ultimately be decided by considerations of a totally different character. We have been arguing the question for thirty years, and stand precisely where we did when the discussion commenced. The resources of logic, then, are exhausted, even if it were possible that logic should ever settle a national dispute. We confess, that all the recent negotiations about Oregon seem to us very much like a solemn mummery. A series of well known facts, musty inferences, and venerable arguments are gravely adduced on both sides; each party repeats its conviction that it is entirely in the right, and its opponent is entirely wrong; reciprocal propositions for compromise, which had been made and rejected several times before, are again made and rejected; and the Plenipotentiary—so called, because nothing is left to their power or discretion—then separate, repeating to each other 'the assurances of their distinguished consideration,' and leaving the matter precisely where it was before. Such conduct may be very proper for diplomatists, but it would be called very silly for children. We shall try not to retread this beaten ground, but merely to show that both titles are necessarily imperfect, owing to the entire indefiniteness of all the principles of international law which are applicable to the subject, and to the contradictory character of the historical precedents which are adduced; and that this position would hold, even if all the assumed fact, many of which are disputed, were indubitable.

To prevent misapprehension, we may as well repeat here the opinion that has often been expressed, and, as we think, proved, in our pages, that the United States title, though imperfect, is the better of the two. In fact, Great Britain has admitted by implication as much as this; for, while this country asserts its exclusive ownership of Oregon, she has expressly, in several official communications, limited her claim to a right of *joint occupancy* of the territory with the United States, leaving the question of *absolute dominion* in abeyance. Thus, in the statement made by Messrs. Huskisson and Addington, the British plenipotentiaries, to Mr. Gallatin, in 1827, it is said:—"Great Britain claims no exclusive sovereignty over any portion of the territory on the Pacific between the forty-second and the forty-ninth parallels of latitude; her present claim, not in respect to any part, but to the whole, is limited to a right of joint occupancy in common with other states, leaving the right of exclusive dominion in abeyance, and her pretensions tend to the mere maintenance of her own rights in resistance to the exclusive character of the pretensions of the United States. Similar language was held in Mr. Pakenham's letter to Mr. Calhoun in September, 1844. This right of joint occupancy of the whole she is willing to exchange for an absolute title to a part. Her position, therefore, is a defensive one with regard to the United States; she claims no more than what she now possesses, and has enjoyed ever since 1818, though by express agreement this possesion is not to be constructed in derogation of our claim. The only definition or restriction of this right of "joint occupancy" (except by the convention of 1818, which may be terminated at a year's notice) is to be sought for in the treaty on which the right itself is founded, namely, the convention with Spain in 1790, according to which, so far as we can see, the United States may go on forming settlements, and colonizing the whole of Oregon, except the places already occupied by the British. At present, this occupation cannot be construed to extend beyond a few forts and stations, and the cultivated fields in their immediate vicinity. If the whole of her claim were admitted, then, she would retain these; together with a right of navigating the rivers, frequenting the harbours, and having free access to all our settlements. On the other hand, our position is an offensive one Supposing the convention of 1818 terminated after due notice, the only question would be, not whether we could retain the land now held by our emigrants, or whether we could continue forming settlements in any part of the territory that we liked, for to do both these things would be our undisputed privilege; but whether we should go to war for the sake of driving the English out of the very slight hold which they have now upon Oregon. The United States might even organize a territorial government, and protect its colony by the presence of troops against the Indians, without trenching upon the assumed rights of the English. Whether it would be prudent to leave these isolated British posts in the midst of the American colony with its increased numbers is another question.

The positive side of the British title may be very quickly discussed; it rests entirely on the Nootka convention of 1790. Up to that period, England and Spain were the only powers that had any claims to the possession of the North Pacific coast. The conflict of their respective claims was put at rest by the convention which Spain was bullied into making in this year, by the threat of a war which she was not prepared for. While England by this instrument limited the rights of her opponent in the territory, she also restricted her own. It was stipulated, that 'the respective subjects of the contracting parties should not be molested in navigating or carrying on their fisheries in the Pacific Ocean or in the South Seas, or in 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 was further stipulated, that, whatever settlements might be made there by the subjects of one power the subjects of the other power should have 'free access' to them.

By this treaty, both Spain and England consented to forego all their previous claims and rights,—founded on alleged prior discoveries, contiguity of territory, or any other basis,—for the sake of this mutual guaranty of joint occupation. All antecedent pretensions were merged in this treaty, and it is mere impertinence or irrelevancy in either party to go behind it for the purpose of inquiring what previous acts or circumstances empowered them to make it, or whether its provisions ought to have been more liberal or more stringent on their side. The bargain may have been a hard one,—it certainly was, in one sense, for Spain, as we have said, was bullied into making it; but it was still a bargain, concluded under hand and seal, and neither party had a right to retract. England in future could assert a right only of joint occupancy, not of exclusive dominion ownership. Spain in future, *or any country claiming under Spain*, could assert only an equal right. As no other power then laid any claim to the territory, or protested against this mode of dividing it, their respective rights, thus limited and defined, were good against the world.

This is the whole positive side of Great Britain's pretensions to Oregon; the negative side consists in a refutation of the counter pretensions of the United States. By the Florida treaty of 1818, Spain made over all her right to the Pacific coast north of latitude 42°, whatever it might be, to the United States. Of course she could not cede more than she possessed; she ceded it loaded with all the treaty stipulations and restrictions which she had made respecting it while it was in her possession, She did not *warrant* the goods sold; the purchaser took them for better or worse. Was Oregon, in 1818, still subject to the Nootka convention of 1790? England maintains that it was, that the treaty was perpetual, that, as no limitation of time is mentioned in it, or even hinted at, it was to last forever. The United States say that it was not, that Spain and England went to war with each other in 1796, and as war annuls all treaties, that the Nootka convention then ceased. Of course, it ceased during the actual conflict, *flagrante bello;* but did it not revive again of itself when peace was made, whether mentioned in the treaty of peace or not? Here is the real point; here issue is joined, and the question can be decided only by an appeal to inter-