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"Premises, or any of them, in the said Parts of East New Jersey, for Navigation, free Trade, Fishing, or otherwise."

That these words were considered by the Council as covering Staten Island and its waters, is conclusive from the fact that Captain John Palmer, the largest holder of lands on Staten Island, under New York Grants—one of the Council subsequently, and *present at the meeting referred to*, by invitation of the Governor—not esteeming his property there safe without a title from the Proprietors of East Jersey, *immediately thereafter applied to them for Patents, and, on the twenty-sixth of May following, obtained them for seven tracts of land, covering in all four thousand, five hundred acres.*

The letter also of the Earl of Perth and his associates, dated the twenty-second of August, 1684, written in consequence of the proceedings of this Council, states, expressly, "We Doubt not both the Duke, and they" [*his Commissioners*] "are fully convinced of our right in everie Respect, Both of Gouverment, Ports, and Harbours, free trade and Navigation, and *having spoke to the Duke, wee found him verie just, and to abhorre the thought of allowing any thing to be done contrary to what he hath passed under his hand and seall.*"

It may be, therefore, safely asserted that no idea was entertained by the Duke of York of deviating from the strict letter of the Grants, *by which Staten Island must be considered as having been adjudged to New Jersey, not only before Nicolls's letter was written, but as in the last instance noted, more explicitly still, thirteen years thereafter, in the most authoritative and legal manner.*

III.—EXPLORATIONS OF THE NORTH-WEST COAST OF THE UNITED STATES.

REPORT ON THE CLAIMS OF THE HEIRS OF CAPTAINS KENDRICK AND GRAY.

[The history of the earliest explorations, discoveries, and purchases of the Indian titles on the North-west coast of North America is most concisely given in the following Report, presented to the Senate of the United States by a Senator from Michigan, ex-Governor Felch, in the First Session of the Thirty-second Congress. References are therein made to other Reports, made at other Sessions, which are printed in the volumes of Senate Documents.]

The heirs of the enterprising merchants of Boston who projected those early voyages of discovery and commerce, and the widow of Captain Gray, who discovered and entered the mouth of the Columbia-river, have repeatedly petitioned Congress for some remuneration for the heavy expenditures and losses incurred in those voyages which brought so much honor to the country and such large acquisitions of valuable territory. The several Committees, to whom these Memorials were referred, brought in their favorable Reports, accompanied with Bills, none of which have progressed to their passage before the adjournment of the several Congresses

which had considered the subject; and nothing remains, as a recompense for the outlay and the purchased territory of the enterprising discoverers and of those who sent them out, but the empty honor which this Report and other similar papers secure to them.

Among those who most earnestly supported the just claims for remuneration of those who thus memorialized the Congress was the distinguished President of the Massachusetts Historical Society, Hon. Robert C. Winthrop.—*EDITOR HISTORICAL MAGAZINE.*]

Mr. Felch made the following Report, (to accompany bill S. No. 526.—The Committee to whom was referred the Memorial of George Barrell and S. V. S. Wilder, in behalf of themselves and other heirs of the owners of the ship *Columbia* and sloop *Washington*, and the heirs of Captain John Kendrick, and Martha Gray, widow of Captain Robert Gray, praying the confirmation of their title to certain lands purchased of the Indian tribes, in 1791, on the Northwest coast of America; or such compensation as Congress shall deem just and proper for their explorations and discoveries in those regions, have had the same under consideration and make the following Report:

The memorialists represent, that, in the year 1787, a voyage of discovery and mercantile adventure was planned and undertaken by Joseph Barrell, Samuel Brown, Charles Bulfinch, John Derby, Crowell Hatch and John M. Pintard, who fitted out and despatched two vessels from the port of Boston, Massachusetts, to the Northwest coast of America—the one a ship, called the *Columbia*, commanded by Captain John Kendrick, and the other a sloop, called the *Washington*, commanded by Captain Robert Gray—which was the first voyage ever undertaken by citizens of the United States to the Northwest portion of this Continent; that so remarkable was the expedition considered, at that day, that medals, both of silver and copper, were struck, bearing on one side the representation of the vessels, encircled by their names, and, on the other, the names of the owners, with the date; that these vessels sailed from Boston on the first of October, 1787, and arrived at Nootka-sound, in the month of September, 1788; that they continued on the coast until the Summer of 1789, when Captain Gray re-discovered the Straits of St. Juan de Fuca, which he penetrated and explored before any English vessel had ever sailed upon its waters; that, on the third of July, 1789, they exchanged masters—Captain Gray, taking command of the *Columbia*, returned home; that, on the twenty-seventh of September, 1790, he sailed on a second voyage and cruised upon the Northwest coast till September, 1791, when he returned to Clioquot, for winter-quarters; when in the village of Clickaclocutsee, twelve miles from the sea, he built a fort, and called it "Fort Defiance," which he mounted with

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four cannon, supplying it with other munitions of war, and placing it under the command of a Mr. Haswell; that he there built a vessel of forty tons, called the *Adventurer*; that, in March, 1792, Captain Gray left Clioquot, to explore the coast, southward, and, on the eleventh day of May, in the same year, he discovered and entered the mouth of a large river, which, to this day, bears the name of the ship *Columbia*, which first ascended its waters, and thus perpetuates the memory of the original discovery; that Captain Gray sailed fourteen miles up this river, and, with the officers and marines of the ships, landed on its northerly bank, raised the American flag, and took possession of the country, in the name of the United States; that he continued in this river until the twenty-first of May, exploring its channels and trading with the natives; and that he named the two capes, at the entrance of the river, "Hancock" and "Adams." The memorialists further represent that Captain Kendrick remained on the coast, with the sloop *Washington*, and, in the Winter of 1789, he erected "Fort Washington" at Mauriana, in Nootka-sound; that, in 1790, he explored the whole extent of the Straits of De Fuca; that, in the Summer of 1791, he purchased of the native Chiefs, for the benefit of the owners, extensive tracts of land, and took formal possession of them, having obtained deeds for the same, embracing all the lands, rivers, creeks, islands, etc., with all the minerals, etc., from the Chief of the native tribe, who duly executed the same, attested by thirteen witnesses; and that copies of several of these deeds, with a full explanation of the transaction, in a letter from Captain J. Kendrick, addressed to the Hon. Thomas Jefferson, Secretary of State, are in the Department of State, and the affidavits of several early navigators, in further evidence of said purchases, are upon the files of the honorable House of Representatives.

The memorialists urge that, from these discoveries, explorations, purchases, and taking possession, with a claim of title which was recognized by Spain and by early English authorities, the United States Government founded their claim to be endowed with the strongest rights to the possession of the territories on the Northwest coast; and that immense benefits have resulted therefrom, and many millions of acres been added to our national domain. They further represent, that, from the unforeseen-disasters attending so new and remote an enterprise, the projectors were subjected to great expenses and an entire loss of their investments. Captain Kendrick lost his life in an accidental discharge of a salute; the vessel and cargo of furs were subsequently lost on the coast of China; the original owners have now

all deceased; and their numerous heirs and representatives are dispersed throughout the States, and some of them, in advanced age, without adequate means of support; that several similar applications have been heretofore made, but, until the settlement of the question of division and boundary, with Great Britain, every application has been fruitless. They ask, in behalf of the heirs of the owners, the heirs of Captain John Kendrick, and the widow of Captain Robert Gray, that their title to the lands purchased on the Northwest coast, in 1791, may be confirmed, and for some reasonable remuneration, in land or money, for the benefits which have ensued to the United States, from their enterprise and discoveries.

Accompanying the Memorial, and in proof of the facts therein set forth, are several *original* books, maps, letters and other documents, which furnish the most conclusive proof of the foregoing facts. Copies of some of them, with extracts from others, your Committee append hereunto, and make part of this Report.

From the *Historical and Political Memoir on the Northwest Coast of America*, by Robert Greenhow, Translator and Librarian to the Department of State, published as Senate Document, No. 174, Twenty-sixth Congress, First Session, it appears that the Spaniards were the first discoverers of that coast; that, previous to 1774, they had examined the coast, as far North as the forty-third degree of Latitude, and the Russians, sailing eastward, across the Pacific, from their dominions in Asia, had discovered land southerly as far as the fifty-fifth degree of Latitude. In 1774, the Spaniards attempted to explore from the forty-third to the sixtieth degree; but the Spanish Government carefully concealed all information respecting these explorations, till 1802, when a meagre account of them was printed, in an introductory essay to the narrative of the voyage of the schooners *Sutil* and *Mexicana*, at Madrid.

In 1775, the Viceroy of Mexico ordered that another expedition should be sent out, for the purpose of examining the coast; and the *Santiago* and the *Sonora* were sent forth. The *Journal of Maurelle*, the Pilot of the latter, was published in London, in 1782. On the fourteenth of August, 1775, Heceta, the commander of the *Santiago*, while sailing along the coast, discovered a promontory, called by him, *Cape San Roque*, and, immediately South of it, in Latitude 46° 16', an opening in the land which appeared to be a harbor.

This opening, Greenhow thinks to have been the mouth of the Columbia-river, thus first beheld by the native of a civilized country. In March, 1778, Captain Cook, the English navigator arrived on the coast, who passed the

mouth of the Columbia, unnoticed, and first saw land a little beyond the forty-eighth parallel, to which he gave the name of Cape Flattery. The coast was carefully examined, in search of the Strait through which the Greek pilot, Juan de Fuca, was said to have sailed from the Pacific to the Atlantic, in 1592; and Cook declared that no such passage existed. Passing the Strait, unnoticed, he sailed along the shore of the island, which he supposed to be the Continent, as far as Latitude 49° 33' where he found a bay, in which he anchored, calling it King George's-sound, but afterwards Nootka-sound, which he believed to be its Indian designation.—(See Kerr's *Collection of Voyages*, Cook, Clark and Gove, Vol. xvi, Chap. iii., Sec. 13, et seq.)

In 1785, a small English brig crossed from Canton to Nootka-sound, from which she returned with a valuable cargo of furs; and, in 1786 and the following years, vessels were also sent, direct from England, by an association of merchants, called the King George's-sound Company, and also by the Portuguese and Russians, for the purpose of engaging in the fur-trade.

The report of the success of the early voyages, in pursuit of furs, excited that spirit of enterprise so characteristic of the American merchants; and we find that, early in the year 1787, Joseph Barrell, an enterprising merchant of Boston, planned a voyage of discovery and mercantile adventure to this, then unknown, portion of the American Continent. The original plan of this voyage is in the hands of your Committee. It is in a manuscript book entitled *Annotations on Business*, by J. Barrell. It contains a minute detail and estimate of the anticipated expedition; the probable profits to be made; the plans to be adopted; and the steps taken to ensure success.

To show that the projectors of this great enterprise had nobler objects in view than mere private gains, we have only to quote the concluding paragraph of these proposals: "From the preceding statements, it must appear obvious how very favorable such a trade would be to the United States of America, as well as to individuals, for, in case of success, a very valuable property would be brought into the country from a trifling advance, and in a short time establish a trade superior to any the country enjoys at present; and the idea may, with propriety, be extended to an establishment in that country at least equal to what Hudson's-bay is to Great Britain."

That a voyage of discovery was likewise intended, is apparent from another paragraph, which we quote: "But, in case the fur-trade does not answer, at Nootka, then to proceed along the coast, to the northward, examining

"the same, in the most attentive manner, for bays, rivers, or harbors, suitable for trade, between Nootka and Prince William's-sound, in Latitude 60° 19' North, Longitude 213° 7' East, as between those two places the coast was not explored by Captain Cook or any former navigator."

In the fulfilment of this design, the ship *Columbia*, of over two hundred tons burden, and the sloop *Washington*, of about ninety tons, were procured, the former in command of Captain John Kendrick, and the latter under Captain Robert Gray.

Your Committee find in this manuscript book of Mr. Barrell, who was the originator and master-spirit of this enterprise, the original letter of instructions, entitled, *Orders given Captain John Kendrick, of the ship Columbia, for a voyage to the Pacific ocean*, which are referred to as exhibiting the designs and purposes of the projectors of the voyage; and extracts therefrom are appended to this Report. (A.)

The ledger of the owners, which is also before your Committee, gives their names, and shows the items and value of the invoice. These vessels, thus fitted out, sailed from Boston, in October, 1787, to accomplish their destiny and to carry the American flag to a sea over which it had, then, never swept, and the American name to a land where it had not, then, been heard. That sea is now white with the sails that float in security, under that flag; and that country, thus discovered and first visited by these daring adventurers, is now a part of the American Union; solicits the protection of our Constitution and our Laws; is represented, by its Delegate, upon the floor of our Congress and will, certainly, before long, seek admission as a sovereign State of this Republic.

The memorialists state that the sloop *Washington* entered and explored the Straits of De Fuca. This is admitted by the English navigator, Meares, in whose book of voyage to the Northwest coast, "published in London, 1790, are several maps having dotted lines round the island now called Vancouver's, representing a sketch of the supposed track of the American sloop *Washington*, in the Autumn of 1789." The Commissioners of the British Admiralty, in their Orders and Instructions to Captain Vancouver, dated the twentieth of August, 1791, give additional testimony to the fact: (See Voyage, i. 62), "You are therefore hereby required and directed to pay particular attention to the examination of the supposed straits of Juan de Fuca, said to be situated between 48° and 49° North Latitude, and to lead to an opening through which the sloop *Washington* is reported to have passed, in 1789."

The memorialists further represent that Captain Kendrick, in the year 1791, while on the coast, purchased several extensive tracts of land, of the native Chiefs, for the benefit of the owners of the *Washington*; that he took proper deeds for the same, duly executed and attested; and that copies of some of these deeds, with the letter enclosing them, addressed by Captain Kendrick to the honorable the Secretary of State, are on file in the State Department. Certified copies of the papers referred to, are hereto appended. (B.)

The affidavits of several early navigators, in further evidence of these purchases, are also appended. (C.)

We have already referred to the orders given to Captain Kendrick by the owners. By them, he was instructed to be sure to purchase the soil of the natives, in case he made any improvements, and that it would not be amiss, if he purchased some advantageous tract of land, in the name of the owners; and that the instrument of conveyance should bear every authentic mark the circumstance would admit of. It was under this authority, that Kendrick, from the stores of the *Washington*, as fitted out by the owners, paid these Chiefs, in articles of merchandise of which they were in need, and which were then of great value to them, as is expressed in the consideration-clause of some of the deeds.

Several original letters are filed with the Memorial. Captain Kendrick writes to J. Barrell, dated Macao, the twenty-eighth of March, 1792: "In my last voyage, I purchased of the natives, five tracts of land; and copies of the deeds which were signed shall be sent you the first opportunity."

To this, Mr. Barrell replies, under date of Boston, the second of January, 1793: "The copies of the deeds of the lands you have purchased are not yet at hand. I hope to receive them by next conveyance from you. At present, they appear to be of little value; but, in some future time, they may possibly be worth possessing."

In the dispute, in 1792, between Quadra, the Spanish Governor, and Captain Vancouver, respecting the possession of the building and spot of land said to belong to a British subject, Quadra applied to Captains Ingraham and Gray for a statement of the transactions on the Northwest coast. Their written reply bears date Nootka-sound, the third of August, 1792, and they say: "As to the land Mr. Meares said he purchased of Maquinnah or any other Chief, we cannot say further than that we never heard of any, although we remained among these people nine months and could converse with them perfectly well; besides this, we have asked Maquinnah and other

Chiefs, since our late arrival, if Captain Meares ever purchased any land in Nootka-sound; they answered 'No, that Captain Kendrick was the only man to whom they had ever sold any land.'

This is the testimony of two respectable men, with no interest in the purchases and no motive to falsify the truth, given within one year after the purchases.—(See Vancouver's *Voyage*, xxi., 345, 346; Greenhow's *Memoir*, 214.)

For an account of the dispute between Great Britain and Spain, relating to Nootka-sound, see Wheaton's *Elements of International Law*, Part ii, Chapter 4; also, Twiss on the *Oregon question*, London, 1846.

In this controversy, both the British and Spanish nations recognized the right which an individual had, at that time, to purchase the lands of the Indian Chiefs. It was claimed that the purchase of Meares, an Englishman, conferred upon the British Government the right of sovereignty. The fact of any purchase being made by Meares was contested; and it was fully proved that the Chiefs never sold any lands to Meares or to any other person than Captain Kendrick, whom they acknowledged to be the proprietor.

Mr. Robert Duffie, the Supercargo of a Portuguese vessel, being requested by Vancouver to give his testimony respecting the Nootka-sound difficulties, between England and Spain, says: "That, in July, 1789, he found the tents and houses of some of the people belonging to the *Columbia*, commanded by Mr. John Kendrick, under the flag and protection of the United States of America."—(See Vancouver's *Voyage*, i., 405.)

In the Department of State, are four manuscript volumes of the Journal of Captain Joseph Ingraham, of his voyage, in the brig *Hope*, from Boston to the Northwest coast, in 1790. These were purchased by the late Mr. Adams, when Secretary of State, for preservation in this Department. This is the same Ingraham mentioned by Vancouver as uniting with Captain Gray in a written statement to the Spanish Senor Quadra, in which they stated that the Indians denied that they ever sold lands to any person except Captain Kendrick. Their correspondence is inserted in Ingraham's Journal, iv., 185.

Again, on page 199, Ingraham writes, under date September, 1792: "Since the business between Senor Quadra and Captain Vancouver terminated, Maquinnah has executed to the Spaniards a deed of gift, accompanied by a declaration that he never sold any land whatever to Mr. Meares or any other person except Captain Kendrick, whom he acknowledges to be the proprietor of lands round

"Mahwinna; Captain Magie and Mr. Howard witnessed this deed and declaration."

This corroborates Captain Kendrick's letter to Mr. Jefferson, then Secretary of State, enclosing the copies of the five deeds, that his lands were expressly excepted in a conveyance made of the lands adjacent to and surrounding Nootka-sound, in September, to Senor Quadra; and that the Spanish crown, by accepting the conveyance with this reservation, allowed his to be a prior and valid purchase.

On Page 188, Volume iv., speaking of Maquinna and other Chiefs, Ingraham says: "Every one of them inquires after Captain Kendrick, saying they had plenty of skins for him; and they would not sell them to any one else. This they told us, in Kyaquot, Latitude fifty degrees North. Indeed, they all seemed very fond of Captain Kendrick, for he had treated them with great kindness."

The witness, John Cruft, whose affidavit is filed with the Memorial and appended hereunto, is mentioned by Captain Ingraham, Volume i, Page 46, where he speaks of "Mr. Cruft, my first officer;" and also in Volume ii, Page 80, "the cove I named 'Cruft's-cove,' after my chief officer."

The witness, John Young, is identified by Ingraham, Volume iv, Page 208. See also Irving's Astoria, Volume i, Chapter vi, Page 71; Jarvis's Sandwich Islands, Chapter vii. Vancouver studiously avoids any further mention of the purchases, and the Indian deeds to Kendrick, and his possession, lest the United States Government should be thereby reminded of its paramount right of jurisdiction over the soil which England, through him, was endeavoring to wrest from Spain. Ingraham, in Volume iii, Page 152, says, under date of the seventh of December, 1791: "In the evening, arrived the brig *Washington*, Captain John Kendrick, from the Northwest coast of America." This was written at Lark's-bay. He adds, "he had been into Nootka-sound, where the Spaniards had still possession."

Your Committee submit, with entire confidence, that no reasonable doubt can be entertained that several purchases of tracts of land were made by Kendrick, who paid a valuable consideration for each of them; and that he made those investments in pursuance of the orders given him, and for the benefit of the owners of the sloop *Washington*. The inquiry then arises, what was the extent of those purchases? In answering this question, there is some difficulty, arising from the imperfect knowledge of the country possessed, at the time of the execution of these Grants, and the necessarily imperfect description of the lands intended to be conveyed. We have, it is true, some knowledge of the names of the native Chiefs (which correspond to those in the

deeds) from the voyages of the English navigators Meares and Vancouver, and likewise a general account of the many villages under their authority. But the difficulty is further enhanced by the fact, which is most apparent, that the deed for the larger tract purchased by Kendrick never reached this country, nor any copies of it. The copies sent to the Department of State are of lands, the most southerly limit of which was the southerly part of Quadra, or Vancouver's, Island, which is a little South of Latitude forty-nine degrees. They are believed to be entirely of lands on the island of Quadra, or Vancouver, and cover nearly its entire extent. The missing deed of another tract is claimed by the Memorialists to extend as far South as the river Chealitz or Chekilis—the forty-seventh parallel.

By the letters of J. Howell, the Clerk, who attested the copies sent to the Secretary of State, addressed to Mr. Barrell, after the death of Captain Kendrick, we ascertain that the deeds of the lands purchased on the Northwest coast were in his possession, in Canton, on the eleventh of May, 1795; that the originals were transmitted from Macao, on the twenty-third of December, 1796; that the letter was miscarried and the deeds out of his possession, on the sixth of December, 1797; that he was in daily expectation of receiving the deeds, at Manilla, on the twenty-eighth of May, 1798; and should certainly have them transmitted.—(Doc. No. 43, H. of Reprs., 26th Congress, 1st Session.) Those papers were never received in this country, nor could they be traced out, in the East Indies, although efforts were made by the owners, through a period of twenty years, to find them.

There is some evidence, however, which tends to establish the extent of their purchases to be to the forty-seventh parallel.

On the first of December, 1794, Mr. Joseph Barrell writes to Colburn Barrell, of London: "If you wish for large employ, I can give you commission to sell upwards of six millions of acres on the Northwest coast of America, better land and better climate than Kentucky." In his letter of the eighteenth of June, 1795, he writes that the deeds are in China and contain all the authenticity that could be given, for four degrees of Latitude, or two hundred and forty miles square. (D.)

Mr. Wardstrom, in his work on *True Colonization*, published at London, 1795, Page 363, expresses full confidence in the extensive purchase of land on the North-west coast of America; and likewise gives in his work impressions of the medals.* A Circular was also issued in

* The Medal, presented by the Owners to Captain Kendrick, was presented by his widow, through Mr. Hall J. Kelly, in

London, on the thirty-first of August, 1795, at the very threshold of Parliament, printed in four different languages, and extensively circulated, which was addressed to the inhabitants of Europe, and claimed that the purchase, made by Captain Kendrick, for the owners, was "a tract of delightful country, comprehending four degrees of Latitude, or two hundred and forty miles square." (E.)

Mr. Colburn Barrell writes to J. Barrell from London, on the twenty-fifth of September, 1795; that Mr. Hoskins, who had just returned to France, (and who was the Clerk of the *Columbia*,) had "promised to recollect to us, in a letter, all he knows on the subject; adding some account of another tract, purchased by Captain Kendrick, and also of a tract which he took formal possession of, in the name of the "United States."

McPherson, in his *Annals of Commerce*, London, 1805, Volume iv, Page 208, says: "Captain Kendrick, apparently with a view to establish a permanent settlement, purchased a tract of land two hundred and forty miles square, from the natives."

Mr. Baylie's Report, No. 213, H. of Reps., 19th Congress, 1st Session, on the North-west coast of America, presented on the fifteenth of May, 1826, pp. 13 and 14, asserts that the American title is strengthened by the purchases of the natives of a tract of land on these coasts, by prior discovery of the river *Columbia*, and by its exploration from some of its sources in the Rocky mountains to the ocean.

The North American Review, Vol. ii, March,

1848, to Hon. Judge Thornton, of Oregon. The Editor of the *Pacific Advocate*, in the Fall of 1858, describing his visit to the picturesque residence of Judge Thornton, at "Fairmount Lake," Linn-county, says: "We spent a very pleasant hour at the hospitable dwelling of the Judge, and learned from him many interesting events connected with the early history of the country. Oregon is greatly indebted to the Judge, for the useful service he has rendered her, both as an historian and in his judicial and representative character."

"Among the pleasant incidents of our brief stay with the Judge, was the sight of the identical silver medal presented to Captain J. Kendrick. The history of the medal is this: It was struck by the persons who were the proprietors of the *Columbia* and the projectors of the voyage which resulted in the discovery of that noble river. The medal was given by the widow of Captain Kendrick to Mr. Hall J. Kelly, a gentleman of liberal education, who, at an early day, had largely interested himself in the development of this coast, and who spent several years here. The gift was accompanied with the request that Mr. Kelly would make an appropriate disposition of the medal. When, in 1858, Judge Thornton was at Washington, on behalf of Oregon, Mr. Kelly gave it to him. At a suitable moment, the Judge intends to deposit it, somewhere, for safe keeping, as a valuable historical relic. The medal is something larger than a dollar, bearing, on one side, the inscription, 'Fitted, at Boston, N. America, for the Pacific Ocean: By J. Barrell, S. Brown, C. Bulfinch, J. Darby, C. Hatch, J. M. Pintard, 1787.' On the other side, are an ocean scene, and two ships with the marginal inscription, '*Columbia* and *Washington*, commanded by J. Kendrick.'"

1816, p. 304, mentions this purchase of a large tract of country, near the *Columbia*-river, and says, that the deed was supposed to be in the possession of some merchant interested in the expedition.

The testimony of Mr. Ebenezer Dorr, who was the Supercargo of the brig *Hope*, commanded by Captain Ingraham, is, that, in 1792, he was intimate with Captain Kendrick, and frequently on board his vessel, the *Washington*; that he saw, read, and examined, several deeds executed by the Indians on the Northwest coast, to Kendrick; that he recollects a conversation respecting a certain deed of a tract of land being in a square, taken of the Indians, by Kendrick, for the owners of the vessels, *Columbia* and *Washington*; that a pile of stones were raised and trees marked, near the head of navigation of a river; and that the square, bounded on one side by a river, extended eight days journey on each side. This may have been the extent of country over which the tribe who sold the land were supposed to roam, and was inserted, by their suggestion to the Captain, who had no personal knowledge of the interior of the coast.

Mr. Greenhow, the laborous investigator of all matters connected with the North-west coast, after citing the accumulative evidence of the purchase of four degrees, says, in his *Memoir*, Senate Doc. No. 174, 26th Congress, 1st Session, p. 121: "the whole island in which those territories are situated extends along two and a half degrees of Latitude, so that other lands must have been purchased by Kendrick;" Page 122: "that the transactions here described, between Kendrick and the savage Chiefs, did really take place, there is no reason to doubt."

The Journals of the ships show that they traded with the natives South of the straits to the river they called Chealitz, which pours into Gray's, or Bulfinch, harbor.

From the forty-seventh parallel to the fifty-first, beyond the northern limit of the purchases, is about four degrees of Latitude, and is, in the opinion of your Committee, undoubtedly the location of the tract purchased of the Indians and claimed by the owners, with the admission of the British navigators and authors.

The memorialists represent that Captain Robert Gray sailed from Boston, on his second voyage, in September, 1790, in the ship *Columbia*, for the North-west coast.

Your Committee append hereunto (F) copies of—

1. The letters granted by the President of the United States, dated at the city of New York, on the sixteenth day of September, 1790, under the seal of the United States, signed by

George Washington and by Thomas Jefferson, then Secretary of State.

2. The sea-letter of the Commonwealth of Massachusetts, dated the twenty-fourth day of September, 1790, signed by John Hancock, then Governor, and John Avery, Jr., then Secretary of State.

3. The certificate of the cargo of the said ship *Columbia*, dated the twenty-fifth of September, 1790, under the official seal, signed by Benjamin Lincoln, then Collector, and James Lovell, then Naval Officer, at the port of Boston.

The memorialists represent that their ancestors expended large sums of money in fitting out this as well as the prior voyage of the *Columbia*; that they made, through their Master, Robert Gray, important discoveries on the Northwest coast, which redounded to the glory of their country; that, as the result thereof, our Government has sustained, successfully, its claims to millions of acres of lands which border on the Pacific ocean; and that their investments resulted in a ruinous loss to those who engaged in the enterprise.—(See Ingraham's Journal, Vol. i, Page 2, Vol iv, Page 180.)

It has already been stated that the Spanish Heceta, in 1775, saw an entrance, in Latitude $46^{\circ} 16'$, South of the promontory he called St. Roque, and supposed there might be a river or harbor. In 1788, John Meares, in the *Felice*, from Macao, made an attempt to discover it, as will appear from the account of his voyage, Page 167, London, 1790. He says: "After we had rounded the promontory, a large bay, as we had imagined, opened to our view, that bore a very promising appearance, and into which we steered with every encouraging expectation. As we steered in, the water shoaled to nine, eight, and seven fathoms, when breakers were seen, from the deck, right ahead, and, from the masthead, they were observed to extend across the bay; we therefore hauled out, and directed our course to the opposite shore, to see if there was any channel, or if we could discover any port. The name of Cape Disappointment was given to the promontory; and the bay obtained the title of Deception-bay. By an indifferent meridian observation, it lies in the Latitude of $46^{\circ} 10'$ North, and in the computed Longitude of $235^{\circ} 34'$ East. We can now, with safety, assert that there is no such river as that of Saint Roe exists, as laid down in the Spanish charts."

Vancouver, in 1792, April 27, examined this part of the coast, with Meare's description before him, but so formidable were the breakers and shoal-waters that he, *not considering the opening worthy of more attention*, continued his pursuit to the Northwest. On the afternoon of

the twenty-ninth, the next day, but one, he met the American ship *Columbia*, commanded by Mr. Robert Gray, belonging to Boston, whence she had been absent fifteen months. Her Captain, Gray, informed him of *his having been off the mouth of a river*, in the Latitude of $46^{\circ} 10'$, where the outset or reflux was so strong as to prevent his entering for nine days. "This was probably," adds Vancouver, in his Journal, "the opening passed by us on the forenoon of the twenty-seventh;" and, as if determined to put on record his confidence in his own superior sagacity, and his discredit of the observations of the American Captain, he says: "It must be considered as a very singular circumstance, that, in so great an extent of seacoast, we should not, until now, have seen the appearance of any opening in its shores which presented any certain prospect of affording shelter, the whole coast forming one compact, solid, and nearly straight barrier against the sea."

But the interview with the British commander served not to discourage, but to arouse, the energy and spirit of the American Captain, who returned to the dangerous opening, resolved to enter it and brave its perils. The annals of commerce can show but few instances of similar perseverance and daring on the part of a merchant Captain. It required more than common resolution to be the first to hazard life and property in that unknown, solitary wilderness of breakers, reefs, and shoals, not for the sake of pecuniary reward, but to discover and make known to the civilized world the existence of a mighty river, which had, for ages, rolled in undisturbed solitude through an unknown portion of the globe.

Captain Wilkes, in his valuable narrative, Volume iv., Page 313, says: "Mere description can give little idea of the terrors of the bar of the *Columbia*. All who have seen it have spoken of the wildness of the scene, the incessant roar of the waters, representing it as one of the most fearful sights that can possibly meet the eye of the sailor."

From the log-book of the ship *Columbia*, it appears that Captain Gray stood in for the shore, on the seventh of May, 1792, and beat about among the breakers, (tc.,) till about noon of the eleventh: when we were over the bar, we found this to be a river of fresh water, up which we steered. Extracts from this log-book are published in House Report, No. 213, 19th Congress, 1st Session, p. 7; also Report, No. 101, 25th Congress, 3d Session, p. 47-8-9, and Senate Document 174, 26th Congress, 1st Session, p. 125, from which it appears that Captain Gray sailed up this river about fourteen miles, and remained in it until the morning of the

twenty-first of May. He named it COLUMBIA, after the name of his ship. The North side of the entrance, which Meares called Cape Disappointment, he gave the name of Cape Hancock; the South, Adams Point. In the log-book, under date of "Tuesday, May 15," we read: "At 10 a. m., unmoored and dropped down with the tide to a better anchoring place. Smiths and other tradesmen constantly employed. In the afternoon, Captain Gray and Mr. Hoskins, in the jolly-boat went on shore to take a short view of the country." We find upon the North side of the river, Gray's Bay and Gray's Point laid down in our Government Surveys. In the correspondence submitted, we have the declarations of the officer of the *Columbia* who first landed, that he recollects hoisting the American flag and planting some New England pine-tree shillings under a tree.

Your Committee have had before them the original day-book in which entries were daily made of the articles of traffic disposed of, under the dates of the transactions, and the points touched at by the ship. These entries are found to corroborate the log-book and the history of that discovery. The merit of this discovery cannot be disputed. The geographers of the world have adopted the name which Gray gave to it. Vancouver, at last, (p. 388-393) fully admitted the discovery, and admits that he is indebted to Captain Gray for charts of this Latitude.

Your Committee have also had submitted to them an original map of the Northwest coast, by John Hoskins, Supercargo of the ship *Columbia*, bearing date 1791 and 1792, upon which the coast and river are laid down, as well as the island of Vancouver and the straits, with a striking degree of accuracy, for that early period, and proving, incontestibly, that this river, which is found on no previous map or chart, was then explored and mapped. The Spanish Government, in 1802, printed at Madrid, by royal order, a work entitled *Viaje del Sulil Mexicana, en 1792*, which says, (p. 157:) "September 4, 1792—We found the shape of the land, in sight, to conform with that of a plat of survey made by the active American navigator, Gray, of the river which he called Columbia, after the name of the ship which he commanded." Ingraham inserted a chart of the coast in his journal, (Vol. iv., Page 206,) under date October, 1792, and says—"Every part of the coast South of Cape Flattery and Pintado-sound, are from Captain Gray's information." The Columbia-river is laid down, for several miles from its mouth. There is abundant evidence that these purchases, designed to establish permanent settlements upon the lands thus discovered, explored, and purchased, were taken possession

of, in the name of the United States. Mr. Barrell, in his first proposition, conceived the idea of a valuable acquisition to the country, and, at the same time, of a trading establishment of great importance. As soon as he learned, from Captain Kendrick, that these purchases had been made, he opened a correspondence with a prominent house in London, through whom he endeavored to procure emigrants from all the nations of Europe, rather than to draw upon the more sparse population of this then infant Republic.

Captain Kendrick, in his letter to Hon. Thomas Jefferson, Secretary of State, enclosing the deeds and seeking the protection of Government for the security of the rights thereby acquired, makes allusion to some future settlement, and to the benefits resulting to the Union, from possessions on the coast. But the accidental death of Captain Kendrick—(see Jarvis's *History of Sandwich Islands*, p. 155)—by the premature discharge of a national salute, and the entire loss of the vessel, with her cargo, while under the command of his Clerk, struck a deathblow to these hopes. The projectors of this daring enterprise beheld others availing themselves of the results of the exploration made by their capital and at the risk of their lives, and, aided by the example they had been the first to set, reaping rich returns; while they, themselves, lost all they had invested (save these purchases of lands, then of unknown value, and were disappointed in their long-indulged prospects of success.

Captain Robert Gray died soon after, leaving his widow and four daughters, who have supported themselves by their own exertions. The originator of the enterprise and the principal owners are believed to have died, insolvent.

The disastrous result of the Astoria settlement, upon the Columbia-river, a few years after, so affected the commercial world, that no inducement could encourage the survivors of the owners or the heirs of the deceased to migrate thither; but they have never ceased to implore the Government to extend its protection to their claims. Among the letters, submitted to your Committee, is one from Charles Bulfinch, who was the last survivor of the original owners, addressed to his sons, on the nineteenth of February, 1830, in which he says that he has flattered himself that, if a settlement or colony was established on Columbia-river, Government would make a grant of land in consideration of their being the first discoverers, and having opened to the country a very lucrative commerce, of which they had not profited; that, upon consultation with one of the sons of Joseph Barrell, they agreed to go, together, to Mr. Rush, who had just returned home, and, not being in

the administration, could give them an unbiased opinion; that Mr. Rush was of opinion that any body of adventurers or colony who should settle on the North bank of that river would be driven off, or be obliged to submit to the jurisdiction of England; that, after much consideration, he suggested that the best chance of obtaining any advantage from the claim would be, that Congress should condition that, in any Treaty of boundary, the rights of original purchasers should be recognized; and that, from the general liberality of the British Government, he presumed they would do so.

The claimants have, from time to time, petitioned Congress for a recognition of their rights, and for some reward for their sacrifices in making these discoveries. A bill was reported in the House, during the Thirtieth Congress, granting ten sections of land, in the territory of Oregon, to the widow of Robert Gray, upon her separate application; but it never became a law. (Mr. Broadhead's Report, No. 502, 30th Congress, 1st Session.)

The services of Captain Robert Gray, however meritorious, could never have been rendered to the country had it not been for the remarkable sagacity, bold enterprise, and large investments of Joseph Barrell and his associates.

The Government of the United States always claimed title to the coast, from the forty-second degree to 54° 40' North parallel, embracing the vast and valuable territory drained and watered by the river and its branches. It held, in the Department of State, the copies of the deeds from the native Chiefs and the letter which enclosed them, from Captain Kendrick, who desired to secure the property in the lands to his owners, through himself, and the jurisdiction thereof to the United States. During the administration of President Jefferson, an expedition was fitted out, by the Executive, under Lewis and Clark, to explore the section of country which these claimants had previously discovered, and a portion of which they claimed to have purchased and taken into formal possession.

The annual Messages of our Presidents, Monroe and Adams, recommended Congress to turn their attention to "our coasts along many degrees of Latitude upon the shore of the Pacific Ocean." Mr. Adams, in his Message to the Nineteenth Congress, says: "The river of the West, first fully discovered and navigated by a countryman of our own, still bears the name of the ship in which he ascended its waters, and claims the protection of our flag at its mouth."

A private correspondence between the Government and the surviving owners, in 1816 and

1817, was filed with the Memorial. (G.)

The Department of State has likewise had possession of the Journals of Captain Ingraham, who was upon the coast during the years these events took place, and who confirms their history. Scarcely has there been held a Session of Congress, since that period, but in it some Report has been made which referred, for our title, to this discovery and claim. Messrs. Gullatin and Rush most firmly maintained this, at the Court of St. James, in 1818, (*American State Papers*, Vol. iv.—Foreign Relations, Vol. iv., p. 381;) and again, in 1825-'6 (see *British and Foreign State Papers*, pp. 499, 509; *Wheaton's Elements of International Law*, Part ii., Chap. 4.)

By the Treaty of 1846, the Government of the United States, for the sake of peace and to avoid a War involving an expenditure of millions of money and the sacrifice of the lives of thousands of its citizens, relinquished, to Great Britain, the jurisdiction and the soil of some three hundred miles of territory claimed by the former on the Pacific coast.

In concluding this Treaty it was, of course, never supposed that the rights of any American citizen claiming an interest in the territory thus yielded to the British Crown, were put in jeopardy. While the Treaty, however, confirmed to British subjects residing on that portion of the territory which was confirmed to the United States, their possessory rights to their lands, no such provision was made in favor of American citizens claiming rights North of the divisional line established by the Treaty. As to the portion of country lying North of the forty-ninth parallel of Latitude, and embracing also the whole of Vancouver's-island, the jurisdiction and title has passed to Great Britain; and whatever might be the views of this Government, in regard to a recognition of the claimants' interest, either legal or equitable, to the land therein covered by the Indian deeds, there remains no power in this Government to confirm the title. But, within the portion of country retained by and confirmed to the United States, by the Treaty, there remains about two degrees of Latitude by four of Longitude covered by these purchases, as claimed in the Memorial, to have been made of the native Chiefs, in 1791, and as appears to have been sustained by affidavits respecting the deeds which are lost, admitted by the English navigators and authors of that early day, and repeatedly referred to in the public documents and Reports to Congress. The memorialists ask to have the title to this tract of land confirmed to them.

The purchase of lands of the Indians, by individuals, was, at an early day, prohibited by the authorities of the British nation, within the

region claimed to be subject to her jurisdiction. In 1783, a Proclamation was issued by the American Congress, prohibiting all such purchases of land, without the limits or jurisdiction of any particular State, without the express authority of Congress, and declaring every such unauthorized purchase, void. This prohibition evidently had relation to purchases in the Indian country, lying within the boundaries of the United States, but beyond the limits of organized States. The region of the Pacific coast could not, at that time, have been within the contemplation of Congress, in this Proclamation. It was then, in effect, a foreign as well as an unexplored country. It is true, that some of the original Grants of land, made by Great Britain, on the Atlantic side of the continent, were specified to run, westwardly, to the "great South sea;" yet these grantors had neither jurisdiction nor knowledge of the immense country between the Mississippi and Pacific coast; and, at the time of its first exploration, Spain had jurisdiction and possession, admitted by all parties, of the extensive valley of the Mississippi, stretching from the Gulf of Mexico to the Latitude of the northern lakes. This broad extent of country, long held, in uninterrupted possession, by Spain, effectually divided the jurisdictional limits of the United States from that unknown territory, beyond. It was not until after the discoveries of the coast, on the Pacific side of the continent, and the incipient establishment of stations for the fur-trade and the cession of the dividing region of Louisiana to the United States, that explorations were ordered, the right to the country claimed, and jurisdiction asserted and maintained, by our own Government.

It may well be doubted, then, whether the Proclamation of Congress, prohibiting purchases of the Indians, can be regarded, in any sense, as applying to purchases made on the Pacific coast, at the time of the visit of the *Columbia* and the *Washington* to that region. It would seem more in accordance with the truth, to regard that country as new, and unexplored, and unappropriated by civilized man. Approached only by the ocean, it should be regarded, like the islands of the Pacific, subject to discovery and possession by the new comers, whose rights, as between different claimants and in regard to the uncivilized native inhabitants, should be those which pertain to the recognized laws of newly-discovered lands.

The principles relative to such new discoveries, it is believed, are well-settled in the code of civilized nations. The citizen of any country first taking possession, does so in the name of his nation; and the jurisdiction of the country, with the exclusive right to the soil, subject

to the possessory right of the natives, vests in the Government of him who first asserts and maintains possession. The right to extinguish the possessory title of the natives does not rest in the individual discoverer, but in his Government; and a purchase thus made by him, of the natives, would, it is conceived, give no title as against his Government, unless made with the previous consent of the latter, or subsequently confirmed by the proper authorities of his nation.

If this view of the subject be correct, it follows, that the owners of the two vessels acquired no title in the land by their purchase of the Indian Chiefs. It does not follow, however, that they are the less entitled to the consideration of their Government, for the benefit bestowed on the latter by the negotiation and purchase. On the contrary, such services, attended with such beneficial results, at the instance and cost of the individual citizen, would seem to present a strong claim, in his behalf, to the consideration of his Government.

The mere discovery of a country inhabited only by savages, is not, alone, sufficient to secure an appropriation of it by the nation in whose name the discovery is made. If no actual possession is taken, or a mere nominal possession, followed by an immediate abandonment, is all that can be claimed, other nations may take possession, by settlement and actual continued occupancy; and, by colonization, they may become the rightful owners. In deciding on the strength of the claim of a civilized nation, in such a case, every circumstance which relates to the discovery, the possession, the settlement, and the continued claim of right, is regarded as important. And the relations established with the native Chiefs and inhabitants of the country, especially where the consent of the latter to the establishment of colonies, the proffer of amicable and exclusive rights of traffic, and the Grant of lands, for purpose of settlement, cannot be disregarded. It is difficult to conceive of a stronger circumstance, in establishing our national right to the country, than that which is exhibited by the facts connected with this purchase and the oft-repeated admonition of the natives, to the adventurers of other nations, declaring the rights of the American navigators, by solemn compact and Grant, to the territory and the kind relations established between them and the Chiefs.

The value of the discoveries, made by these vessels, to the American people must not be overlooked nor lightly esteemed.

The intrepid and noble mariners who first left our ports and doubled the Cape, in compliance with their instructions from the merchant-owners, not to stop at any port of the western

coast, known to the European world, unless driven there, by some unavoidable accident, merit the highest tribute of respect which can be paid to their memories. Whilst other nations were fitting out their royal ships, commanded by officers of high naval rank, commissioned by Lords of Admiralty, and sustained, at home, by the royal treasury, we behold these humble men, inspired by the ambition which burned in the American breast, in the infancy of our Republic, sailing forth, in ships named in honor of the discoverer of our Continent and of the father of our liberties, and bearing, for their sea-letter, George Washington's request to the Emperors and potentates of the world, that they would receive them with kindness and in a becoming manner, and thereby he would consider himself under much obligation.

Captains John Kendrick and Robert Gray each found an early grave; and their children and widow now appeal to our sympathies, for some testimonial of their services. The ledger of the owners shows the items of the original invoice, to the amount of upwards of £7,000. Let, to this, be added the cost of the vessels and outfit, with interest—which also proved to be a total loss to the owners—the aggregate would be the pecuniary amount expended by the claimants.

The Committee do not forget that, in the discussions which have heretofore been had, on the subject of the American title to the Oregon country, the right has not been rested, exclusively, on discovery and possession by Americans. The early Spanish navigators—the first to sail along the coast and to plant the cross and the standard of their country, on its shores, in the name of their Sovereign—were also invoked, as witnesses of the right of Spain to the territory, which rights were, by the Treaty, of 1819, transferred to this nation. But, in all these discussions, reliance has not been placed exclusively on this ground. The historical incidents, to which reference is made in the Report, have also, uniformly, although not to their full extent, been adduced, in proof of the title of our nation to the country on the western portion of this Continent. The discovery of Captain Gray, followed, as it was, in a reasonable time, with the explorations of Lewis and Clark, in 1803, upon the recommendation of President Jefferson, and by the settlements, on the banks of the river, in 1811, called Fort George, or Astoria, which, having been taken by the *Raccoon*, during the War with Great Britain, was, subsequently, on the sixth day of October, 1818, restored, in conformity with the first Article of the Treaty of Ghent, as a territory, place, and possession taken from us, is, at least, as strong a title to the Oregon country as that

by which distant territories are usually held by civilized nations. If, to these, the character and objects of the American navigators are added; the amicable relations between them and the acknowledged Chiefs of the country; the Grants, to them, of lands of large extent; and their occupation of it, it may well be doubted whether even Spain herself could exhibit a better claim, founded on her intercourse with the region, than that which is made out, under the principles of international law, by the acts of these enterprising American explorers. From a careful review of the history of these discoveries and possessions, scattered, as it is, in detached portions, through volumes relating only, incidentally, to the subject, in the journals of the navigators of other countries, and in manuscripts to which the reading public have no access, we can scarcely refrain from the exclamation that the value of the services of these men has never yet been duly appreciated by their country. They have done enough to secure to the nation the extensive and rich region washed by the Oregon, and looking out on the Pacific, now just beginning to be whitened by the sails of all commercial nations on the globe. Fame has scarcely deigned to notice their noble enterprise; and pecuniary compensation has rewarded neither them nor their children. The toil, the hazard, the loss, was theirs: the fruit of all was not for the toilers—it was thrown into the lap of their country. The appeal of their surviving representatives is made to that country for a recognition—small, though it may be—for a recognition of their services and their merits.

The Committee could not, of course, in any ordinary case, recommend a compensation "to be given for services in connection with the early explorations or settlement of the newer portion of our wide-extended domain." The services in the case under consideration are, however, of so peculiar a character that they believe the Government owes it to the merits of these men and their services, to depart from the general rule and to make them some compensation, in land, in the region where their services were performed and where the purchases were made of the native Chiefs. They, therefore, herewith, report a Bill giving to the widow of Captain Gray, and to the children of Captain Kendrick, and to each of the owners of the two exploring vessels, five sections of land. This small Grant, although insignificant in pecuniary value, may yet afford a solace, in the declining years of some of the petitioners, while it will prove, to them all, that time has not obliterated from the memory of their country the worth and the services of their departed relatives.

APPENDIX.

A.

ORDERS GIVEN CAPTAIN JOHN KENDRICK, OF THE SHIP COLUMBIA, FOR A VOYAGE TO THE PACIFIC OCEAN.

SIR: The ship *Columbia* and sloop *Washington* being completely equipped for a voyage to the Pacific-ocean and China, we place such confidence in you as to give you the entire command of this enterprise. It would be impossible, upon a voyage of this nature, to give, with propriety, very binding instructions; and, such is our reliance on your honor, integrity, and good conduct, that it would be needless, at any time. You will be on the spot, and, as circumstances turn up, you must improve them; but we cannot forbear to impress on your mind our wish and expectation that the most inviolable harmony and friendship may be cultivated between you and the natives, and that no advantage may be taken of them, in trading, but that you endeavor, by honest conduct, to impress upon their minds a friendship for Americans.

If you make any fort or improvement of land, upon the coast, be sure you purchase the soil of the natives; and it would not be amiss if you purchased some advantageous tract of land, in the name of the owners, if you should let the instrument of conveyance bear every authentic mark the circumstances will admit of. * * * You will constantly bear in mind that no trade is to be allowed, on the coast, on any pretence whatever, but for the benefit of the owners. * * * You are strictly enjoined not to touch at any part of the Spanish dominions on the western continent of America, unless driven there by some unavoidable accident, in which case you will stay no longer than is absolutely necessary; and, while there, be careful to give no offence to any of the subjects of his Catholic Majesty; and, if you meet with any subjects of any European prince, you are to treat them with friendship and civility.

The certificate you have from the French and Dutch Consuls you will make use of, if you meet with any ships of those nations; and you will pay them every respect that is due to them.

The sea-letters from Congress and this State you will also show, on every proper occasion; and, although we expect you will treat all nations with respect and civility, yet we depend you will suffer insult and injury from none, without showing that spirit which will ever become a FREE AND INDEPENDENT AMERICAN.

B.

[PAPERS FROM THE STATE DEPARTMENT.]

UNITED STATES OF AMERICA.

DEPARTMENT OF STATE.

To all to whom these presents shall come, greeting:

I certify, that the papers hereunto attached are true copies of papers on file in this department.

In testimony whereof, I, James Buchanan, Secretary of State of the United States, have hereunto subscribed my name, and caused the seal of the Department to be affixed.

Done, at the city of Washington, this 9th day of February, A. D., 1849, and of the independence of the United States of America, the seventy-third.

JAMES BUCHANAN.

[I.—LETTER FROM CAPTAIN KENDRICK TO THE SECRETARY OF STATE, IN BEHALF OF THE SPANISH GOVERNOR OF JUAN FERNANDEZ.]

ON BOARD THE SHIP LADY WASHINGTON, HARBOR OF MAW-WIN-NA, ST. CLAIR'S ISLAND, NORTH-WEST COAST OF AMERICA.

SIR: I have the honor to address you on a subject which I conceive the honor of the Government of the United States to be interested in, and the following relation of which I request you to lay before the President, hoping that, in his humanity, the oppressed will find a protector, and, by the representations he, in his wisdom, may direct to be made to the Court of Madrid, the unfortunate may be relieved.

In the year 1787, an expedition under my command was fitted out from Boston, for prosecuting the fur-trade, on the North-west coast of America; and, after doubling Cape Horn, in a very tempestuous season, my ship, the *Columbia*, was considerably disabled, and I was in great want of both water and wood. My tender, the *Washington*, sloop, had parted company with me, off the cape, and I had no other alternative than repairing to some of the Spanish settlements in the South Pacific-ocean, for the purpose of refitting my vessel and procuring some necessary supplies. I therefore bore away for the island of Juan Fernandez; and arrived in Cumberland-bay the twenty-fourth of May, 1788. We were immediately visited by a Spanish boat, with two officers in it; and, on their return, my first officer, Mr. Ingraham, was sent on shore, to request permission to anchor and continue there, a few days, which the Governor, Don Blas Gonzalez, Major in the Cavalry of his Catholic Majesty, very humanely granted, making such stipulations, with respect to the term of our continuance at the island and the conduct to be observed, during that period, as evinced him to be a cautious, vigilant, and prudent officer. Our communication was through the medium of the French language, imperfectly understood by both parties, until the twenty-eighth, following, when a Spanish ship arrived off the bay to receive the Governor's despatches

for Chili, on board of which was a Frenchman, who was sent on shore, for the purpose of more fully examining our passports, etc. A copy of my sea-letter, from the Congress of the United States, and the official letter of the Sieur l'Etombe, Consul of France for the States of Massachusetts, etc., were given the Governor; and, on the day of my intended departure, I received from him the letter, of which the enclosed is a copy, three days after the date of which, being detained the intermediate time by a gale of wind, I proceeded on my voyage to this coast.

In consequence of the abuse of power by his Catholic Majesty's servants, in his American Governments, or by an untrue and malicious statement of the facts, by some secret enemies, Don Blas Gonzalez has been deprived of his employments and treated with considerable rigor and injustice; and the only crime imputed to him is his humane conduct towards me and my crew, in 1788—a conduct which did honor to him as a man, and was, I conceive, perfectly consistent with the amity and good understanding subsisting between the Court of Madrid and the United States. But the affair will be best explained in his own words, in a letter to my son, who touched at Valparaiso, in Chili, in the ship *Jefferson*. Captain Roberts, of Boston, in June, 1792, and who communicated the first intelligence of it to me.

[EXTRACT.]

“No se sabra N. Md. como desde que se supo en esta que yo havid dado hospitalidad à dho su padre, se me desposá del gobierno por esta Capitanía General por und equivocada inteligencia que se formó sobre a quel suceso: y que aunque el rey, mi señor, approvó la conducta que observe entonces, con toda hasta, ahora estoi padeciendo las resultas, por la suma distancia en que por mi desgracia, me tiene constituido la suenta de este remoto destino; no obstante de las diligenzas empeñosas qe he practicada pd. vindica, mé arreglada conducta; y de haver escritos à Monsieur l'Etombe, consul de Francia en Boston, y à dho su padre, paraque me favoreciesen en lo que buenamente pudiesen: cuyas resultas ignoro, por no saben sí recibieron mis cartas.

“Si N. Md. Gusta de Escibirles asociado de su capstan, sobre este particular; y recomendarme pd. que me protexan, se lo estimaria mucho: encuyo caso puede N. Md. Entregarlas Cartas al Cavallero Don Manuel Porrasia, necino de esse puerto, y portade de este, que es amigo de todo mi confianza.” (Santiago, de Chili, 20 de Junio, de 1792.)

In consequence of the request made by Don

Blas Gonzalez, Captain Roberts and my son wrote the owners of the *Columbia* and *Jefferson*, requesting them to make such a representation to the United States as they pointed out. As they appear to have mistaken the contents of the letter from Don Blas, I have done myself the honor of offering you the foregoing statement of facts; and, as he doubtless rendered me those services, for which, in the sea-letter, the United States declare they shall “stand willing indebted,” I hope the affair will have proper attention paid to it. I have now only to request, very earnestly, that any mode of proceeding which may be adopted for the relief of Don Blas Gonzalez, may be executed with all convenient expedition. I need not use any persuasive arguments to interest the officers of the Government of the United States in behalf of the unfortunate gentleman who has been the subject of this letter; as the principles of our excellent Constitution, as well as their native humanity, must render them enemies of oppression.

I have the honor to be, with the utmost deference and esteem, Honorable Sir, your most obedient and most humble servant,

JOHN KENDRICK.

HON. THOMAS JEFFERSON,
Secretary for the Department of State.

[II.—LETTER OF THE GOVERNOR OF JUAN FERNANDEZ.]

Don Blas Gonzalez, Sargento Mayo de Cavalleria de los exercitos de su magestad, y gobierno politico y militar de esta plaza è islas de Juan Fernandez: Certifico, que haviendo arribado à este puerto el Capitan Juan Kendrick, de la nacion Bostoneza, en la fragata de su mando nombrada la *Columbia*, con tres oficiales subalternos, y treinta seiz hombres de tripulacion de la propia nacion, comicionado por su republica à viajar por todo el mundo, el veinte y quatro de mayo proximo pasado, a pedirme la hospitalidad, exponiendome para ello los por el Aermino de seis dias, de cuya determinacion di parte al Excellentissimo Señor Vir, rey de Peru, y à la capitanía general del reyno de Chili; haviendose detenido quatro dias mas de los concedidos, por la razon de los muchos Aquaceros, que mediaron; sin dar la menor nota, assi los enunciados oficiales, como la demas tripulacion, ni flaltar à lo mas minimo de quanto estipularon con migo, antes de permitules la entrada en este puerto; y para que conste doi la presente à pedimento de dicho Capitan J. Kendrick, en esta isla de Juan Fernandez, à tres dias del mes de Junio, de mil setecientos, ochenta y ocho años.

BLAS GONZALEZ.

[III.—LETTER FROM CAPTAIN KENDRICK TO THE SECRETARY OF STATE, ENCLOSING DEEDS OF LANDS PURCHASED FROM THE NATIVES.]

PORT INDEPENDENCE, ON THE ISLAND OF HONG KONG,

March 1, 1793.

Sir: I have the honor of enclosing to you the copies of several deeds, by which the tracts of land, therein described, situated on islands on the Northwest coast of America, have been conveyed to me and my heirs, forever, by the resident Chiefs of those districts, who, I presume, were the only just proprietors thereof. I know not what measures are necessary to be taken, to secure the property of these purchases to me and the Government thereof to the United States; but it cannot be amiss to transmit them to you, to remain in the offices of the Department of State. My claim to those territories has been allowed by the Spanish Crown; for the purchases I made, at Nootka, were expressly excepted in a deed of conveyance of the lands adjacent to and surrounding Nootka-sound, executed, in September last, to El Senor Don Juan Francisco de la Bodega y Quadra, in behalf of his Catholic Majesty, by Maquinnah and the other Chiefs of his tribe, to whom those lands belonged.

When I made these purchases, I did it under an impression that it would receive the sanction of the United States, and that, should an Act of the Legislature be necessary to secure them to me, I should find no difficulty in obtaining it. The future commercial advantages which may arise from the fur-trade, besides many other branches which are daily opening to the view of those who visit the Northwest American coast, may, perhaps, render a settlement, there, worthy the attention of some associated company, under the protection of Government. Should this be the case, the possession of lands, previously and so fairly acquired, would much assist in carrying the plan into effect. Many good purposes may be effected by the Union having possessions on that coast, which I shall not presume, Sir, to point out to you; and the benefits which have accrued to individuals, by similar purchases to those I have made, in our own States, are too well known to need a remark.

I have the honor to be, with the utmost respect and esteem, Sir, your very humble servant,

JOHN KENDRICK.

The Hon. THOMAS JEFFERSON,
Secretary for the Department of State.

[Endorsed:] KENDRICK, JOHN—Hong Kong,
March 1, 1793—received October 24, covering
several Indian deeds.

[INDIAN DEEDS, ENCLOSED IN THE ABOVE LETTER.]

To all persons to whom these presents shall come, I, Macquinnah, the Chief, and with my other Chiefs, do send greeting: Know ye that I, Macquinnah, of Nootka-sound, on the Northwest coast of America, for and in consideration of ten muskets, do grant and sell unto John Kendrick, of Boston, Commonwealth of Massachusetts, in North America, a certain harbor, in said Nootka-sound, called Chastacktoos, in which the brigantine *Lady Washington* lay at anchor, on the twentieth day of July, 1791, with all the land, rivers, creeks, harbors, islands, etc., within nine miles North, East, West and South of said harbor, with all the produce of both sea and land appertaining thereto—only the said John Kendrick does grant and allow the said Maquinnah to live and fish on the said territory, as usual—and by these presents, does grant and sell to the said John Kendrick, his heirs, executors and administrators, all the above mentioned territory, known by the Indian name Chastacktoos, but now by the name of the Safe Retreat-harbor; and also does grant and sell to the said John Kendrick, his heirs, executors and administrators, a free passage through all the rivers and passages, with all the outlets which lead to and from the said Nootka-sound, of which, by the signing these presents, I have delivered unto the said John Kendrick. Signed with my own hand and the other Chiefs, and bearing even date, to have and to hold the said premises, etc., to him, the said John Kendrick, his heirs, executors, and administrators, from henceforth and forever, as his property, absolutely, without any other consideration whatever. In witness whereof I have hereunto set my hand and the hands of my other Chiefs, this twentieth day of July, one thousand seven hundred and ninety-one.

MACQUINNAH, his x mark.

[L.S.]

WARGLASMAN, his x mark.

[L.S.]

HANNOPY, his x mark.

[L.S.]

CLOPHANANISH, his x mark.

[L.S.]

TARTOOCHTHEEATICUS, his x mark.

[L.S.]

CLACKOENER, his x mark.

[L.S.]

Signed, sealed and delivered in presence of—

JOHN STODDARD.

JOHN REDMAN.

THOMAS FOSTER.

WILLIAM BOWLES.

JOHN MAUD, JR.

FLORENCE MCCARTHY.

JOHN PORTER.

JAMES CRAWFORD.

ROBERT GREEN.

JOHN BARBER.

A true copy from the original deed.

Attest:

J. HOWELL.

To all people to whom these presents shall come: I, Norry Youk, the Chief, with my other Chiefs, do send greeting: Know ye that I, Norry Youk, of Ahasset, on the North-west coast of America, for and in consideration of six muskets, a boat's sail, a quantity of powder, and an American flag, by the free consent of the other Chiefs concerned, do bargain, grant, and sell unto John Kendrick, of Boston, Commonwealth of Massachusetts, in North America, a certain harbor in said Ahasset, called by the natives Chenerkintau, in which the brig *Lady Washinton* lay at anchor on the fifth day of August, 1791, which is situated in Latitude 49° 50' North, and Longitude 127° 08' West, on the North side of the Sound of Ahasset, being a territorial distance of eighteen miles square, of which the harbor of Chenerkintau is the centre, with all the lands, mines, minerals, rivers, bays, harbors, sounds, creeks, and all islands, with all the produce of both land and sea; and, by these presents, do grant and sell to the said John Kendrick, his heirs, executors and administrators, all the above mentioned territory, known by the name of Ahasset, and the harbor by the Indian name of Chenerkintau, but now by the name of Kendrick's-harbor: and also, do grant and sell to the said John Kendrick, his heirs, executors and administrators, a free pass through all the rivers and passages, with all the outlets which lead to and from the said territory, of which the signing these presents I have delivered unto the said John Kendrick, signed with my own hand and the other Chiefs, to have and to hold the said territorial premises, etc., to him, the said John Kendrick, his heirs, executors and administrators, from henceforth and forever, as his property, absolutely, without any other emolument or consideration whatever.

In witness whereof, I have hereunto set my hand and the hands of my other Chiefs, this fifth day of August, one thousand seven hundred and ninety-one.

NORRY-YOUK, his x mark. [L. S.]

APPULS, his x mark. [L. S.]

KISSULS, his x mark. [L. S.]

HAW-WETTPARSUM, his x mark. [L. S.]

Signed by NORRY-YOUK for his son.

Signed, sealed and delivered in the presence of us—

JOHN WILLIAMS,
JOHN REDMAN,
WILLIAM BOWELL,
JNO. STODDARD,
WILLIAM BOWLES,
ROBERT GREEN,
JOHN BARBER,
JOHN PORTER.

A true copy from the original deed :

Attest : J. HOWELL.

To all people to whom these presents shall come: I, Wickananish, Chief of Cloyquot, with my other Chiefs, do send greeting: Know ye, that I, Wickananish, of Cloyquot, on the North-west coast of America, with my own free will and consent, and the consent of my other Chiefs, for the consideration of four muskets, a large sail, and a quantity of powder, (they being articles which we at present stand in need of, and are of great value,) do bargain, grant, and sell unto John Kendrick, of Boston, Commonwealth of Massachusetts, in North America, a territorial distance of eighteen miles North, eighteen miles South, eighteen miles East, and eighteen miles West of the village called by the natives Opisita, which village is to be the centre of the said territorial distance, with all the lands, mines, minerals, rivers, bays, sounds, harbors, creeks, etc., and all the islands, with both the produce of land and sea, within the limits of said territorial distance. Opisita, being the centre, is situated in Latitude 49° 10' North, and Longitude 126° 02' West from the meridian of London. And by these presents, do grant and sell unto the said John Kendrick, his heirs, executors, administrators, and assigns, all the above mentioned territory, known by the name of Cloyquot; and also do grant and sell unto the said John Kendrick, his heirs, executors, administrators, or assigns, a free pass through all the rivers, passages, etc., with all the outlets which lead to and from said territory, of which the signing of these presents, I have delivered unto the said John Kendrick.

Signed with my own hand and the hands of my other Chiefs, to have and to hold the said territorial distance, etc., to him, the said John Kendrick, his heirs, executors, administrators, or assigns, from henceforth and forever, as his property, absolutely, without any emolument or consideration whatever.

In witness whereof, I have hereunto set my hand and the hands of my other Chiefs, this eleventh day of August, one thousand seven hundred and thirty-one.

WICKANANISH, his x mark. [L. S.]

TOOTESCOZITTE, his x mark. [L. S.]

TARTOOTCHTHERATTICUS, his x mark. [L. S.]

TRASSLAUR, his x mark. [L. S.]

TACKQULIN, his x mark. [L. S.]

HYEREQUIS, his x mark. [L. S.]

Signed, sealed and delivered in the presence of

us—

JOHN WILLIAMS,
JOHN REDMAN,
WILLIAM BOWELL,

JOHN STODDARD,
 THOMAS FOSTER.
 JOHN BARBER,
 JAMES CRAWFORD,
 CHARLES BYRN,
 FLORENCE MCCARTHY,
 WILLIAM BOWLES,
 JOHN MAUD, JR.,
 ROBERT GREEN.

A true copy from the original deed.

Attest : J. HOWELL.

To all people to whom these presents shall come: I, Tarassom, the Chief, with my other Chiefs, do send greeting: Know ye that I, Tarassom, of New Chatleek, on the Northwest coast of America, for and in consideration of two muskets, a boat's sail, and a quantity of powder, by the free consent of my other Chiefs concerned, do bargain, grant, and sell unto John Kendrick, of Boston, Commonwealth of Massachusetts, in North America, a certain harbor, in said New Chatleek, called by the natives Hoot-see-ess, but now called Port Montgomery, in which the brig *Lady Washington* lay at anchor on the second day of August, 1791, and is situated in Latitude 49° 46' North, Longitude 127° 02' West, on the South side of the sound of Ahasset, and now called Massachusetts-sound, being a territorial distance of eighteen miles square of which the harbor of Hoot-see-ess, alias Port Montgomery, is the centre, with all the lands, mines, minerals, rivers, bays, sounds, harbors creeks and islands, with all the produce of both sea and land, appertaining thereto; and by these presents do grant and sell to the said John Kendrick, his heirs, executors, administrators or assigns, all the above-mentioned territory known by the names of New Chatleek and Hoot see-ess, now by the names of Massachusetts-sound and Port Montgomery; and also do grant and sell to the said John Kendrick, his heirs, executors, administrators, or assigns, a free pass through all the rivers and passages, with all the outlets which lead to and from said territory, of which the signing of these presents, I have delivered unto the said John Kendrick, signed with my own name and the names of my other Chiefs, to have and to hold the said territories, provinces, etc., to him the said John Kendrick, his heirs, executors, administrators or assigns, from henceforth and forever, as his property, absolutely, without any other emoluments or considerations, whatever.

In witness whereof, I have hereunto set my hand and the hands of my other Chiefs this fifth day of August, one thousand seven hundred and ninety-one

TARASSOM, his mark. [L. s.]

WACKLIMMIS, his mark. [L. s.]

Signed by TARASSOM, for his first son. [L. s.]

QUANTENO, his X mark. [L. s.]

CLAKISHUPPA, his X mark. [L. s.]

Signed by TARASSOM, for his second son: [L. s.]

Signed sealed and delivered in presence of—

JOHN WILLIAMS,
 JOHN REDMAN,
 WILLIAM BOWELL,
 JNO. STODDARD,
 THOMAS FOSTER,
 ROBERT GREEN,
 JAMES CRAWFORD,
 FLORENCE MCCARTHY,
 JOHN MAUD, JR.,
 WILLIAMS BOWLES,
 CHARLES BYRN.

A true copy of the original deed :

Attest : JOHN HOWELL.

To all people to whom these presents shall come: I, Caarshucornook, the Chief, and the under-Chiefs, do send greeting: Know ye, that I, Caarshucornook, of the Tashees, at the head of Nootka-sound, on the North-west coast of America, for and in consideration of two muskets and a quantity of powder, by the free consent of the other Chiefs, do bargain, grant and sell unto John Kendrick, of Boston, Commonwealth of Massachusetts, in North America, the head of Nootka-sound, called by the natives Tashees, being a territorial distance, on an East and West line, from the mouth of the straits which lead to Ahasset-sound, now called Massachusetts-sound, with the land nine miles round said Tashees, together with all mines, minerals, rivers, bays, sounds, creeks, harbors, and all islands, with the produce of both sea and land, appertaining thereto; and by these presents do grant and sell unto the said John Kendrick, his heirs, executors, administrators, and assigns, all the above-mentioned territory known by the Indian name Tashees; and also do grant and sell to the said John Kendrick, his heirs, executors, administrators, or assigns, a free passage through all the passages and rivers, with all the outlets which lead to and from said Tashees, of which the signing these presents, I have delivered unto the said John Kendrick, signed with my own hand and the hands of my other Chiefs, to have and to hold the said territorial distance, etc., to him, the said John Kendrick, his heirs, executors, administrators or assigns, from henceforth and forever, as his property, absolutely, without any other emolument or consideration whatever.

In witness hereof I have hereunto set my hand and the hands of my other Chiefs, this

sixth day of August, one thousand seven hundred and ninety-one.

CAARSHUCORNOOK, his x mark. [L. s.]

HANNOPY, his x mark. [L. s.]

Signed, sealed and delivered in presence of—

JOHN WILLIAMS,
JOHN REDMAN,
WILLIAM BOWELL,
JNO. STODDARD,
THOMAS FOSTER,
JAMES CRAWFORD,
JOHN MAUD, JR.,
ROBERT GREEN,
WILLIAM BOWLES,
JOHN BARBER.

A true copy from the original deed.

Attest: J. HOWELL.

C.

[AFFIDAVITS OF EARLY NAVIGATORS, RELATIVE TO CAPTAIN KENDRICK'S PURCHASES OF LANDS FROM THE NATIVES.]

I.—CAPTAIN DORR'S AFFIDAVIT.]

I, Ebenezer Dorr, of Roxbury, in the Commonwealth of Massachusetts, aged seventy-six years, on oath, depose and say, that, on the seventeenth of September, in the year 1790, I left Boston as Supercargo in the brig *Hope*, commanded by Captain Joseph Ingraham, John Cruft being the chief officer, and entered Clicoquot-harbor, on the Northwest coast, on the twenty-third of July, 1791, as appears by my private journal. In the beginning of September, in the year 1791, we left the coast for China, and arrived at Macao, early in the year 1792. The brig *Lady Washington*, commanded by Captain John Kendrick, was lying in Lark's-bay, near Macao.

I had a personal and intimate acquaintance with Captain Kendrick; and, while in Lark's-bay, was frequently on board his vessel. In some of my visits, I recollect to have seen, inspected, and read, several deeds executed by Indians on the Northwest coast, to Captain John Kendrick. I believe that the names of Maquinna and Wickaninish were affixed to some of the deeds; and there were other names, and there were crosses.

I recollect that muskets and clothing, and that copper, and knives, and chisels, and many other articles, were named, in the deeds as having been paid as the consideration for said deeds. I heard Kendrick remark that he had on board one thousand prime otter-skins; he told me that he had other furs, of different qualities, and also that he had some beaver. I had considerable conversation with him, from time to time, relative to the disposition of this property, for the benefit of the owners; but I declined having anything to do with it.

In my second voyage, which was in the years 1795 and 1796, I was at Macao; and it was the current report, at that time, that an Englishman, by the name of Howell, after the accidental death of Captain John Kendrick, at the Sandwich Islands, took possession of the *Lady Washington*, her papers, and cargo; and proceeded with them to Macao. The vessel was afterwards cast away, in the Straits of Malacca, whilst under the command of said Howell. It is not known what disposition was made of the cargo.

I recollect Captain Kendrick's speaking to me of a certain deed of a tract of land, being in a square, taken of the Indians, by Kendrick, for the owners of the vessels, *Columbia* and *Washington*; and I recollect his telling me what a fine tract it was; that a pile of stones was raised up and trees marked, near the head of navigation of a river; and that one side of said square extended eight days' journey from that point, down the river; and that the square was bounded eight days' journey, on each side, one side of which was a river. I cannot positively say, but believe I have seen this deed. It was generally understood, when I was at Macao, the second voyage, that this and the other deeds were in the possession of Howell.

EBENEZER DORR.

COMMONWEALTH OF MASSACHUSETTS, } ss:
Norfolk County,

ROXBURY, November 16, 1839.

Then personally appeared Ebenezer Dorr, above-mentioned, and made oath to the truth of the foregoing statement by him signed, according to the best of his knowledge and belief, before me,

JOHN J. CLARKE,
Justice of the Peace.

[II.—CAPTAIN CRUFT'S AFFIDAVIT.]

I, John Cruft, of Boston, in the Commonwealth of Massachusetts, aged seventy-one years on oath, depose and say that, in September of the year seventeen hundred and ninety, I sailed as chief-officer in the brig *Hope*, commanded by Captain Joseph Ingraham, on a trading-voyage to the Northwest coast, where she arrived, in the latter part of June, A. D. 1791; we left the Northwest coast, in October or November following, for the Sandwich Islands. Thence, we sailed for Macao, where we arrived sometime in January, 1792, to the best of my knowledge, and found Captain John Kendrick, in the brig *Lady Washington*, lying in Lark's-bay, about five leagues from Macao. After being about a month and a half in the bay, I went aboard Kendrick's vessel, the *Lady Washington*, as chief officer, where I continued about seven

months. While on board the *Lady Washington*, I saw a number of deeds, executed by Indians, on the Northwest coast to Captain John Kendrick. I remember the names of Maquinna and Wickaninish to some of the deeds; and there were several other names; and I recollect crosses or marks opposite the names. I recollect the names, and was personally acquainted with several of the witnesses of the deeds, to wit, John Williams, Chief officer of the *Lady Washington*, John Redman, the Second officer, John Stoddard, Captain's Clerk, William Bowell, the Third officer, Thomas Foster, Carpenter, John Barber, the Blacksmith, James Crawford, Gunner, William Bowles, Sail-maker, (said Bowles afterwards married my sister,) Robert Green, Cooper, and John Porter, Carpenter's-mate. I had the deeds in my hands, several times; I read the deeds, and recollect the consideration named in the deeds consisted of muskets, cloth, and articles of trade.

JOHN CRUFT.

Witness: M. CRUFT.
COMMONWEALTH OF MASSACHUSETTS, } ss:
Suffolk County,
November 18, 1839.

Then personally appeared, the above-named John Cruft, and made oath that the foregoing statement by him signed is true, before me,
G. S. BULFENCH,
Justice of the Peace.

[III.—CAPTAIN YOUNG'S AFFIDAVIT.]

To whom it may concern.

TOWAIIHAE, HAWAII, JUNE 26, 1835.

I, the subscriber, in the year A. D. 1789, commenced a residence on the Sandwich Islands. Afterwards, in Kearakekua, on the island of Hawaii, I became acquainted with Captain John Kendrick, who commanded the schooner *Washington*, from Boston, Massachusetts, he having passed several Winters at the above island. I heard Captain Kendrick often speak of the purchases of lands, which he said he had made from Indian Chiefs, on the Northwest coast. I frequently saw deeds in his possession, signed by Chiefs, who, at that time, lived at and South of Nootka-sound, and witnessed by men belonging to his vessel, of whom I had some knowledge. Among the Chiefs whose marks were made to the deeds, I distinctly recollect the names of Maquinna and Wickaninish.

I had much intimate acquaintance with Captain Kendrick; and believed him to be a man of strict veracity; and had no reason to doubt his having made the above purchases, and his having paid, as he represented, a consideration at that

time, satisfactory to the Chiefs who had given the deeds.

JNO. YOUNG.

Signed in the presence of—
HENRY A. PIERCE, Boston, U. S.
HALL J. KELLY.

John Young is mentioned in Stewart's *Visit to the South Seas*, ii., 167:

"The Governor of Maui, the Princess, with Miss Young, a bosom companion, daughter of John Young, of Hawaii, the oldest foreign resident at the island, etc."

[IV.—SAMUEL YENDELL'S AFFIDAVIT.]

BOSTON, October 30, 1838.

Samuel Yendell, of the city of Boston, in the Commonwealth of Massachusetts, aged sixty-nine years, doth, on oath, testify and declare, that, in the years of our Lord one thousand seven hundred and ninety-one and one thousand seven hundred and ninety-two, I was on board the ship *Columbia*, Captain Robert Gray, in a voyage to the North-west coast. While at Clyoquot, on that coast, in the village Wickaninish, I heard it often said that the Indian Chief Wickaninish, had sold to Captain John Kendrick his territory.

It was a current report that said Kendrick had paid said Wickaninish in guns, clothing, and copper, (these are all the things I recollect,) for the lands purchased as aforesaid.

Also, I testify that, in May, A. D. 1792, I was with Captain Robert Gray in the ship *Columbia*, at which time said ship entered the Columbia-river.

SAMUEL YENDELL.

Witness to signature: CHARLES A. YENDELL.

COMMONWEALTH OF MASSACHUSETTS, } ss:
Suffolk County,

November 1, 1838.

Sworn to by the said Samuel Yendell, before me,

S. E. SEWALL,
Justice of the Peace.

[V.—JAMES TREMERE'S AFFIDAVIT.]

BOSTON, October 30, 1838.

James Tremere, of the city of Boston, in the Commonwealth of Massachusetts, aged seventy-seven years, does, on his oath, testify and declare, that, in the year of our Lord one thousand seven hundred and eighty-nine, I was on board the ship *Jefferson*, Captain Benjamin Robinson, which sailed from Boston, in November of that year, in a voyage to the Northwest coast of America, and that while in Nootka-sound, I saw

there the sloop *Washington*, commanded by John Kendrick; and that I went on board the said *Washington*, and recollect that, while I was on board, I saw, on the deck of said sloop, the Indian Chief Maquinna, and other Indian Chiefs, making sale of lands to the said Captain John Kendrick. I likewise saw Maquinna go up to the masthead and point to distant parts of the territory, apparently with the intention of giving possession; and he did give possession. The aforesaid sale of territory was made in the year of our Lord 1791; as near as I can recollect. The Spaniards had left Nqotka-sound about two months before the sale. The fort which the Spaniards had built had the appearance of having mounted twenty guns, which a seventy-four gun ship belonging to the Spaniards carried away.

his
JAMES X TREMERE.

Witness: B. B. TREMERE. mark
COMMONWEALTH OF MASSACHUSETTS, } ss:
Suffolk county,

November 1, 1838.

*Sworn to by the said James Tremere before me,

S. E. SEWALL,
Justice of the Peace.

D.

JOSEPH BARRELL TO COLBURN BARRELL.

June 18, 1795.

When I mentioned the large tract of country on the North-west coast, I did not expect much would have been said at present on that account; but I will state to you what I know of the matter, and will write Mr. John Hoskins, who is now in France, and who has been on the land, and am sure the accounts he will give of the climate and produce of it must be pleasing to any seriously one that may wish to purchase. The deeds of these lands are yet in China, where, I understand, they are registered in the office of the American Consul. They are from the Chief of the country, and contain all the authenticity that could be given of four degrees of Latitude, or two hundred and forty miles square. This tract was purchased by Captain John Kendrick, for the owners of the ship *Columbia* and sloop *Washington*, the first American vessels that ever went round the world. Of this concern, I owned something more than two-seventh parts, and, of course, am entitled to that proportion of the land; the deeds of this land have been since recognised by the natives, upon the claim of Mr. Meares. Mr. Hoskins was there on the spot, and heard the Chiefs declare they had never sold any of their lands but this tract

to Kendrick, which they declared they would abide by. * * * The Congress of the United States, nor any other power in the world, that I know of, claims any jurisdiction over them; and I suppose the title as good as can be given by uncivilized people.

E.

CIRCULAR OF BARRELL AND SERVANTES, PUBLISHED IN FOUR EUROPEAN LANGUAGES, AND EXTENSIVELY CIRCULATED.

LONDON, August 31, 1795.

SIR: We have taken the liberty to address this Circular to your Excellency as a specimen of one of our recent operations. We are forwarding the same to all parts of Europe; and, as the great object of our office and manifest tendency of all our proceedings are to promote the prosperity of the United States, we assure ourselves they will meet your Excellency's approbation, and are therefore encouraged to solicit the honor of your countenance.

We are, with the highest respect, Sir, your most obedient and humble servants,

BARRELL & SERVANTES.

TO THE INHABITANTS OF EUROPE.

The era of reason is now dawning upon mankind; and the restraints on men's laudable endeavors to be useful will cease. The Agents for the sale of American lands, therefore, take this method of informing all classes of men, in Europe, that, by application at their office, No. 24 Threadneedle-street, London, they may meet objects worthy of their serious attention. That such as wish to hold lands (though aliens) in America, may purchase, to any amount, on very low terms, and a perfectly secure tenure: * *

That such as may be inclined to associate for settling a Commonwealth on their own Code of Laws, on a spot of the globe nowhere surpassed in delightful situation, healthy climate, and fertile soil; claimed by no civilized nation; and purchased under a sacred Treaty of Amity and Commerce, and for a valuable consideration, of the friendly natives, may have the best opportunity of trying the result of such an enterprise.*

* In consequence of an expedition fitted out at Boston-North America, in the year 1787, Captain J. Kendrick, while prosecuting a voyage with the natives, for furs, purchased of them, for the owners, a tract of delightful country, comprehending four degrees of Latitude, or two hundred and forty miles square. The deeds are, at present, in China, and registered in the office of the American Consul; and the Agents are authorized to treat with any gentleman, or association, for the purchase of a tract of land, no where exceeded for fertility and climate, and which may, by a prudent management of some wise institution, become of the utmost importance.

F.

SEA-LETTERS AND CERTIFICATE OF CARGO.

[I.—SEA-LETTER OF THE COLUMBIA, FROM THE FEDERAL AUTHORITIES.]

To all Emperors, Kings, Sovereigns Princes, States and Regents, and to their respective officers, civil and military, and to all others whom it may concern:

I, George Washington, President of the United States of America, do make known, that Robert Gray, Captain of the ship called the *Columbia*, of the burden of about two hundred and thirty tons, is a citizen of the United States; and, as I wish that the said Robert Gray may prosper in his lawful affairs, I do request of all the before-mentioned, and each of them, separately, where the said Robert Gray shall arrive with his vessel and cargo, that they will be pleased to receive him with kindness, and treat him in a becoming manner; permitting him, on the usual tolls and expenses, in passing and re-passing, to navigate, pass, and frequent their ports, passes, and territories, to the end, that he may transact his business where, and in what manner, he shall judge proper; and, thereby, I shall consider myself obliged.

In testimony whereof, I have caused the seal of the United States to be affixed to these presents, and have hereunto set my hand, at the city of New York, the sixteenth day of September, in the year of our Lord,

[L.s.] one thousand, seven hundred and ninety.

By the President:

G. WASHINGTON.
TH. JEFFERSON.

[II.—SEA-LETTER OF THE COLUMBIA, FROM THE STATE AUTHORITIES.]

COMMONWEALTH OF MASSACHUSETTS.

By His Excellency John Hancock, Esq., Governor of the Commonwealth of Massachusetts. To all who shall see these presents, greeting:

It is hereby made known, that leave and permission has been given, by the Naval officers, to Captain Robert Gray, Master and Commander of the ship *Columbia*, now lying at Boston, within this State, to depart from thence, and proceed, with his ship and cargo, on a voyage to the North-west coast of America; and that the said ship and cargo belong to Joseph Barrell, Esquire, and others, gentlemen of character and reputation, citizens of this Commonwealth, being one of the thirteen United States of America.

Now, in order that the said Master may prosper in his lawful affairs, it is earnestly requested and recommended to all who may see these presents, at whatever port and place said Master, with his vessel and cargo, may arrive,

that they would please to receive him, the said Master, with goodness; afford him all such aid and assistance as he may need; and to treat him in a becoming manner, permitting him, upon paying the usual expenses in passing and re-passing, to pass, navigate, and frequent the ports, passes, and territories, wherever he may be, to the end that he may transact his business where, and in what manner, he shall judge proper, he keeping and causing to be kept, by his crew, on board, the Marine Ordinances and Regulations of the place where he is trading.

Given under my hand and the seal of the Commonwealth aforesaid, this twenty-fourth day of September, A. D. 1790, and [L.s.] in the fifteenth year of the independence of the United States of America.

JOHN HANCOCK,

By his Excellency's command:

JOHN AVERY, Jr., Secretary.

[III.—CERTIFICATE OF THE CARGO OF THE COLUMBIA.]

UNITED STATES OF AMERICA.

District of Boston and Charlestown, in the Commonwealth of Massachusetts.

These certify all whom it may concern, that Robert Gray, Master and Commander of the ship *Columbia*, burden two hundred and twelve tons or thereabouts, navigated with thirty men, mounted with ten guns, has permission to depart from this Port with the following articles, viz: two thousand bricks, six chaldrons sea-coal, one hundred and thirty-five barrels beef, sixty barrels pork, three hog-heads N. E. rum, two hog-heads W. I. rum, five hog-heads molasses, five barrels sugar, ten boxes chocolate, two hundred and twenty-eight pounds coffee, seventy-two pounds Bohea-tea, six casks rice, twenty barrels flour, twenty-seven thousand pounds bread, six firkins butter, five hundred pounds cheese, thirty barrels tar, thirteen barrels pitch, thirty packages of merchandise, six tons bar-iron, twenty hundred bar-lead, fifteen hundred pounds gunpowder, three hundred pounds small shot.

Given under our hands and seals, at Boston aforesaid, the twenty-fifth day of September, in the year of our Lord one thousand seven hundred and ninety.

R. LINCOLN, Collector.

JAMES LOVELL, Naval Officer. [L. s.]

G.—CORRESPONDENCE OF THE GOVERNMENT WITH THE OWNERS OF THE SHIPS.

BOSTON, November 28, 1816.

Sir: In consideration of a desire expressed

by the President, that search should be made for proofs of Captain Kendrick having purchased lands of the Indians, on the North-west coast of America. I have examined Mr Barrell's papers and made inquiry of several persons who have been on the coast, all which proves, in the most satisfactory manner, that Captain Kendrick did make several purchases of the Indians, of lands, on that coast, for the owners of the *Columbia* and *Washington*, whose vessels were under his command. Captain Kendrick's letters and those of Mr. Howell, who was with him until he died, and took possession of all his papers, deeds, etc., explicitly declare that Captain Kendrick made several purchases of lands from the Indians about Nootka-sound, and for a distance of four degrees; and that there were regular deeds drawn up, and signed by a number of Indian Chiefs, conveying those lands to the owners of those vessels. These facts are corroborated by the evidence of several persons, now here, some of whom were present, as they state, when possession was given to Captain Kendrick, by the Chiefs, and who saw the deeds, and heard the Indians acknowledge that they had sold large tracts of lands to Captain Kendrick, and afterwards say, that they had never sold lands to any other person. The lands were taken possession of with much formality, the American flag hoisted, a bottle sunk in the ground, etc., and many Chiefs present at the ceremony.

From a variety of circumstances, the deeds for the above lands never reached this place. Mr. Howell, who had them in his possession, after the death of Captain Kendrick, writes from Macao, in 1796, to Mr. Barrell, in reply to a letter of Mr. Barrell, in which he requests him to send forward the deeds, saying that he then had the deeds; that they are recorded, there, by a Notary-public, and triplicates made out; and that the originals shall be sent forward. As late as May, 1798, Mr. Howell writes to Mr. Barrell, from Manilla, that "he is in daily expectation of his papers, and among them your deeds of the lands on the North-west coast: you shall certainly have them transmitted." The officer of the ship *Columbia*, who first landed and, by orders of his Commander, took possession at Columbia-river, is now here, and recollects all the circumstances of hoisting the American flag and planting some New England pine-tree shillings under a tree, naming the river after the ship, and the two capes, one the Hancock, the other Adams; etc. It is believed that the deeds of this land were registered in the Consulate, at Canton, as Colonel Perkins thinks he saw them there, in the hands of Mr. Randall, Vice Consul. Should the Government deem it proper to

make further inquiry into this business, much evidence can be found here, to substantiate the above statement; and the owners are taking means to procure from China, or from Bengal, where Howell is supposed to have died, the original deeds or authenticated copies of them: they are desirous of giving all aid to the Government. I would, with due diffidence, submit to your consideration, whether the best way to obtain well-authenticated evidence, would not be to require Judge Davis of this District, who, from his disposition to make researches in such things, is better qualified than perhaps any person here, to make such inquiries as Government may think requisite to be made. I do not propose this to avoid trouble, feeling myself bound to render any service in my power. I shall gratefully receive your commands, being, with very high respect, your obedient servant,

B. Joy.

HON. JAMES MONROE, Esq.,
Secretary of State.

WASHINGTON, December 1, 1817.

DEAR SIR: I shall deem it a particular favor if you will have the goodness to forward to me, as soon as you conveniently can, copies of the papers relating to the purchase of lands from the Indians, on the North-west coast of America, and of the journal of the vessel, which you were good enough to lend me for my perusal when I had last the pleasure of seeing you at Boston.

I am with great respect, Dear Sir, your very obedient servant,

JOHN QUINCY ADAMS.

CHARLES BULLFINCH, Esq., Boston.

IV.—A NAVAL HISTORY OF RHODE ISLAND.—CONTINUED FROM PAGE 102.

BY HON. J. RUSSELL BARTLETT.

XVII.

MOORE TROOPS SENT TO CROWN POINT. EMBARGO LAID. BRADDOCK'S DEFEAT. REINFORCEMENTS TO BE SENT TO THE NEW ENGLAND ARMY. DEFEAT OF THE FRENCH, AT LAKE GEORGE. CONVENTION OF THE COLONIES. THE KING'S COMPLIMENTS TO RHODE ISLAND FOR HER AID IN THE WAR.

The encroachments of the French was the watchword used by the Ministry and their agents in America to rouse the Colonies to action. "They have long since marked out for