

the same year he left Nootka sound with his vessels, one of which wintered in China, and the two others in the Sandwich Islands. I should have before observed that he arrived at Nootka sound with two vessels, the *Ellice* and the *Iphigenia*; and the third, the *Northwest America*, was built there during the summer. In the meantime the *Columbia* and the *Washington*, two American vessels from Boston, entered the sound and passed the winter; and from all the testimony relating to the subject, there is no doubt that the lot occupied by Meares was abandoned or restored to Maquinna. In pursuance of the agreement between them. During all this time, it is to be recollected, Meares was sailing under the Portuguese flag; and it is a curious fact, that he carried with him instructions to repel by force any attempt on the part of Russian, Spanish, or English vessels to seize him, or carry him out of his way. He was further instructed, in case he was successful in capturing his assailant, to send the vessel to China to be condemned, and the crew to be tried as pirates; and yet, notwithstanding he was sailing under a foreign flag, with orders to treat his Britannic majesty's subjects as pirates in case they molested him, the British government does not scruple to found its title to Oregon on his voyage.

Though the vessels of Meares sailed under the Portuguese flag, and under the name of a Portuguese subject, he asserted in his memorial that the parties in interest were British merchants. I desire to state the whole truth, and therefore I give a fact I have not seen noticed. At page 173 of his voyage it will be seen that he took possession of the straits of Juan de Fuca, in the name of the king of Great Britain, in July, 1788. But independently of the objection to claims founded upon the transactions of an individual, who, under the most favorable view that can be taken of him, had sought the protection of a foreign flag to perpetrate frauds on the revenue laws of China, this unauthorized act of taking possession under such a flag was preceded many years by similar formalities on the part of the Spanish navigators, under express orders from their sovereign. The two-fold character which Meares united in his person, certainly gave him manifest advantages, both as a trader and a discoverer. He was a Portuguese captain when defrauding the revenue laws of China for the benefit of British subjects, and a British lieutenant when encroaching on the territorial rights of Spain for the benefit of the British sovereign.

On the 6th of May, 1789, Martinez, a Spanish naval commander, with two public armed vessels, entered Nootka sound, with instructions to assert and maintain the paramount rights of Spain to the place, and to the adjacent coasts. The *Iphigenia*, and the *Northwest America*, two of Meares's vessels had returned from the Sandwich Islands, still sailing under Portuguese colors, and arrived in the sound on the 20th of April, sixteen days before Martinez. The *Northwest America* sailed eight days afterwards on a trading voyage, and the *Iphigenia* was a short time subsequently seized by Martinez, on the ground that her instructions in forwarding our works, and his protection of the party, who were destined to remain at Nootka during our absence."—*Voyages, &c.*, by John Meares, page 114.

The chief was also requested to show every mark of estimation and friendship to the party we should leave on shore; and as a bribe to secure his attachment he was promised that when we finally left the coast, he should enter into full possession of the house, and all the goods and chattels thereto belonging."—*Ib.*, page 130.

*Appendix to Meares's Voyages, Papers No. 1.

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tions were hostile to Spain. She was, however, soon restored, and continued to trade under Portuguese colors—a fact which shows conclusively that no claim can justly be set up by Great Britain on the basis of his voyage to Nootka, and his temporary establishment there. The *Northwest America* was also seized, for reasons not directly connected with any question of sovereignty, and was employed for nearly two years in the Spanish service.

In the month of June, 1789, two vessels, the *Argonaut* and *Princess Royal*, sailing under British colors, arrived at Nootka, and were seized by Martinez. It is unnecessary to enter into the details of this transaction. It is sufficient to say that it led to an animated discussion between the governments of Great Britain and Spain, in respect to their rights in the Pacific, and the western coast of America, which for several months threatened to produce a war between the two countries, but which was finally terminated in October, 1790, by the treaty of the *Iscurial*, or the Nootka Sound convention, as it is more frequently denominated with us. Before the negotiations were concluded, both vessels were voluntarily released by the Spanish authorities in Mexico.

As the Nootka Sound convention constitutes an essential ingredient in the claim of Great Britain, it will be necessary to advert to such of its provisions as are made the foundation of her title to the qualified exercise of sovereignty which she asserts over the northwest coast of America, and to consider them in connexion with the circumstances under which they were framed. The articles which relate particularly to the question under discussion, are the 1st, 3d, 5th, and 6th.

The 1st article provides that the "the buildings and tracts of land situated on the northwest coast of the continent of North America, or on the islands adjacent to that continent, of which the subjects of his Britannic majesty were dispossessed about the month of April, 1789, by a Spanish officer, shall be restored to the said British subjects."

The 3d article provides that, "in order to strengthen the bonds of friendship, and to preserve in future a perfect harmony and good understanding between the two contracting parties, it is agreed that their respective subjects shall not be disturbed or molested, either 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; the whole subject, nevertheless, to the restrictions specified in the three following articles."

The 5th article provides that "as well in the places which are to be restored to the British subjects by virtue of the first article, as in all other parts of the northwestern coasts of America, or of the islands adjacent, situate to the north of the parts of the said coast already occupied by Spain, wherever the subjects of either of the two powers shall have made settlements since the month of April, 1789, or shall hereafter make any, the subjects of the others shall have free access, and shall carry on their trade without any disturbance or molestation."

The 6th article relates to the coast of South America; but it has no importance in containing a definition of the erections which may be made, confining them to such as may serve the purposes of fishing; and the provisions of the third article are expressly declared to be subject to the restrictions in "the three following articles," one of which is the 5th.

I now proceed to state certain facts in respect