

same bay which Perez discovered four years before, and in which he passed some time, like Captain Cook, trading with the natives. The subsequent explorations of the latter were made farther north—I believe he did not see the coast south of 55°—with a view to the discovery of a passage between the Pacific and Atlantic oceans, and they have no bearing on the question under discussion.

The explorations of Captain Cook gave no title whatever to Great Britain on the score of discovery—the only place where he landed having been previously visited by Perez. Besides, if she had gained a contingent right of possession by virtue of his explorations, she did not proceed to perfect her title by a formal occupancy. The neglect of Great Britain to take actual possession of Nootka Sound, even if she had gained a contingent right by discovery, is conclusive against any claim on her part to a right of property in it. For eight or nine years the British flag was not once unfurled there as I can learn, although the place had, in the mean time, been visited by navigators of other nations; and it was not until several years later still that it was even entered by a public armed vessel of Great Britain; and then not until the Spanish Government had taken formal possession of it.

In 1787, Berkeley, an Englishman, in the service of the Austrian East India Company, saw the Strait of Juan de Fuca, but without attempting to enter it. In like manner, Meares, a lieutenant in the British navy, though in the service of a Portuguese merchant, and sailing under the flag of Portugal, sent a boat a few miles into the strait in 1788, having learned from Berkeley that he had re-discovered it the preceding year. Meares also explored the coast in the vicinity of the mouth of the Columbia river, and came to the conclusion, to use his own language, that “no such river as that of St. Roc exists, as laid down in the Spanish charts.”—*Voyages, &c., by John Meares, Esq., page 168.*

As the transactions in which Meares was engaged, on the northwest coast, are intimately connected with the claim of Great Britain to a right of joint occupancy in respect to Oregon, I trust it will not be deemed superfluous if I examine them somewhat in detail.

Before making the explorations above referred to, Meares had landed at Nootka Sound, and left a party to build a small vessel. He had, for a trifling consideration, obtained the grant of “a spot of ground” from Maquinna, the King of the surrounding country, to build a house for the accommodation of the party. The occupation was avowedly for a temporary purpose; and he had stipulated with Maquinna to restore the possession to him, when he (Meares) should finally leave the coast.\* In the autumn of the same year, he left Nootka Sound with his vessels, one of which wintered in China, and the two others in the Sandwich Islands.

\* “Maquinna had not only most readily consented to grant us a spot of ground in his territory, whereon a house might be built for the accommodation of the people we intended to leave there, but had promised us also his assistance 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 attention 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 thereunto belonging.”—*Ib., page 120.*

I should have before observed that he arrived at Nootka Sound with two vessels, the Felice 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, sir, 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 to Parliament, 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 *Voyages*, 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 twofold 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 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 the voyage of Meares to Nootka, and his tempo-

\*Appendix to Meares’s Voyages, papers No. 1.