

"Without relying upon De Fonte, and giving away even the voyage of Maldonado, we have authentic proofs that Cabrillo (or Ferrello) had explored to latitude 43° in 1543; that Gali was at $37^{\circ} 30'$, if not at $57^{\circ} 30'$ in 1582; that the San Augustin was at the bay of San Francisco in 1593; that Juan de Fuca entered the strait now bearing his name in 1592; and that, in 1602, Vizcaino (that is, Martin de Aguilar,) surveyed the coast of California as far up as the river of Aguilar. Besides which, the outer coast of California was explored immediately after the conquest by the orders of Cortes and of Menduza, to Cape Mendocino, and was repeatedly visited by the Manila ships—to provide a port for whom the expedition of Vizcaino was, in part, undertaken. And upon these various discoveries, and the proximity of their settlements in Mexico, the Government of Spain proceeded, in the course of the seventeenth century, to make or authorize settlements in New California, so as to acquire all the territorial rights by which any European Government ever has obtained original claim to sovereignty of the soil in America.

"Yet Great Britain sets up claims of some sort on the northwest coast, in virtue of the voyage of Sir Francis Drake, who landed, in 1579, at a point on the coast of California, either in the bay of San Francisco, or more probably in that of Bodega, but it is not well settled which. Sir Francis Drake also approached the coast in 42° or 43° degrees north, but without landing. One of the accounts of his voyage, indeed, (*The World Encompassed*;) says he went to 48° north; but this is incompatible with other parts of the same book, and also with another of the old accounts, (*Famous Voyage*.) They tell the story thus: On the 3d of June, Drake was in latitude 42° ; on the 5th, he made land in latitude 43° ; but it had then come on cold and tempestuous weather, and he was compelled to turn back, and so make a harbor in latitude $38^{\circ} 30'$. These are the figures given in the books. In addition to which, it may be stated that Hackluyt places the limit of Drake's voyage at 43° , and Purchas at 40° ; and that neither Ledyard nor Harris carries him beyond the limit of Hackluyt."—*Baylies's Report*, p. 15.

"Although Sir Francis pretended to take possession of the country, and to call it *New Albion*, this could amount to nothing as against Spain, the prior discoverer. England, by touching at New California, could not acquire any rights whatever; for whatever right such an act may be deemed by the European conventional law to secure, had already been appropriated by Spain. And Spain also proceeded to do that which England did not do, and which, by the same European conventional law, is deemed the consummation of the inchoate title gained by discovery: namely, the formation of settlements in the country discovered. To say nothing, therefore, of the absurdity of claiming title for England as against Spain by the piratical acts of a professional pirate—such as Sir Francis Drake, in most of his expeditions along the American coast, was—to say nothing of this, if Sir Francis Drake had been a peaceful, or at any rate a just explorer in behalf of England, yet, according even to the most liberal of all the rules of international law applicable to his case, his acts in reality conferred on his

Government no territorial rights whatever in America."

"Don Juan Perez set sail from the port of San Blas, in January, 1774, in the corvette Santiago with Esteban Jose Martinez for a pilot, having orders to reconnoitre the coast from Monterey to the 60th degree of north latitude. They anchored in the Road of Nootka in August, 1774, first of all Europeans, and called it San Lorenzo. It was four years afterwards that Cook visited the same place, and called it King George's Sound."—*Humboldt, Nouv. Esp. tom. i. p. 331.*

"The year following, (1775,) a second expedition sailed from San Blas, under the orders of Don Bruno Heeceta, Don Juan de Ayala, and Don Juan de la Bodega y Quadra. The incidents of this voyage are known to English readers by the journal of the pilot Maurelle, published in Barrington's Miscellanies. They explored the coast up to latitude 58° , and were the first to discover the mouth of the river Columbia, which they called Entrada de Heeceta."—*Humboldt, tome i., page 330.*

"Spain was the first European Power that doubled Cape Mendocino and Cape Blanco, the first that visited the river of Aguilar, the first that discovered the inlet of Columbia river, the first that visited Nootka Sound, the first that discovered the Strait of Juan de Fuca, and the first that formed any establishment on any part of the northwest coast from California to the forty-ninth degree of north latitude. Here is the prior title to that of England, both by discovery and by settlement."

"Very slighting accounts of these voyages are to be found in the English books, which so minutely describe that of Cook, who, on his third and last voyage in 1778, explored the coast of America from Nootka Sound to Bhering's Strait; but being posterior to the Spanish navigators, Perez, Heeceta, and others of the older ones, could not by this voyage confer any rights of discovery on Great Britain. Moreover, Cook's explorations, it will be remembered, were from Nootka Sound northward, and do not touch the country of Oregon."

"Gray's voyages are intimately connected with the title of the United States to the possession of Oregon, and therefore deserve to be more distinctly recounted.

"In the year 1787, Joseph Barrell, a distinguished merchant of Boston, in the State of Massachusetts, projected a voyage of commerce and discovery to the northwest coast of America; and Samuel Brown, Charles Bulfinch, John Derby, Crowell Hatch, and John M. Pintard, citizens of the United States, became associated with him in the enterprise. Two vessels (the ship Columbia, commanded by John Kendrick, and the sloop Washington, by Robert Gray) were equipped and provided with suitable cargoes for traffic with the natives, and set sail from Boston in October, 1787. This expedition was regarded with much interest, it being the first attempt from the United States to circumnavigate the globe. The Columbia arrived at Nootka Sound the 16th of September, 1788, and the Washington soon afterwards. Here they proceeded to collect furs. While on the coast, Captain Gray, in the Washington, entered into, and