national law and historical precedents. We believe that these leave the question still indeterminate, agreements of a certain character necessarily lapsing after a war, while others are revived by a peace, thongh there be no express mention of them. In the treaty of Ghent in 1814, it was not thought necessary to revive and enact over again all the provisions of the treaty of 1783, Many of these, of our own force, returned to the *status ante bellum*. On the other hand, the specific enumeration, in many treaties of peace, of certain articles and stipulations contained in former treaties which are to be revived by the action of the latter convention, is a strong implication that the articles not enumerated are to be considered as dropped, or destroyed by the war. Certain fishing rights were secured to us by the treaty of 1783, which the English held to be annulled by the war of 1812, while the American negotiators maintained that they revived on the conclusion of the treaty of Ghent. In this case the two parties are found in a reversed position with respect to each other, each asserting doctrines directly opposed to what they now hold respecting the Nootka convention. Here, then, on a capital point in the title of either party, we find a doubt resting which cannot be removed. This is fatal to the assertion of a perfect title on either side.

It is also held, that the United States derive a claim from France, founded on the purchase of Louisiana from that power in 1803. The unquestioned possession of a territory extending to the eastern base of the Rocky Mountains affords some title, it is thought, by contiguity at least, to the ownership of Oregon on the western side. To this it is replied, first, that France never pretended that Louisiana reached beyond the Rocky Mountains; and secondly, that the same remark applied to this title which has just been made upon the title obtained from Spain; it is covered by the Nootka convention. France ceded Louisiana to Spain in 1762; and it was, as the owner not only of California, but of Louisiana, that Spain signed the convention of 1790, which admitted the British to a right of joint occupancy of Oregon. Spain ceded Louisiana back to France in 1802, but not in such a perfect condition as it was when she received it. She returned it burdened with the treaty stipulations which she had made while it was in her hands And it was with this incumbrance upon it, that the United States purchased Louisiana in the following year.

Having considered the balance of the argument in favour of our pretensions to the whole of Oregon—namely, the rights obtained by purchase from Spain and France—we now come to the third and only remaining one, which is founded on the proceedings and discoveries of our own citizens. And here one remark is necessary respecting the effect of thus accumulating several distinct titles in the hands of one claimant who has brought them together without any firm title.—Others say that they mutually confirm and strengthen each other, and in case of a division of the land, entitle the party owning them to as many indistinct shares as it possesses claims—that is, that the United States, in their own right, and in that of France and of Spain, ought to have three fourths of the territory, while Great Britain, resting only on its own pretensions, can demand but one-fourth. Neither position is correct. The United States, by purchasing the French and Spanish titles, gain an advantage, though it is one only of a negative character, by lessening the number of competitors; the agency of Frenchmen or Spaniards in discovering or settling Oregon, or acquiring possessions bordering upon it, cannot be adduced to weaken our claim, though it may be urged against the pretensions of the English. On the other hand, this union of claims does not directly strengthen our title, for, if either of them be assumed to be well founded, our own proper claim disappears entirely; and conversely, if the claim in our own right be good, the French and Spanish titles are of no worth. We cannot pile these pretensions one upon another; their force is not cumulative, but disjunctive. If Spain actually surveyed the coast of Oregon, and discovered the mouth of the Columbia in 1774, then Capt. Gray, in 1792, and Lewis and Clarke in 1805, were only intruders; and, on the other hand, if the discoveries of Gray, and Lewis and Clarke, make out a perfect right; if their explorations, in fact, can be called discoveries, then Oregon was vacant and unappropriated—a mere *terra incognita*, open to the first comer—down to 1792, and the antecedent claims of France and Spain are mere nonentities. We may, it is true, elect the strongest out of the three claims, and rest the whole of our title upon that, reserving the other two to be urged against the English, and thereby may weaken or break down their claim, though without demonstrating our own.

And this has been the course pursued by the most sagacious of the American statesmen—not by all of them—in the several negotiations upon the subject. They have put in the front of the discovery by Gray in 1792, the exploration by Lewis and Clarke in 1805, and the establishment at Astoria in 1811, and by so doing they have admitted that the French and Spanish titles were invalid or doubtful. This admission, coupled with the force of the Nootka convention, on which we have already commented, leaves no doubt that the American claim, so far as it rests on the purchase of Louisiana from France, or on the Florida Treaty with Spain, is imperfect. And this, the reader should observe, is the only point we are now seeking to establish. We do not attempt to discuss the English claim, nor even to prove the opinion already expressed, that the American title is the better of the two. We would show only that this title at the best is imperfect, that it does not empower us peremptorily to demand the whole of Oregon, and the assertion that it is "clear and unquestionable" is an empty vaunt, a mere rhetorical flourish. In order to make out our point, it only remains to examine the rights created by the American discoverers and explorers.

Captain Cook explored the coast of Oregon, though imperfectly, in 1778—Meares, a lieutenant in the English navy, formed a trading establishment at Nootka Sound, in latitude 49 degrees, in 1778, and examined the coast for a considerable distance quite narrowly in a vain attempt to find the great river—Vancouver surveyed the whole coast very accurately in the years 1792-4, a considerable portion of the survey being completed before Gray entered the Columbia. It is now admitted on all hands, that Captain Gray, in May 1792, was the first to enter the mouth of the river—Heceta *saw* the mouth in 1775, and entered it as the opening of a river on a map—that Gray sailed twelve miles up the stream, and gave to it the name of his ship, which it has ever since retained. On information received from him, Vancouver immediately sent his lieutenant up the river, who explored it for nearly a hundred miles further. Now the whole question is, whether this discovery of the Columbia gives the title to the whole region drained by it, in spite of the antecedent explorations of the whole coast of that region.—We must confess a strong doubt whether it does. The mouth of a river is but one point on a coast, though a pretty important point, especially if the river be large; but the previous accurate determination of a dozen other points on the coast may be of at least equal importance.

Before Gray entered the Columbia, the whole Pacific shore, from the Spanish settlements to a point far beyond the present northern limit of Oregon, was, so to speak, *familiarly known* both to Spanish and English navigators. There was even a current report, probably derived from Heceta's voyage, that a great river opened to the sea in that vicinity, and Meares had gone in search of it; but the breakers on the dangerous bar at its mouth made him think that the coast was continuous, and he could not find it. Gray was more lucky: he found the