America, before she had ceded all her rights on that coast to the former by the Florida treaty of 22d Feb. 1819. The convention of joint occupation between the United States and Great Britain was not signed at London until the 20th October, 1818—but four months previous to the date of the Florida treaty; and the ratifications were not exchanged, and the convention published, until the 30th of January, 1819.

Besides, the negotiations which terminated in the Florida treaty had been commenced as early as December, 1815, and were in full progress on the 20th Octobrr 1818, when the convention was signed between Great Britain and the United States. It does not appear, therefore, that Spain had any knowledge of the existence of these negotiations; and even if this were otherwise, she would have no motive to complain, as she was in the very act of transferring all her rights to the United States.

But, says the British plenipotentiary, Spain looked in silence on the continued occupation by the British of the settlements in the Columbia territory subsequently to the convention of 1814; and, therefore, she considered the Nootka Sound convention to be still in force. The period of this silence, so far as it could affect Spain, commenced on the 28th day of August, 1814, the date of the additional articles to the treaty of Madrid, and terminated on the 22d February, 1819, the date of the Florida treaty. Is there the least reason from this silence to infer an admission by Spain of the continued existence of the Nootka Sound convention? In the first place, this convention was entirely confined "to landing on the coasts of those seas, in places not already occupied, for the purpose of carrying on their commerce with the natives of the country, or of making settlements there." It did not extend to the interior. At the date of this convention no person dreamed that British traders from Canada, or Hudson's Bay, would cross the Rocky mountains and encroach on the rights of Spain from that quarter. Great Britain had never made any settlement on the northwestern coast of America, from the date of the Nootka Sound convention until the 22d February, 1819; nor, so far as the undersigned is informed, has she done so down to the present moment. Spain could not, therefore, have complained of any such settlement. In regard to the encroachments which had been made from the interior by the Northwest Company, neither Spain nor the rest of the world had any specific knowledge of their existence. But, even if the British plenipotentiary had brought such knowledge home to her—which he has not attempted—she had been exhausted by one long and bloody war, and was then engaged in another with her colonies; and was, besides, negotiating for a transfer of all her rights on the northwestern coast of America to the United States. Surely these were sufficient reasons for her silence, without inferring from it that she acquiesced in the continued existence of the Nootka convention. If Spain had entertained the least idea that the Nootka convention was still in force, her good faith and her national honor would have caused her to communicate this fact to the United States before she had ceded this territory to them for an ample consideration. Not the least intimation of this kind was ever communicated.

Like Great Britain in 1818, Spain in 1819 had no idea that the Nootka Sound convention was in force. It had then passed away, and was forgotten.

The British Plenipotentiary alleges, that the reason why Great Britain did not assert the existence of the Nootka convention during the negotiations between the two governments in 1818, was, that no occasion had arisen for its interposition, the American Government not having then acquired the title of Spain. It is very true that the United States had not then acquired the Spanish title; but is it possible to imagine, that throughout the whole negotiation, the British commissioners, had they supposed this convention to have been in existence, would have remained entirely silent in regard to a treaty which, as Great Britain now alleges, gave her equal and co-ordinate rights with Spain to the whole northwest coast of America? At that period, Great Britain confined her claims to those arising from discovery and purchase from the Indians. How vastly she could have strengthened these claims, had she then supposed the Nootka convention to be in force, with her present construction of its provisions. Even in 1824 it was first introduced into the negotiation, not by her commissioners, but by Mr. Rush, the American Plenipotentiary.

But the British Plenipotentiary argues, that "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;" "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."

This is a most ingenious method of making two distinct and independent titles held by the same nation worse than one—of arraying them against each other, and thus destroying the validity of both.—Does he forget that the United States own both these titles, and can wield them either separately or conjointly against the claim of Great Britain at their pleasure? From the course of his remarks, it might be supposed that Great Britain, and not the United States, had acquired the Spanish title under the Florida treaty. But Great Britain is a third party—an entire stranger to both these titles—and has no right whatever to marshal the one against the other.

By what authority can Great Britain interpose in this manner? Was it ever imagined in any court of justice that the acquisition of a new title destroyed the old one; and *vice versa*, that the purchase of the old title destroyed the new one? In a question of mere private right, it would be considered absurd, if a stranger to both titles should say to the party who had made a settlement, You shall not avail yourself of your possession, because this was taken in violation of another outstanding title; and although I must admit that you have also acquired this outstanding title, yet even this shall avail you nothing, because having taken possession previously to your purchase, you thereby evinced that you did not regard such title as valid. And yet such is the mode by which the British Plenipotentiary has attempted to destroy both the American and Spanish titles. On the contrary, in the case mentioned, the possession and the outstanding title being united in the same individual, these conjoined would be as perfect as if both had been vested in him from the beginning.

The undersigned, whilst strongly asserting both these titles, and believing each of them separately to be good as against Great Britain, has studiously avoided instituting any comparison between them. But admitting, for the sake of the argument merely, that the discovery by Captain Gray of the mouth of the Columbia, its exploration by Lewis and Clarke, and the settlement upon its banks at Astoria, were encroachments on Spain, she, and she alone, had a right to complain. Great Britain was a third party; and, as such, had no right to interfere in the question between Spain and the United States. But Spain, instead of complaining of these acts as encroachments, on the 22d February, 1819, by the Florida treaty, transferred the whole title to the United States. From that moment all possible conflict between the two titles was ended, both being united in the same party. Two titles which might have conflicted, therefore, were thus blended together. The title now vested in the United States is just as strong as though every act of discovery, exploration, and settlement on the part of both powers had been performed by Spain alone, before she had transferred all her rights to the United States. The two powers are one in this respect; the two titles are one; and, as the undersigned will show hereafter, they serve to confirm and strengthen each other. If Great Britain instead of the United States, had acquired the title of Spain, she might have contended that those acts of the United States were encroachments; but, standing in the attitude of a stranger to both titles, she had no right to interfere in the matter.

The undersigned deems it unnecessary to pursue this branch of the subject further than to state, that the United States, before they had acquired the title of Spain, always treated that title with respect. In the negotiation of 1818, the American plenipotentiaries "did not assert that the United States had a perfect right to that country: but insisted that their claim was at least good against Great Britain;" and the convention of October 20, 1818, unlike that of Nootka Sound, reserved the claims of any other power or State to any part of the said country. This reservation could have been intended for Spain alone. But, ever since the United States acquired the Spanish title, they have always asserted and maintained their right in the strongest terms up to the Russian line, even whilst offering, for the sake of harmony and peace, to divide the territory in dispute by the 49th parallel of latitude.

The British plenipotentiary, then, has entirely failed to sustain his position, that the United States can found no claim on discovery, exploration, and settlement, without admitting the principles of the Nootka convention. That convention died on the commencement of the war between Spain and England, in 1796, and has never since been revived.

The British plenipotentiary next "endeavours to prove 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." In order to establish this position, he must show that the British claim is equal in validity to the titles both of Spain and the United States. These can never now be separated. They are one and the same. Different and diverging as they may have been before the Florida treaty, they are now blended together and identified. The separate discoveries, explorations, and settlements of the two powers previous to that date must now be considered as if they had all been made by the United States alone. Under this palpable view of the subject, the undersigned was surprised to find that in the comparison and contrast instituted by the British plenipotentiary between the claim of Great Britain and that of the United States, he had entirely omitted to refer to the discoveries, explorations and settlements made by Spain. The undersigned will endeavour to supply the omission.

But, before he proceeds to the main argument on this point, he feels himself constrained to express his surprise that the British Plenipotentiary should again have invoked in support of the British title the inconsistency between the Spanish and American branches of the title of the United States. The undersigned cannot forbear to congratulate himself upon the fact, that a gentleman of Mr. Pakenham's acknowledged ability has been reduced to the necessity of relying chiefly upon such a support for sustaining the British pretensions. Stated in brief, the argument is this: The American title is not good against Great Britain, because inconsistent with that of Spain; and the Spanish title is not good against Great Britain, because inconsistent with that of the United States. The undersigned had expected something far different from such an argument in a circle. He had anticipated that the British Plenipotentiary would have attempted to prove that Spain had no right to the northwestern coast of America; that it was vacant and un-