

west coast of America, after the date of the Nootka Sound convention, and before it was terminated by the war of 1796, can be invoked by that power in favor of her own title, or against the title of Spain. Even according to the British construction of that convention, the sovereignty over the territory was to remain in abeyance during its continuance, as well in regard to Great Britain as to Spain. It would, therefore, have been an open violation of faith on the part of Great Britain, after having secured the privileges conferred upon her by the convention, to turn round against her partner and perform any acts calculated to divest Spain of her ultimate sovereignty over any portion of the country. The palpable meaning of the convention was, that during its continuance the rights of the respective parties, whatever they may have been, should remain just as they had existed at its commencement.

The Government of Great Britain is not justly chargeable with any such breach of faith. Captain Vancouver acted without instructions in attempting to take possession of the whole northwestern coast of America in the name of his sovereign. This officer, sent out from England to execute the convention, did not carry with him any authority to violate it in this outrageous manner.

Without this treaty, he would have been a mere intruder; under it, Great Britain had a right to make discoveries and surveys, not thereby to acquire title, but merely to enable her subjects to select spots the most advantageous, to use the language of the convention, "for the purpose of carrying on their commerce with the natives of the country, or of making settlements there."

If this construction of the Nootka Sound convention be correct—and the undersigned does not perceive how it can be questioned—then Vancouver's passage through the straits of Fuca, in 1792, and Alexander Mackenzie's journey across the continent, in 1793, can never be transformed into elements of title in favour of Great Britain.

But even if the undersigned could be mistaken in these positions, it would be easy to prove that Captain John Kendrick, in the American sloop *Washington*, passed through the straits of Fuca in 1789, three years before Captain Vancouver performed the same voyage. The very instructions to the latter, before he left England, in January, 1791, refers to this fact, which had been communicated to the British Government by Lieutenant Meares, who has rendered his name so notorious by its connection with the transactions preceding the Nootka Sound convention. It is, moreover, well known that the whole southern division of the straits had been explored by the Spanish navigators, *Elisa* and *Quimper*—the first in 1790, and the latter in 1791.

After what has been said, it will be perceived how little reason the British Plenipotentiary has for stating that his Government has, "as far as relates to Vancouver's Island, as complete a case of discovery, exploration, and settlement, as can well be presented, giving to Great Britain, in any arrangement that may be made with regard to the territory in dispute, the strongest possible claim to the exclusive possession of that island."

The discovery thus relied upon is that of Nootka Sound, by Cook, in 1778; when it has been demonstrated that this port was first discovered by Perez, in 1774. The exploration is that by Vancouver, in passing through the straits of Fuca, in 1792, and examining the coasts of the territory in dispute, when de Fuca himself had passed through these straits in 1592, and Kendrick again in 1789; and a complete examination of the western coast had been made in 1774 and 1775, both by Perez and Quadra. As to possession, if Meares was ever actually restored to his possessions at Nootka Sound, whatever these may have been, the undersigned has never seen any evidence of the fact. It is not to be found in the journal of Vancouver, although this officer was sent from England for the avowed purpose of witnessing such a restoration. The undersigned knows not whether any new understanding took place between the British and Spanish Governments on this subject; but one fact is placed beyond all doubt, that the Spaniards continued in the undisturbed possession of Nootka Sound until the year 1795, when they voluntarily abandoned the place. Great Britain has never at any time since occupied this or any other position on Vancouver's island. Thus, on the score of either discovery, exploration, or possession, this island seems to be the very last portion of the territory in dispute to which she can assert a just claim.

In the mean time, the United States were proceeding with the discoveries, which served to complete and confirm the Spanish American title to the whole of the disputed territory.

Captain Robert Gray, in June, 1792, in the sloop *Washington*, first explored the whole eastern coast of Queen Charlotte's Island.

In the autumn of the same year, Captain John Kendrick, having in the mean time surrendered the command of the *Columbia* to Captain Gray—sailed, as has been already stated, in the sloop *Washington*, entirely through the straits of Fuca.

In 1791, Captain Gray returned to the North Pacific in the *Columbia*: and in the summer of that year, examined many of the inlets and passages between the 54th and 56th degrees of latitude, which the undersigned considers it unnecessary to specify.

On the 7th May, 1792, he discovered and entered Bulfinch's harbor, where he remained at anchor three days, trading with the Indians.

On the 11th May, 1792, Captain Gray entered the mouth of the *Columbia*, and completed the discovery of that great river.

This river had been long sought in vain by former navigators. Both Meares and Vancouver, after examination, had denied its existence." Thus is the world indebted to the enterprise, perseverance, and intelligence of an American captain of a trading vessel for their first knowledge of this, the greatest river on the western coast of America—a river whose head springs flow from the gorges of the Rocky Mountains, and whose branches extend from the 42d to the 53d parallels of latitude. This was the last and most important discovery on the coast, and has perpetuated the name of Robert Gray. In all future time, this great river will bear the name of his vessel.

It is true that Bruno Heceta, in the year 1775, had been opposite the bay of the *Columbia*; and the current and eddies of the water caused him, as he remarks, to believe that this was "the mouth of some great river, or of some passage to another sea;" and his opinion seems decidedly to have been that this was the opening of the strait discovered by Juan de Fuca, in 1592. To use his own language: "Notwithstanding the great difference between the position of this bay and the passage mentioned by de Fuca, I have little difficulty in conceiving that they may be the same, having observed equal or greater differences in the latitudes of other capes and ports on his coast, as I shall show at its proper time; and in all cases the latitudes thus assigned are higher than the real ones."

Heceta, from his own declaration, had never entered the *Columbia*; and he was in doubt whether the opening was the mouth of a river or an arm of the sea; and subsequent examinations of the coast by other navigators had rendered the opinion universal that no such river existed, when Gray first bore the American flag across its bar, sailed up its channel for twenty five miles, and remained in the river nine days, trading with the Indians.

The British Plenipotentiary attempts to depreciate the value to the United States of Gray's discovery, because his ship, (the *Columbia*,) was a trading, and not a national vessel. As he furnishes no reason for this distinction, the undersigned will confine himself to the remark that a merchant vessel bears the flag of her country at her mast-head, and continues under its jurisdiction and protection, in the same manner as though she had been commissioned for the express purpose of making discoveries. Besides, beyond all doubt, this discovery was made by Gray; and to what nation could the benefit of it belong, unless it to be the United States? Certainly not to Great Britain. And if to Spain, the United States are now her representative.

Nor does the undersigned perceive in what manner the value of this great discovery can be lessened by the fact that it was first published to the world through the journal of Captain Vancouver, a British authority. On the contrary, its authenticity being thus acknowledged by the party having an adverse interest, is more firmly established than if it had been first published in the United States.

From a careful examination and review of that subject, the undersigned ventures the assertion, that to Spain and the United States belong all the merit of the discovery of the northwest coast of America south of the Russian line, not a spot of which, unless it may have been the shores of some of the interior bays and inlets, after the entrance to them had been known, was ever beheld by British subjects, until after it had been seen or touched by a Spaniard or an American. Spain proceeded in this work of discovery, not as a means of acquiring title, but for the purpose of examining and surveying territory to which she believed she had an incontestable right. This title had been sanctioned for centuries by the acknowledgment or acquiescence of all the European powers. The United States alone could have disputed this title, and that only to the extent of the region watered by the *Columbia*. The Spanish and American titles, now united by the Florida treaty, cannot be justly resisted by Great Britain. Considered together, they constitute a perfect title to the whole territory in dispute, ever since the 11th May, 1792, when Captain Gray passed the bar at the mouth of the *Columbia*, which he had observed in August 1788.

The undersigned will now proceed to show that this title of the United States, at least to the possession of the territory at the mouth of the *Columbia*, has been acknowledged by the most solemn and unequivocal acts of the British Government.

After the purchase of Louisiana from France, the government of the United States fitted out an expedition under Messrs. Lewis and Clarke; who, in 1805, first explored the *Columbia*, from its source to its mouth, preparatory to the occupation of the territory by the United States.

In 1811, the settlement at Astoria was made by the Americans near the mouth of the river, and several other posts were established in the interior along its banks. The war of 1812 between Great Britain and the United States thus found the latter in peaceable possession of that region. Astoria was captured by Great Britain during this war.

The treaty of peace concluded at Ghent in December, 1814, provided that "all territory, places, and possessions whatsoever, taken by either party from the other, during the war," &c. &c., "shall be restored without delay." In obedience to the provisions of this treaty, Great Britain restored Astoria to the United States; and thus admitted in the most solemn manner, not only that it had been an American territory or possession at