating of the title," excludes any inference which might otherwise be drawn from the preceding words prejudicial to the title of Great Britain; and further, that when the authority of the American minister is thus admitted for an observation which is pleaded against England, it is but fair that, on the part of the United States, credit should be given to England for the authenticity of a despatch from Lord Castlereagh to the British minister at Washington, which was communicated verbally to the government of the United States, when the restoration of the establishment called Astoria, or Fort George, was in contemplation, containing a complete reservation of the rights of England to the territory at the mouth of the Columbia.—(Statement of the British Plenipotentiaries, December, 1826.)

In fine the present state of the question between the two governments appears to be thus: Great Britain possesses and exercises in common with the United States a right of joint occupancy in the Oregon Territory, of which right she can be divested with respect