

appropriated; and hence, under the law of nations, was open to discovery, exploration, and settlement by all nations. But no such thing. On this vital point of his case, he rests his argument solely on the declaration made by the undersigned, that the title of the United States to the valley of the Columbia was perfect and complete before the treaties of joint occupation of October, 1818, and August, 1827, and before the date of the Florida Treaty in 1819. But the British Plenipotentiary ought to recollect that this title was asserted to be complete not against Spain, but against Great Britain; that the argument was conducted not against a Spanish, but a British Plenipotentiary; and that the United States, and not Great Britain, represent the Spanish title. And further, that the statement from which he extracts these declarations was almost exclusively devoted to prove, in the language quoted by the British Plenipotentiary himself, that "Spain had a good title, as against Great Britain, to the whole of the Oregon Territory." The undersigned has never, as he before observed, instituted any comparison between the American and the Spanish title. Holding both—having a perfect right to rely upon both, whether jointly or separately—he has strongly asserted each of them in their turn, fully persuaded that either the one or the other is good against Great Britain; and that no human ingenuity can make the Spanish title, now vested in the United States, worse than it would have been had it remained in the hands of Spain.

Briefly to illustrate and enforce this title, shall be the remaining task of the undersigned.

And, in the first place, he cannot but commend the frankness and candor of the British Plenipotentiary in departing from the course of his predecessors, and rejecting all discoveries previous to those of Captain Cook, in the year 1778, as foundations of British title. Commencing with discovery at a period so late, the Spanish title, on the score of antiquity, presents a strong contrast to that of Great Britain. The undersigned had stated as a historical and "striking fact, which must have an important bearing against the claim of Great Britain, that this convention, (the Nootka,) which was dictated by her to Spain, contains no provision impairing the ultimate sovereignty which that power had asserted for nearly three centuries over the whole western side of North America as far north as the 61st degree of latitude, and which had never been seriously questioned by any European nation. This 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 governments. It had been admitted even beyond the latitude of 54° 40' north, by Russia, then the only power having claims which could come in collision with Spain; and that, too, under a sovereign peculiarly tenacious of the territorial rights of her Empire." These historical facts had not been, as they could not be controverted by the British Plenipotentiary, although they were brought under his particular observation, and were even quoted by him with approbation, for the purpose of showing the inconsistency of the several titles held by the United States. In the language of Count Fernan de Nunez, the Spanish Ambassador at Paris, to M. de Montmorin, the Secretary of the Foreign Department of France, under date of June 16th, 1790: "By the treaties, demarkations, takings of possession, and the most decided acts of sovereignty exercised by the Spaniards in those stations from the reign of Charles II, and authorized by that Monarch in 1692, the original vouchers for which shall be brought forward in the course of the negotiation, all the coast to the north of the western America, on the side of the South Sea, as far as beyond what is called Prince William's Sound, which is in the 61st degree, is acknowledged to belong exclusively to Spain."

Compared with this ancient claim of Spain, acquiesced in by all European nations for centuries, the claim of Great Britain, founded on discoveries commenced at so late a period as the year 1778, must make an unfavorable first impression.

Spain considered the northwest coast of America as exclusively her own. She did not send out expeditions to explore the coast, for the purpose of rendering her title more valid. When it suited her own convenience, or promoted her own interest, she fitted out such expeditions of discovery to ascertain the character and extent of her territory; and yet her discoveries along that coast are far earlier than those of the British.

That Juan de Fuca, a Greek in the service of Spain, in 1592, discovered and sailed through the strait now bearing his name, from its southern to its northern extremity, and thence returned by the same passage, no longer admits of reasonable doubt. An account of this voyage was published in London in 1625, in a work called the *Pilgrims*, by Samuel Purchas. This account was received from the lips of Fuca himself at Venice, in April 1596, by Michel Lock, a highly respectable English merchant.

During a long period, this voyage was deemed fabulous, because subsequent navigators had in vain attempted to find these straits. Finally, after they had been found, it was discovered that the descriptions of de Fuca corresponded so accurately with their geography, and the facts presented by nature upon the ground, that it was no longer possible to consider his narration as fabulous. It is true that the opening of the straits from the south lies between the 48th and 49th parallels of latitude, and not between the 47th and 48th parallels, as he had supposed; but this mistake may be easily explained by the inaccuracy so common throughout the sixteenth century in ascertaining the latitude of places in newly discovered countries.

It is also true that de Fuca, after passing through these straits,

supposed he had reached the Atlantic, and had discovered the passage so long and so anxiously sought after between the two oceans; but from the total ignorance and misapprehension which prevailed at that early day of the geography of this portion of North America, it was natural for him to believe that he had made this important discovery.

Justice has at length been done to his memory, and these straits which he discovered, will, in all future time, bear his name. Thus the merit of the discovery of the straits of Fuca, belongs to Spain; and this nearly two centuries before they had been entered by Captain Berkeley, under the Austrian flag.

It is unnecessary to detail the discoveries of the Spaniards, as they regularly advanced to the north from their settlements on the western coasts of North America, until we reach the voyage of Captain Juan Perez, in 1774. That navigator was commissioned by the Viceroy of Mexico to proceed, in the corvette *Santiago*, to the 60th degree of north latitude; and from that point to examine the coast down to Mexico. He sailed from San Blas on the 25th January, 1774. In the performance of this commission he landed first on the northwest coast of Queen Charlotte's Island, near the 54th degree of north latitude; and thence proceeded south, along the shore of that island and of the great islands of Quadra and Vancouver; and then along the coast of the continent, until he reached Monterey. He went on shore and held intercourse with the natives at several places; and especially at the entrance of a bay in latitude 49½ degrees, which he called Port San Lorenzo—the same now known by the name of Nootka Sound. In addition to the journals of this voyage, which render the fact incontestable, we have the high authority of Baron Humboldt in its favor. That distinguished traveller, who had access to the manuscript documents in the city of Mexico, states that "Perez, and his pilot Estevan Martinez, left the port of San Blas on the 24th January, 1774. On the 9th August, they anchored (the first of all European navigators) in Nootka road, which they called the port of San Lorenzo, and which the illustrious Cook, four years afterwards, called King George's Sound."

In the next year, (1775,) the Viceroy of Mexico again fitted out the *Santiago*, under the command of Bruno Heceta, with Perez, her former commander, as ensign, and also a Schooner, called the *Senora*, commanded by Juan Francisco de la Bodega y Quadra. These vessels were commissioned to examine the northwestern coast of America, as far as the 65th degree of latitude, and sailed in company from San Blas on the 15th March, 1775.

It is unnecessary to enumerate the different places on the coast examined by these navigators, either in company or separately. Suffice it to say, that they landed at many places on the coast from the 41st to the 57th degree of latitude, on all of which occasions they took possession of the country in the name of their sovereign, according to a prescribed regulation; celebrating mass, reading declarations, asserting the right of Spain to the territory, and erecting crosses with inscriptions, to commemorate the event. Some of these crosses were afterwards found standing by British navigators. In relation to these voyages, Baron Humboldt says: "In the following year, (1775, after that of Perez,) a second expedition set out from San Blas, under the command of Heceta, Ayala, and Quadra. Heceta discovered the mouth of the Rio Columbia, called it Entrade de Heceta, the peak of San Jacinto, (Mount Edgecomb) near Norfolk bay, and the fine port of Bucareli. I possess two very curious small maps, engraved in 1788, in the city of Mexico, which give the bearings of the coast from the 27th to the 58th degree of latitude, as they were discovered in the expedition of Quadra."

In the face of these incontestable facts, the British plenipotentiary says "that Captain Cook must also be considered the discoverer of Nootka Sound, in consequence of the want of authenticity in the alleged previous discovery of that port by Perez."—And yet Cook did not even sail from England until the 12th July, 1776—nearly two years after Perez had made this discovery. The chief object of Cook's voyage was the discovery of a northwest passage, and he never landed at any point of the continent south of Nootka Sound. It is true that in coasting along the continent before he reached this place, he had observed Cape Flattery; but he was entirely ignorant that this was the southern entrance of the straits of Fuca. In his journal he admits that he had heard some account of the Spanish voyages of 1774 and 1715, before he left England; and it is beyond question that, before his departure, accounts of the voyage of Quadra had been published, both in Madrid and London. From Nootka Sound, Cook did not again see land until he reached the 57th degree of north latitude.

In 1787, it is alleged by the British Plenipotentiary that Capt. Berkeley, a British subject, discovered the straits of Fuca; but these straits had been discovered by Juan de Fuca nearly two centuries before. Besides, if there had been any merit in this discovery of Capt. Berkeley, it would have belonged to Austria, in whose service he was, and under whose colors he sailed, and cannot be appropriated by Great Britain.

And here it is worthy of remark, that these discoveries of Cook and Berkeley, in 1778 and 1787, are all those on which the British Plenipotentiary relies, previous to the date of the Nootka Sound convention, in October, 1790, to defeat the ancient Spanish title to the northwest coast of America.

The undersigned will now take a position which cannot, in his opinion, be successfully assailed; and that is, that no discovery, exploration, or settlement made by Great Britain on the north-