the two nations (Great Britain and Spain) in 1726, were thereby ratified and confirmed.

In the latter point of view, the restoration of a state of peace was of itself sufficient to restore the admissions contained in the convention of 1790 to their full original force and vigor.

There are, besides, very positive reasons for concluding that Spain did not consider the stipulations of the Nootka convention to have been revoked by the war of 1796, so as to require, in order to be binding on her, that they should have been expressly revived or renewed on the restoration of peace between the two countries. Had Spain considered that convention to have been annulled by the war; in other words, had she considered herself restored to her former position and pretensions with respect to the exclusive dominion over the unoccupied parts of the North American continent, it is not to be imagined that she would have passively submitted to see the contending claims of Great Britain and the United States to a portion of that territory the subject of negotiation and formal diplomatic transactions between those two nations.

It is, on the contrary, from her silence with respect to the continued occupation by the British, of their settlements in the Columbia territory, subsequently to the convention of 1814, and when as yet there had been no transfer of her rights, claims or pretensions to the United States; and from her silence also while important negotiations respecting the Columbia territory incompatible altogether with her ancient claim to exclusive dominion, were in progress between Great Britain and the United States, fairly to be inferred that Spain considered the stipulations of the Nootka convention, and the principles therein laid down, to be still in force.

But the American plenipotentiary goes so far as to say that the British Government itself had no idea, in 1818, that the Nootka Sound convention was then in force, because no reference was made to it on the part of England during the negotiation of that year, on the Oregon question.

In reply to this argument, it will be sufficient for the undersigned to remind the American plenipotentiary that in the year 1818 no claim, as derived from Spain, was or could be put forth by the U. States, seeing that it was not until the following year, (the year 1819,) that the treaty was concluded by which Spain transferred to the United States her rights, claims and pretensions to any territories west of the Rocky Mountains, and north of the 42d parallel of latitude.

Hence, it is obvious that in the year 1818 no occasion had arisen for appealing to the qualified nature of the rights, claims and pretensions so transferred—a qualification imposed, or at least recognized, by the convention of Nootka.

The title of the United States to the valley of the Columbia, the American Plenipotentiary observes, is older than the Florida treaty of Febuary, 1819, and exists independently of its provisions. Even supposing, then, that the British construction of the Nootka convention was correct, it could not apply to this portion of the territory in dispute.

The undersigned must be permitted respectfully to inquire, upon what principle, unless it be upon the principle which forms the foundation of the Nootka convention, could the United States have acquired a title on any part of the Oregon Territory, previously to the treaty of 1819, and independently of its provisions? By discovery, exploration, settlement, will be the answer.

But, says the American Plenipotentiary, in another part of his statement, the rights of Spain to the west coast of America, as far north as the 61st degree of latitude, were so complete as never to have been seriously questioned by any European nation.

They had been maintained by Spain with the most vigilant jealousy, ever since the discovery of the American continent, and had been acquiesced in by all European powers. They had been admitted even by Russia; and that too, under a sovereign peculiarly tenacious of the territorial rights of her empire, who when complaints had been made to the court of Russia against Russian subjects, for violating the Spanish territory on the northwest coast of America, did not hesitate to assure the King of Spain that she was extremely sorry that the repeated orders issued to prevent the subjects of Russia from violating, in the smallest degree, the territory belonging to another power, should have been disobeyed.

In what did this alleged violation of territory consist? Assuredly in some attempted acts of discovery, exploration, or settlement.

At that time, Russia stood in precisely the same position with reference to the exclusive rights of Spain as the United States; and any acts in contravention of those rights, whether emanating from Russia or from the United States, would necessarily be judged by one and the same rule.

How, then, can it be pretended that acts which, in the case of Russia, were considered as criminal violation of the Spanish territory, should, in the case of citizens of the United States, be appealed to as constituting a valid title to the territory affected by them; and yet from this inconsistency the American Plenipotentiary cannot escape, if he persists in considering the American title to have been perfected by discovery, exploration, and settlement, when as yet Spain had made no transfer of her rights, if, to use his own words, "that title is older than the Florida treaty, and exists independently of its provisions."

According to the doctrine of exclusive dominion, the exploration of Lewis and Clarke, and the establishment founded at the mouth of the Columbia, must be condemned as encroachments on the territorial rights of Spain.

According to the opposite principle by which discovery, exploration, and settlement are considered as giving a valid claim to territory, those very acts are referred to in the course of the same paper, as constituting a complete title in favor of the United States.

Besides, how shall we reconcile this high estimation of the territorial rights of Spain, considered independently of the Nootka Sound convention, with the course observed by the United States in their diplomatic transactions with Great Britain, previously to the conclusion of the Florida treaty? The claim advanced for the restitution of Fort George, under the first article of the treaty of Ghent; the arrangement concluded for the joint occupancy of the Oregon Territory by Great Britain and the United States; and, above all, the proposal actually made on the part of the United States for the partition of the Oregon Territory; all which transactions took place in the year 1818, when, as yet, Spain had made no transfer or cession of her rights—appear to be as little reconcilable with any regard for those rights while still vested in Spain, as the claim founded on discovery, exploration, and settlement accomplished previously to the transfer of those rights to the United States.

Supposing the arrangement proposed in the year 1818, or any other arrangement for the partition of the Oregon Territory to have been concluded in those days, between Great Britain and this country, what would, in that case, have become of the exclusive rights of Spain?

There would have been no refuge for the United States but in an appeal to the principles of the Nootka convention.

To deny, then, the validity of the Nootka convention, is to proclaim the illegality of any title founded on discovery, exploration, or settlement, previous to the conclusion of the Florida treaty.

To appeal to the Florida treaty as conveying to the United States any exclusive rights, is to attach a character of encroachment and of violation of the rights of Spain to every act to which the United States appealed in the negotiation of 1818, as giving them a claim to territory on the northwest coast.

These conclusions appear to the undersigned to be irresistible.

The United States can found no claim on discovery, exploration and settlement, effected previously to the Florida treaty, without admitting the principles of the Nootka convention, and the consequent validity of the parallel claims of Great Britain founded on like acts; nor can they appeal to any exclusive right as acquired by the Florida treaty, without upsetting all claims adduced in their own proper right, by reason of discovery, exploration and settlement, antecedent to that arrangement.

The undersigned trusts that he has now shown that the convention of 1790, (the Nootka Sound convention,) has continued in full and complete force up to the present moment—

By reason, in the first place, of the commercial character of some of its provisions, as such expressly renewed by the convention of August, 1814, between Great Britain and Spain:

By reason, in the next place, of the acquiescence of Spain in various transactions to which it is not to be supposed that that power would have assented, had she not felt bound by the provisions of the convention in question:

And, thirdly, by reason of repeated acts of the government of the United States, previous to the conclusion of the Florida treaty, manifesting adherence to the principles of the Nootka convention, or at least dissent from the exclusive pretensions of Spain.

Having thus replied, and he hopes satisfactorily, to the observation of the American Plenipotentiary with respect to the effect of the Nootka Sound convention and the Florida treaty, asbearing upon the subject of the present discussion, the undersigned must endeavour to show that even if the Nootka Sound convention had never existed, the position of Great Britain in regard to her claim, whether to the whole or to any particular portion of the Oregon Territory, is at least as good as that of the United States.

This branch of the subject must be considered, first, with reference to principle to the right of either party, Great Britain or the United States, to explore or make settlements in the Oregon Territory without violation to the rights of Spain; and next, supposing the first to be decided affirmatively, with reference to the relative value and importance of the acts of discovery, exploration and settlements effected by each.

As relates to the question of principle, the undersigned thinks he can furnish no better argument than that contained in the following words, which he has already once quoted from the statement of the American Plenipotentiary:

"The title of the United States to the valley of the Columbia is older than the Florida treaty of February, 1819, under which the United States acquired all the rights of Spain to the northwest coast of America, and exists independently of its provisions." And again: "the title of the United States to the entire region drained by the Columbia river and its branches was perfect and complete before the date of the treaties of joint occupancy of October, 1818, and August, 1827."

The title thus referred to, must be that resting on discovery, exploration and settlement.

If this title, then, is good, or rather was good, as against the exclusive pretensions of Spain, previously to the Florida treaty, so must the claims of Great Britain resting on the same grounds, be good also.

Thus, then, it seems manifest, that, with or without the aid of the Nootka Sound convention, the claims of Great Rritain, resting