

to receive it. Nor does it deny that, in virtue thereof, they have the right to be reinstated, and considered the party in possession while treating of the title, as was admitted by Lord Castlereagh in the negotiation of 1818; nor that the convention of 1818, signed a few days after the restoration, and that of 1827, which is still in force, have preserved and perpetuated until now all the rights they possessed to the territory at the time, including that of being reinstated and considered the party in possession while the question of title is pending, as is now the case. It is true, it attempts to weaken the effect of these implied admissions—in the first place, by designating positive treaty stipulations as ‘an understanding between the two Governments;’ but a change of phraseology cannot possibly transform treaty obligations into a mere understanding; and in the next place, by stating that we have not, since the restoration of Astoria, actually occupied it. But that cannot possibly affect our right to be reinstated, and to be considered in possession, secured to us by the treaty of Ghent, implied in the act of restoration, and since preserved by positive treaty stipulations.—Nor can the remarks of the counter-statement in reference to Lord Castlereagh’s admission weaken our right of possession, secured by the treaty, and its formal and unconditional restoration by authorised agents. It is on these, and not on the authenticity of Lord Castlereagh’s despatch, that the United States rest their right of possession, whatever verbal communication the British Minister may have made at the time to our Secretary of State; and it is on these that they may safely rest it, setting aside altogether the admission of Lord Castlereagh.

The next claims on which our title to the territory rests, are those derived from France by the treaty ceding Louisiana to the United States, including those she derived from Great Britain by the treaty of 1763. It established the Mississippi as ‘the irrevocable boundary between the territories of France and Great Britain;’ thereby the latter surrendered to France all her claims on this continent west of that river, including, of course, all within the chartered limits of her then colonies, which extended to the Pacific Ocean. On these, united with those of France as possessor of Louisiana, we rest our claim of continuity, as extending to that ocean, without an opposing claim, except that of Spain, which we have since acquired, and consequently removed, by the treaty of Florida.

The existence of these claims the counter-statement denies, on the authority of Mr. Jefferson; but, as it appears to the undersigned, without adequate reasons. He does not understand Mr. Jefferson as denying that the United States acquired any claim to the Oregon Territory by the acquisition of Louisiana, either in his letter of 1803, referred to in the counter-statement, and from which he gives an extract, or in the document of 1807, to which it also refers. It is manifest, from the extract itself, that the object of Mr. Jefferson was not to state the extent of the claims acquired with Louisiana, but simply to state how far its unquestioned boundaries extended; and these he limits westwardly by the Rocky Mountains. It is, in like manner, manifest from the document, as cited by the counter-statement, that his object was not to deny that our claims extended to the territory, but simply to express his opinion of the impolicy, in the then state of our relations with Spain, of bringing them forward. This, so far from denying that we had claims, admits them by the clearest implication. If, indeed, in either case, his opinion has been equivocally expressed, the prompt measures adopted by him to explore the territory, after the treaty was negotiated, but before it was ratified, clearly show that it was his opinion not only that we had acquired claims to it, but highly important claims, which deserved prompt attention.

In addition to this detail of our claims to the territory on the authority of Mr. Jefferson, which the evidence relied on does not seem to sustain, the counter-statement intimates an objection to continuity as the foundation of a right on the ground that it may more properly be considered [to use his own words] as demonstrating the greater degree of interest which the United States possessed by reason of contiguity in acquiring territory in a westward direction.

As to the assumption of the counter-statement, that Louisiana, while in the possession of Spain, became subject to the Nootka Sound convention—which it is alleged, abrogated all the rights of Spain to the territory, including those acquired with Louisiana—it will be time enough to consider it, after it shall be attempted to be shown that such in reality was the effect. In the mean time, the United States must continue to believe that they acquired from France, by the treaty of Louisiana, important and substantial claims to the territory.

The undersigned cannot assent to the conclusion to which, on a review of the whole ground, the counter-statement arrives, that the present state of the question is, that Great Britain possesses and exercises, in common with the United States, a right of joint occupancy in the Oregon Territory, of which she can be divested only by an equitable partition of the whole between the two powers. He claims, and he thinks he has shown, a clear title on the part of the United States to the whole region drained by the Columbia, with the right of being reinstated, and considered the party in possession, while treating of the title—in which character he must insist on their being considered, in conformity with the positive treaty stipulations. He cannot therefore consent that they shall be regarded, during the negotiation, merely as occupants in common with Great Britain. Nor can he, while thus regarding their rights, present a counter-proposal, based on the supposition of a joint occupancy merely, until the question of title to the territory is fully discussed. It is, in his opinion, only after such a discussion, which shall fully present the titles of the parties respectively to the territory, that their claims to it can be fairly and satisfactorily adjusted. The United States desire only what they may deem themselves justly entitled to; and are unwilling to take less. With their present opinion of their title, the British Plenipotentiary must see that the proposal which he made at the second conference, and which he more fully sets forth in his counter-statement, falls far short of what they believe themselves justly entitled to.

In reply to the request of the British Plenipotentiary, that the undersigned should define the nature and extent of the claims which the United States have to the other portions of the territory, and to which allusion is made in the concluding part of statement A. he has the honor to inform him, in general terms, that they are derived from Spain by the Florida treaty, and are founded on the discoveries and explorations of her navigators; and which they must regard as giving them a right to the extent to which they can be established, unless a better can be opposed.

J. C. CALHOUN.

The Right Hon. R. PAKENHAM.

(To be concluded in next Gazette.)

NOTICE.

THE Estates of the following named Persons have been assessed on the 1st day of May last, for Road Tax, as Non-resident Owners, in the Parish of Fredericton, for the year 1845, and unless some person shall within three months pay the assessment, and charges of advertising the same, proceedings will be taken as pointed out by the Act of the General Assembly, 1st Vic. cap. 7, sections 7 and 8.

Bliss, P. George, Estate, 12s 0d Yerxa, Isaac, 7 0d
Clopper, H. George, Estate, 24 0 Wetmore, L. G., Estate, 6 0
Turner, W. George, Estate, 7 6

CHARLES BRANNEN, Collector.

Fredericton, September 29, 1845.

All Letters must be Post-paid.

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Wednesday, December 31, 1845.