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TERRITORY OF OREGON.

[To accompany bill H. R. No. 976.]

JANUARY 4, 1839.

Read, and 10,000 extra copies ordered to be printed.

Mr. CUSHING, from the Committee on Foreign Affairs, to which the subject had been referred, submitted the following

REPORT:

*The Committee on Foreign Affairs, to which were referred a Message from the President of the United States, and a Resolution of the House, in relation to territory of the United States beyond the Rocky Mountains, report, in part:*

The Committee have examined the present subject with the deliberate care, which their estimation of its importance demands; and they are of opinion that it is due alike to the interests and the honor of the United States to take immediate steps to assert and secure the national rights in this matter.

They find that in his Message to the two Houses at the commencement of the second session of the eighteenth Congress (December 7th, 1824) the then President of the United States (Mr. Monroe) recommended the subject to the consideration of Congress in the following terms:

“In looking to the interests which the United States have on the Pacific Ocean, and on the western coast of this Continent, the propriety of establishing a military post at the mouth of Columbia river, or at some other point in that quarter within our acknowledged limits, is submitted to the consideration of Congress. Our commerce and fisheries on that sea, and along the coast, have increased, and are increasing. It is thought that a military post, to which our ships of war might resort, would afford protection to every interest, and have a tendency to conciliate the tribes to the northwest, with whom our trade is extensive. It is thought, also, that, by the establishment of such a post, the intercourse between our western States and Territories, and the Pacific, and our trade with the tribes residing in the interior, on each side of the Rocky Mountains, would be essentially promoted. To carry this object into effect, the appropriation of an adequate sum to authorize the employment of a frigate, with an officer of the corps of engineers, to explore the mouth of the Columbia river, and the coast contiguous thereto, to enable the Executive to make such establishment at the most suitable point, is recommended to Congress.”

At the commencement of the ensuing Congress, the same subject was referred to in the annual Message of the then President of the United States (Mr. Adams) as follows:

“Our coasts, along many degrees of latitude upon the shore of the Pacific Ocean, though much frequented by our spirited commercial navigators, have been barely visited by our public ships. 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 armed national flag at its mouth. With the establishment of a military post there, or at  
Thomas Allen, print.

some other point of that coast, recommended by my predecessor, and already matured in the deliberations of the last Congress, I would suggest the expediency of connecting the equipment of a public ship for the exploration of the whole northwest coast of this Continent."

The Committee are of opinion that all the inducements to this measure, which existed at that time, continue now in full force, and have acquired new cogency and intensity with the lapse of years; and that other and equally strong ones have since grown up, all pointing to the same object; and they propose to exhibit these in full to the House, in obedience to their instructions, which enjoin them not only to inquire into the general question of the expediency of establishing a post on the river Columbia, but also into the particular elements of which the general question is composed. In the discharge of which duty, they proceed to consider in the present Report,

"The extent of the country claimed by the United States west of the Rocky Mountains, and on the northwest coast on the Pacific Ocean; the title under which it is claimed; and the evidence of the correctness of that title."

By the treaty between Spain and the United States concluded at Washington the 22d of February, 1819, commonly called the Florida Treaty, it is agreed that the boundary line between the possessions of the two nations west of the Mississippi, after reaching the river Arkansas, shall be "following the course of the southern bank of the Arkansas, to its source, in latitude 42 north; and thence, by that parallel of latitude, to the South Sea." And this line is confirmed by compact between the United States, and the Mexican Republic as the successor of Spain, in the treaty of limits concluded at Mexico on the 12th of January, 1828. In virtue of which two treaties, the southerly extent of the country in question, from the Rocky Mountains west to the Pacific, is the forty-second parallel of north latitude.

By the treaty between Russia and the United States concluded at St. Petersburg the 17th of April, 1824, it is agreed that there shall not be formed by the citizens of the United States, or under the authority of the same, any establishment upon the northwest coast of America, nor in any of the islands adjacent, to the north of 54 degrees and 40 minutes of north latitude; and in like manner, none by Russia or her subjects, south of the same parallel of latitude.

Saving the rights, whatever they may be, of the Indian tribes scattered over the country, there is no foreign Government, except Great Britain, which asserts or pretends any title in the tract of country west of the Rocky Mountains on the Pacific, adverse to that of the United States.

There is a convention between Russia and Great Britain, concluded at St. Petersburg the 28th of February, 1825, by which Russia engages to Great Britain, as she had already done to the United States, to make no settlement on the northwest coast south of the latitude of 50 degrees 40 minutes north. This treaty could not, of course, prejudice the rights of the United States, any more than the preceding one the rights of Great Britain.

The United States and Great Britain have, by a convention concluded at London the 20th of October, 1818, mutually agreed that the 49th parallel of north latitude shall be the line of demarcation between their respective territories west of the Lake of the Woods, and thence to the Rocky Mountains. Efforts have been made to adjust their conflicting

pretensions west of the Rocky Mountains; but thus far without definitive results. Great Britain, without undertaking to set up any claim to exclusive rights in that direction, or pretending to possess any exclusive jurisdiction or sovereignty therein, denies the claim of the United States to any such sovereign jurisdiction. Or, in fairness to her own pretensions, to state them in the words of her own ministers, they are:—

“Great Britain claims no exclusive sovereignty over any portion of that territory. Her present claim, not in respect to any part, but to the whole, is limited to a right of joint occupancy, in common with other States, leaving the right of exclusive dominion in abeyance. In other words, the pretensions of the United States tend to the ejection of all other nations, and, among the rest, of Great Britain, from all right of settlement in the district claimed by the United States.”—(*Protocol, December 16, 1826.*)

Meanwhile, the actual relations of the two Governments, in regard to this territory, are defined by the third article of the before-mentioned convention of the 20th of October, 1818, as follows:

“Art. 3. It is agreed, that any country that may be claimed by either party on the northwest coast of America, westward of the Stony Mountains, shall, together with its harbors, bays, and creeks, and the navigation of all rivers within the same, be free and open, for the term of ten years from the date of the signature of the present convention, to the vessels, citizens, and subjects of the two Powers: It being well understood, that this agreement is not to be construed to the prejudice of any claim which either of the two high contracting parties may have to any part of the said country, nor shall it be taken to affect the claims of any other power or state to any part of the said country; the only object of the high contracting parties in that respect being to prevent disputes and differences amongst themselves.”

And the same rights are further defined, by a convention concluded at London the 6th of September, 1827, as follows:

“Art. 1. All the provisions of the third article of the convention concluded between the United States of America, and his majesty the King of the United Kingdom of Great Britain and Ireland, on the 20th of October, 1818, shall be and they are hereby further indefinitely extended and continued in force, in the same manner as if all the provisions of the said article were herein specifically recited.

“Art. 2. It shall be competent, however, to either of the contracting parties, in case either should think fit, at any time after the 20th of October, 1828, on giving due notice of twelve months to the other contracting party, to annul and abrogate this convention; and it shall, in such case, be accordingly entirely annulled and abrogated, after the expiration of the said term of notice.

“Art. 3. Nothing contained in this convention, or in the third article of the convention of the 20th of October, 1818, hereby continued in force, shall be construed to impair, or in any manner affect, the claims which either of the contracting parties may have to any part of the country westward of the Stony or Rocky Mountains.”

At the date of the Message referred to the Committee, April 30th, 1833, no recent communication on this subject had passed between the two Governments; nor is it known to the Committee that any has passed since; and it is to be taken for granted, therefore, that neither Government has given the notice provided by the convention of 1827, and that their relations in this matter remain unchanged; by means of which, of course, the respective *rights* of the parties are to be collected from circumstances and considerations existing anterior to the 6th of September, 1827, the date of the last convention on the subject. To which, however, is to be added the fact that, in 1826, the United States, “animated by a spirit of concession and compromise,” which met with no correspondence on the part of Great Britain, offered to continue the line of 49 degrees from the eastern side of the Stony Mountains, where it now terminates, to the Pacific Ocean, as the permanent boundary between the territories of the two Powers in that quarter.

The United States, then, claim title to the exclusive dominion, as against any foreign Power, of the country, extending east and west from the Rocky Mountains to the Pacific Ocean, and north and south from the limits of the Mexican Republic in latitude 42 north to those of Russia in latitude 54 degrees 40 minutes north, with an offer to relinquish to Great Britain all north of latitude 49. They claim this on three grounds; 1. in their own right; 2. as the successor of France; and 3. of Spain.

As preliminary to the discussion of the contested points of the case, and needful to the full understanding of its merits, the Committee premise a brief account of the voyages of discovery, enterprises, and settlements, of the Powers in question, on the northwest coast and interior of the Continent, so far as they bear upon the present controversy; referring to the documents appended to this Report for a full and detailed account of the history of northwestern discovery.

Spain, having established her power in Mexico, was impelled, by the same causes which led to the original conquest, to seek its extension. She was impelled to undertake expeditions by sea and land to the northwest by another inducement, namely, the hope of discovering a direct northerly passage by sea from the Atlantic to the Pacific Ocean; which anticipated passage used to be projected in the old maps of the seventeenth century by the name of the Straits of Anian.

Hernan Cortes himself set the example of these enterprises, by undertaking several of them at his own charge, and conducting one of them in person, exploring the Gulf of California, and thus leading the way to the settlement of that country, and to the subsequent voyages of the Spaniards and others along the northwestern coast of America. Prior to the visit of any other European Power, the Spaniards had prosecuted their discoveries to Cape Mendocin and Cape Blanco, in voyages of unquestionable authenticity. Complete and authentic evidence, also, exists, that Don Esteban Martinez, in 1774, made the first discovery of the sound of Nootka; that in 1775 Don Bruno Heceta, Don Juan de Ayala, and Don Juan de la Bodega y Quadra, were the first to discover the bay of the river Columbia, which they called *Entrada de Heceta*.

Though there is not the same authentic evidence of some other voyages of ancient date in that quarter ascribed to Spanish navigators, yet it is at present generally admitted that in 1599 Juan de Fuca discovered and explored the strait which now universally bears his name.

The river Columbia itself was first entered and explored by Captain Robert Gray of Boston, in the year 1792, in the ship *Columbia*, whose name, applied to the river, also perpetuates the memory of the original discovery.

The first European establishment, founded on any part of the northwest coast from California to the 49th degree of north latitude, was made by Fidalgo in 1799 on the main land at the entrance of the Strait of Juan de Fuca.

Leaving the Pacific, we find that three only of the great European Powers acquired a permanent foothold in North America from the side of the Atlantic.

Spain secured to herself the countries of Mexico, extending from the Gulf of Mexico to the Pacific, and so indefinitely to the northwest; and also the country of Florida, limited to the northeastern shore of the Gulf.

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that of the Mississippi on the other, the whole connected together by the great Lakes, and constituting a noble and unique territory, stretching from the northeast to the southwest, in the rear of the English settlements on the Atlantic, restricted by them on the east, but extending westward indefinitely towards the Pacific and the possessions of Spain.

England got possession of the region of country on the Atlantic, extending from the neighborhood of the St. Lawrence on the northeast to Florida on the south, and westward indefinitely, in conflict with the claims of France in that direction. England also established herself in the waters of Hudson's Bay, with a claim extending into the interior indefinitely, in conflict with the claims of France along the St. Lawrence and the great Lakes.

Whatever rights, be the same more or less, were held by Spain in the northwest, have, as already stated, been expressly ceded to the United States by Spain and by the Mexican Republic.

Whatever rights Great Britain had in virtue of her possessions between the St. Lawrence and Florida, she recognised as vested in the United States by the treaty concluded at Paris the 3d September, 1783, commonly called the Treaty of Peace; acknowledging the said States to be free, sovereign, and independent; and relinquishing "all claims to the government, propriety, and territorial rights of the same and every part thereof."

Whatever rights France had, subsequently to the conquest by Great Britain and the now United States, (for we performed a large part of that work,) of that part of her possessions lying on the St. Lawrence, she ceded to the United States by the treaty concluded at Paris the 30th of April, 1803, commonly called the Louisiana Treaty.

At the date of the Florida Treaty, therefore, in 1819, there remained to Great Britain, of her ancient territory in North America, only the countries of the St. Lawrence and of Hudson's Bay; all the residue of the Continent, eastward of the Rocky Mountains and south and west to the confines of the Mexican Republic, having become undeniably vested in the United States.

This result was reached by various treaties and conventions between Spain, France, Great Britain, and the United States, the combination of which treaties restricted or extended in one way or another, by express compacts, the respective territories of Great Britain and the United States; which compacts, therefore, and the acts consequent on them, constitute the next stage in the history of the title of the United States to the territory of Oregon.

By treaty between Great Britain and France, concluded at Utrecht the 17th of April, 1713, Art. iii, "Hudson's Bay, together with all lands, &c., which belong thereunto" was restored to Great Britain; and the article proceeds:

"It is agreed on both sides to determine within a year, by Commissioners to be forthwith named by each party, the limits which are to be fixed between the said Bay of Hudson and the places appertaining to the French; \* \* \* \* the same Commissioners shall also have orders to describe and settle, in like manner, the boundaries between the other British and French Colonies in those parts."—(*Jenkinson's Treaties*, vol. ii.)

And the Commissioners appointed under this article adopted the 49th parallel of latitude as the line of demarcation between the possessions of England and France in that quarter and west of the Mississippi; in pursuance of which the same limit was ratified and confirmed between Great Bri-

tain, and the United States as the successor of France, by the second article of the convention of the 20th October, 1818, so far west as to the Rocky Mountains.

By the treaty between Great Britain, France, and Spain, concluded at Paris the 10th of February 1763, the former was confirmed in the possession of the conquered provinces of France on the St. Lawrence, and, on the other hand, relinquished irrevocably all claims to territory beyond the Mississippi in the seventh article as follows :

“The confines between the British and French possessions in North America shall be fixed irrevocably (seront irrévocablement fixés) by a line drawn along the middle of the Mississippi from its source to the river Iberville; and from thence, by the middle of the river Iberville, and the lakes Maurepas and Pontchartrain, to the sea:” (that is, to the Gulf of Mexico.)—(*Chalmers*, vol. ii; *Martens, Recueil*, vol. i.)

The Louisiana Treaty cedes to the United States the colony or province of Louisiana with the same extent it had in the hands of Spain in 1800, and that it had when previously possessed by France, with all its rights and appurtenances.

This description is, to be sure, sufficiently loose. But Napoleon, having made the cession at the moment of going to war with Great Britain, and having made it to prevent the country from falling into the hands of the latter, and having ceded it to the United States out of friendly feelings towards us, and in order to augment our power as against that of Britain; being actuated by these motives, he, of course, chose to execute a quit-claim rather than a warranty of boundaries; and the United States, placed in the position of acquiring, at a cheap price, a territory of a value altogether inestimable to her, (for Louisiana would have been well purchased at a cost of twenty times sixty millions of francs,) had no disposition to be hypercritical on this point, and thus hazard the loss of such a favorable contingency. (*Barbé Marbois, Hist. &c. de la Louisiane.*) And though much controversy sprang up in regard to the southwestern or southeastern limits of Louisiana, yet all this resolved itself at length into a question with Spain, as did also the doubts as to the western limits of Louisiana.

Mr. Jefferson, at any rate, took enlarged views of the rights of the United States in this respect; and in his Message to Congress of the 18th of January, 1803, recommended the exploration of the northwestern parts of the country, not on the Missouri merely, but “even to the Western Ocean,” putting the expediency as well as constitutionality of the exploration expressly on the ground of its being territory claimed by the United States; and the fruit of this recommendation was the celebrated expedition of Lewis and Clark.

Prior to that time, little was known of the vast region watered by the Missouri and the Columbia, and of the intervening Rocky Mountains, now so familiar to the hardy hunters of the West. Of the latter river, the earliest mention known to the Committee is by Jonathan Carver, a citizen of the then Colony of Connecticut, who travelled among the Indians of the Upper Mississippi, in 1763, and who in his book speaks of the “Oregon, or River of the West,” and of “the river Oregon, or River of the West, that falls into the Pacific Ocean at the Straits of Anian.” It is probable that Carver derived his idea of the existence of this river from the wandering Indians, among whom he lived, and who had either crossed the Rocky Mountains themselves, or received visits from the Indians on the other side. This, at all events, seems to be the ori-

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gin of the name OREGON. For there is no account of the inlet of the river Columbia having been seen by European Christians prior to Heceta's voyage in 1775; or the mouth of the river before the time of Robert Gray in 1792; or its upper waters until the expedition of Lewis and Clark. Thirty years after the travels of Carver, indeed, Alexander Mackenzie crossed the Rocky Mountains in the extreme north, and fell upon a river which he supposed to be the Columbia; but it is now well known and admitted on all hands that he was mistaken, and that the river he saw is no part of the Columbia. So that whilst Americans were the first to navigate the river Columbia upwards from its mouth, so were they also the first to explore it downwards from its sources. Lewis and Clark not only explored the country as ours, but they took possession in behalf of the United States; and the expedition itself, the published account of which went forth to the world, was notice to all nations of our claim of title, and of the possession, by the erection of works and otherwise, in assertion of the title.

This expedition was speedily followed by the actual occupation of the mouth of the river for the purposes of trade and settlement, with the sanction of the United States. In 1811, John Jacob Astor, of New York, who by his successful competition with British fur companies in the northwest had already been of essential service to the United States in neutralizing to some degree the hostile influence exercised by foreign traders over the Indians of the United States, foresaw the ultimate political importance of the Columbia, and conceived the noble idea of carrying his enterprises beyond the Rocky Mountains, and establishing a factory as the nucleus of a future settlement and colonization of the Oregon. The classic narrative of this magnificent undertaking by Washington Irving has spread the fame of Mr. Astor's great design wherever the English language is read.

The establishment at Astoria was anterior to that of any other Power on the Columbia. It was broken up in 1812, fraudulently sold to the Northwest Company by one of Mr. Astor's agents, and taken possession of by the British as an act of war. But the United States claimed that *the sale* to the Northwest Company of course did not affect the national jurisdiction, which continued of right in the United States; and that in obedience to the first article of the Treaty of Ghent, which stipulated for the mutual restitution of "all territory, places, and possession whatsoever, taken by either party from the other during the war," Astoria (or Fort George) should be restored to the United States; and it was done in 1818, in the most formal manner. Mr. Prevost proceeded thither from Lima, and received the surrender as agent of the United States in the following terms:

*"Act of surrender and acknowledgment.*

"In obedience to the commands of His Royal Highness, the Prince Regent, signified in a despatch from the right honorable Earl Bathurst, addressed to the partners or agents of the Northwest Company, bearing date 27th January, 1818, and in obedience to subsequent orders dated 26th July last, from William H. Sheriff, Esq., captain of His Majesty's ship *Andromache*, we, the undersigned, do, in conformity to the first article of the treaty of Ghent, restore to the Government of the United States, through its agent, J. B. Prevost, Esq., the settlement of Fort George, on the river Columbia.

"Given under our hands, in triplicate, at Fort George, Columbia river, this 6th October, 1818.

"F. HICKEY,

"Captain of His Majesty's Ship *Blossom*."

"JAMES KEITH,

"Of the Northwest Company."



It is true that in the despatch of Earl Bathurst, and in Lord Castlereagh's instructions to the British minister at Washington, a reservation is made, that the surrender of possession should not be deemed an admission of the absolute and exclusive right of dominion claimed by the United States; but at the same time, in explanation to Mr. Rush, as stated in a published despatch, "Lord Castlereagh *admitted, in the most ample extent, our right to be reinstated, and to be the party in possession while treating of the title.*" In this condition were the rights of the parties in 1818, at the time of the signature of the convention of the 20th October; and by virtue of the express stipulations of that convention, in the same condition (so far as regards possession) do the rights of the parties still continue. If our title was good then, it is good now; and whatever defects, if any, there were in it then, have been healed by the Florida Treaty; and by the direct admissions of the British Government, *we are entitled now to be in possession of the territory, and so to remain, until the question of ultimate title can be determined.*

It would seem, indeed, that the English themselves are beginning to entertain rational views on the subject; for in remarking upon it recently, a respectable London journal (the Post) says:

"The United States Government now says that the agent of the American Fur Company had no right to dispose of the jurisdiction; and the President, it would appear, is determined to enforce that claim. It must be admitted that the United States have apparently a good case; and if, on investigation, it be found that the sale of the property only took place, and that the allegiance could not be transferred, the surrender of the post to the United States may be the most prudent course. We have but a limited interest in the occupation of Astoria, while to the United States it is of great importance."

Having thus detailed the general facts affecting the title, it now becomes the duty of the Committee to resume these facts, and to apply to them the recognised principles of the law of nations, which prescribe the rights of the parties.

The civilized peoples of Europe and America, which are associated together by their identity of origin and religion, and still more by the innumerable ties of a common civilization, of commercial and social intercourse, and the intercommunication of arts and of knowledge, and which recognise a rule of mutual dealing composed of treaty stipulations, of prescriptive usages, and of certain general principles of right called the law of nations,—these peoples have been accustomed to acquire and to define their possessions in America by the rule of—1. The right of discovery and exploration, followed by settlement; and 2. Its corollary, the right of extension by contiguity to actual settlements.

This rule, in its elementary ingredients, is thus laid down by Vattel:

"All mankind have an equal right to things that have not yet fallen into the possession of any one; and those things belong to the person who first takes possession of them. When, therefore, a nation finds a country uninhabited, and without an owner, it may lawfully take possession of it; and after it has sufficiently made known its will in this respect, it cannot be deprived of it by another nation. Thus, navigators going on voyages of discovery, furnished with a commission from their sovereign, and meeting with islands or other lands in a desert state, have taken possession of them in the name of their nation; and this title has been usually respected, provided it was soon after followed by a real possession."—(§ 207, Chitty's Vattel.)

"The whole earth is destined to feed its inhabitants; but this it would be incapable of doing if it were uncultivated. Every nation is then obliged by the law of nature to cultivate the land that has fallen to its share; and it has no right to enlarge its boundaries, or have recourse to the assistance of other nations, but in proportion as the land in its possession is incapable of furnishing it with necessaries. Those nations (such as the ancient Germans, and some modern Tartars) who inhabit fertile countries, but disdain to cultivate their lands, and choose rather to live

by plunder, are wanting to themselves, are injurious to all their neighbors, and deserve to be extirpated as savage and pernicious beasts. There are others, who, to avoid labor, choose to live only by hunting, and their flocks. This might, doubtless, be allowed in the first ages of the world, when the earth, without cultivation, produced more than was sufficient to feed its small number of inhabitants. But at present, when the human race is so greatly multiplied, it could not subsist if all nations were disposed to live in that manner. Those who still pursue this idle mode of life, usurp more extensive territories than, with a reasonable share of labor, they would have occasion for, and have, therefore, no reason to complain if other nations, more industrious and too closely confined, come to take possession of a part of those lands."—(§ 81.)

"It is asked whether a nation may lawfully take possession of some part of a vast country, in which there are none but erratic nations, whose scanty population is incapable of occupying the whole. We have already observed, (§ 81.) in establishing the obligation to cultivate the earth, that those nations cannot exclusively appropriate to themselves more land than they have occasion for, or more than they are able to settle and cultivate. Their unsettled habitation in those immense regions cannot be accounted a true and legal possession; and the people of Europe, too closely pent up at home, finding land of which the savages stood in no particular need, and of which they made no actual and constant use, were lawfully entitled to take possession of it and settle it with colonies."—(§ 209.)

This rule of prior discovery, occupation, and of extension by contiguity to the exclusion of others, has been recognised, with more or less of precision in its application, by all the Europeans who have established themselves in America, and pervades the discussions, negotiations, and treaties, which expressly regulate, or which have *motived*, the limits of their respective territories. So far as regards themselves, and their mutual relations, its chief defect is its vagueness, and the consequent conflict of pretensions, which it either creates, or at least does not prevent.

In its application to the primitive inhabitants of the New World, it is more questionable in use, and more injurious in its effects. When it began to be applied by Spain, Portugal, England, and other European states engaged in colonial enterprises, it was frequently associated with the idea of religion, as exemplified in the bull of Alexander VI defining the rights of Spain and Portugal, and the commission of Henry VII to the Cabots; the concession being to take possession of countries not already occupied by Christians. However defective, therefore, the rule may be in itself, and however destitute of all reason or justice when made the pretext of conquering and reducing to servitude organized communities like those of ancient Peru and Mexico, it is, nevertheless, the real foundation of the great European Colonies in America. And these rights of the Indians stand in the way of England as well as the United States; and cannot be alleged by her against us and in her own favor. And when a European people has become established in America, and has grown up to national power, the application of the rule is then a matter of absolute necessity; for the Indian tribes being, for the most part, migratory in their habits, as well as transitory and evanescent in their very existence, and possessing, in their barbarous state, few or none of the social institutions essential to the preservation of their separate nationality, to treat them as independent nations, with all the international rights of such, would be absolutely destructive to the civilized states of European stock in or adjoining which they happen to be found, by admitting within the natural limits of such state the intrusion of some other foreign and perhaps hostile Power.

Accordingly, Chief Justice Marshall says :

"All the nations of Europe who have acquired territory on this continent, have asserted in themselves, and have recognised in others, the exclusive right of the discoverer to appropriate the lands occupied by the Indians."

And Judge Story says :

"It may be asked what was the effect of this principle of discovery, in respect to the

rights of the natives themselves? In the view of the Europeans, it created a peculiar relation between themselves and the aboriginal inhabitants. The latter were admitted to possess a present right of occupancy, or use in the soil, which was subordinate to the ultimate dominion of the discoverer. \* \* \* \* But, notwithstanding this occupancy, the European discoverers claimed and exercised the right to grant the soil, while yet in the possession of the natives, subject, however, to their right of occupancy; and the title so granted was universally admitted to convey a sufficient title in the soil to the grantees in perfect dominion."

And Chancellor Kent says:

"This assumed but qualified dominion over the Indian tribes, regarding them as enjoying no higher title to the soil than that founded on simple occupancy, and to be incompetent to transfer their title to any other power than the Government which claims the jurisdiction of their territory by right of discovery, arose, in a great degree, from the necessity of the case. \* \* \* \* It was founded on the pretension of converting the discovery of the country into a conquest; and it is now too late to draw into discussion the validity of that pretension, or the restrictions which it imposes. It is established by numerous compacts, treaties, laws, and ordinances, and founded in immemorial usage. The country has been colonized and settled, and is now held by that title. It is the law of the land, and no court of justice can permit the right to be disturbed by speculative reasonings or abstract rights."

And the peculiar necessity of adhering to the rule, in all dealings between the United States and any of the European Powers, is forcibly illustrated by the pretensions brought forward by Great Britain at Ghent, and the answer of the American ministers, as in the following extracts from one of their letters:

"No maxim of public law has hitherto been more universally established among the Powers of Europe possessing territories in America, and there is none to which Great Britain has more uniformly and inflexibly adhered, than that of suffering no interposition of a foreign Power in the relations between the acknowledged sovereign of the territory and the Indians situated upon it. Without the admission of this principle, there would be no intelligible meaning attached to stipulations, establishing boundaries between the dominions in America of civilized nations, possessing territories inhabited by Indian tribes.

\* \* \* \* "The Indians residing within the limits of the United States \* \* \* are so far dependent, as not to have the right to dispose of their lands to any private persons, nor to any Power other than the United States, and to be under their protection alone, and not under that of any other Power. Whether called subjects, or by whatever name designated, such is the relation between them and the United States. \* \* \* These principles have been uniformly recognised by the Indians themselves \* \* \* in all the \* \* \* treaties between them and the United States.

"The United States cannot consent that Indians residing within their boundaries as acknowledged by Great Britain shall be included in the treaty of peace, in any manner which will recognise them as independent nations, whom Great Britain, having obtained this recognition, would hereafter have the right to consider, in every respect, as such. Thus, to recognise those Indians as independent and sovereign nations, would take from the United States and transfer to those Indians all the rights of soil and sovereignty over the territory which they inhabit; and this being accomplished through the agency of Great Britain, would place them effectually and exclusively under her protection, instead of being, as heretofore, under that of the United States.

"The United States claim, of right, with respect to all European nations, and particularly with respect to Great Britain, the entire sovereignty over the whole territory, and all the persons embraced within the boundaries of their dominions. Great Britain has no right to take cognizance of the relation subsisting between the several communities or persons living therein; they form, as to her, only parts of the dominion of the United States; and it is altogether immaterial whether, or how far, under their political institutions or policy, these communities or persons are independent states, allies, or subjects. With respect to her, and all other foreign nations, they are parts of a whole, of which the United States are sole and absolute sovereigns."

Recurring then to the rule of discovery and occupation in its actual practice, and for the sake of greater pertinency as well as brevity, taking examples in the practice of England herself alone, we find that the English Government, having made discoveries on the Atlantic coast, proceeded to occupy at detached points on the coast, in right of that discovery, and by the rule of discovery and occupation, and of extension by contiguity, to claim and to grant *from Sea to Sea across the whole Continent*, as exemplified in the charters of Massachusetts Bay, Connecticut, and Virginia; and this not only in those early ages, but at the present time;

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for in right of discovery and occupation in Hudson's Bay, she has claimed of us since the Treaty of Ghent, and we have conceded to her, an extension by contiguity through the far interior of the Continent to the foot of the Rocky Mountains.

And it follows irresistibly from the premises, that the United States, having in themselves, and as the successors of Spain, all the rights appertaining to the first navigation along the north west coast, the first discovery of the bay of Juan de Fuca, and of the rivers of Aguilar and Columbia, the first exploration of the same, and the first occupation or settlement of either; and having in like manner all the rights of extension across to or along the Pacific by contiguity, which appertained to Spain as the possessor of New Spain, to England prior to the treaty of Versailles, and to France as the possessor of Louisiana;—it follows irresistibly that we have the right of dominion to the territory of Oregon wholly exclusive of Great Britain.

Precisely the same conclusion may be reached in a different way, by considering separately the Spanish, the French, and the American title; which, moreover, will be the most convenient means of examining the pretensions of Great Britain.

#### The Spanish title.

Spain (or her successor the Mexican Republic) has rights, acknowledged by all the world, as far north on the Pacific as the 42d parallel. And in the same right that she goes thus far, she might, but for the intervention of treaties, go further. Certain it is, that she first explored the northwest coast by ships from Manila or Mexico. She is the admitted discoverer of the river of Aguilar, and of the inlet of the Columbia. She discovered the Strait of Juan de Fuca. She discovered Nootka Sound. First of all Europeans, she founded a settlement on that coast, at the entrance of the Strait of Juan de Fuca. And the natural extension of her possessions northward from California would carry her along until she met some other Power having equal or better rights; and, with exception of the United States, she would encounter none such until she arrived at Prince of Wales island in latitude 54 and at the settlements of Russia. So well founded were these the rights of Spain, that while prior to the conclusion of the Florida Treaty, Great Britain was accustomed, as against the United States, to assert rights of sovereignty in the northwest founded on pretended discoveries and purchases from the Indians, afterwards she was constrained to change her ground, as explained by Mr. Gallatin, (*Letter of August 7, 1827,*) and to content herself with simply denying our right of exclusive sovereignty, without pretending to any on her own part. In fact the claim of England by discovery and occupation was of the flimsiest kind, resting only upon Drake's voyage, his landing in the bay of Bodega (latitude 38) in 1578, and some pretended purchases by him of the Indians of that neighborhood. That is to say, the discovery of a country long before discovered by the Spaniards, and taken possession of by them, and to this day comprehended within the acknowledged limits of California. As to his purchases of the Indians, that again can avail nothing; for by the municipal law of every European Government in America, and of Britain above all, as already seen, no foreign state can acquire jurisdiction, or even title, by purchase from Indians within the territorial limits of another. If it were otherwise, the rule would be fatal to the claims of Great Britain on the whole northwest coast; for the owners of the ship Columbia made extensive purchases of the Indians, the political benefit of which would enure to the United States. Her new pretensions, or new

grounds of cavil, since resorted to by her, depend on the Nootka Convention so called.

The Nootka Convention is a treaty between Spain and Great Britain signed at the Escorial the 28th of October, 1790, in conclusion of the dispute occasioned by the seizure of English vessels at Nootka Sound by Don Esteban Martinez, as detailed in the appendix to this Report.

When the intelligence of that event reached Europe, it came through Spain, who herself gave the first information to the English Government, and accompanied it with the fullest declaration of a pacific purpose, and of her readiness to enter into all proper explanations. But Mr. Pitt haughtily repelled every friendly advance, and appealed at once to the belligerent propensities of Parliament, in behalf of the wounded honor of the nation, demanded and obtained an extraordinary supply of a million sterling, and prepared for war; and thus hurried Spain, who had neither disposition nor readiness for war at that time, into the conclusion of this treaty.

Art. 1. stipulates for the restitution of the property of British subjects dispossessed by Martinez.

Art. 2. engages to make restitution of or compensation for any like seizures which might have been subsequently made.

Art. 3 provides that the respective subjects of Spain and Great Britain shall not be disturbed or molested, either in navigating or carrying on their fisheries in the Pacific Ocean, or in the South Seas, or in landing on the coasts of those seas, in places not already occupied, for the purpose of carrying on their commerce with the natives of the country, or of making settlements there:—*the whole, subject, nevertheless, to the restrictions and provisions specified in the three following articles.*

Art. 4 guards against contraband trade with the Spanish settlements in America.

Art. 5 agrees that in any settlements to be made by either party "the subjects of the other shall have free access, and shall carry on their trade without molestation."

Art. 6 provides for the free continuance of the fisheries on the east and west coast and islands of *South America*, south of the occupation of Spain; and concludes "Provided, that the said respective subjects shall retain the liberty of landing on the coasts and islands so situated, for the purposes of their fishery, and of erecting thereon huts and other temporary buildings serving only for those purposes."

Great Britain contends that, with the rights of Spain on the Northwest Coast, the United States necessarily succeeded to the limitations by which those rights were defined, and the obligations under which they were exercised; and that by the above convention all parts of the northwestern coast of America, not already occupied at that time by either of the contracting parties, should thenceforward be equally open to the subjects of both, for all purposes of commerce and settlement, the sovereignty remaining in abeyance; and that the convention, establishing a new state of things by compact, abrogates the preexisting rights (if any) appertaining to Spain.

The United States have constantly denied all this. They say that, even if the British construction of the Nootka Convention and of its effects were correct, it would avail nothing, because, though the United States might not in other respects have a good title as against Spain, they have as against Great Britain, which title cannot be weakened in the hands of the United States by the Florida Treaty which quiets that of Spain.

But they deny the correctness of the British construction. The Nootka Convention is on the face of it a commercial treaty merely, wholly aside from the question of sovereignty and distinct jurisdiction. It has a definite general object, the regulation of the fisheries in the Pacific and the South Seas, so as neither to exclude England, nor injure Spain. That was the point in controversy between the two Governments. "The enemies of peace have industriously circulated," says the Count of Florida Blanca, "that Spain extends pretensions and rights of sovereignty over *the whole of the South Sea* as far as China;" whereas, on the contrary, her sole aim was to vindicate her sovereignty on parts of the coast to which by the law of nations and the recognition of all Europe, she had the established possession or right of possession. (*Dec. of June 4th, An. Reg. 1790.*) Accordingly, in the debates upon this treaty in Parliament, it was strenuously objected that, being a treaty of commerce, navigation, and fishery, England had gained nothing by it, but had on the contrary submitted to restrictions of sea-rights, which existed before unrestricted. "In answer to this Mr. Pitt maintained (*Parl. Hist.* vol. xxviii, p. 1001) that though what this country had gained consisted not of new rights, it certainly did of new advantages. We had before a right to the Southern whale fishery, and a right to navigate and carry on fisheries in the Pacific Ocean, and to trade on the coasts of any part of it northwest of America; but that right not only had not been acknowledged, but disputed and resisted; whereas, by the convention it was secured to us; a circumstance, which, though no new right, was a new advantage." Not a word of a "new right" to establish colonies in America, or of a "new advantage" in the exclusion of territorial sovereignty previously claimed by Spain. On the contrary, Mr. (now Earl) Grey well argued that the "settlements" of the third article amounted to nothing, since *access* was everywhere left to both the parties; and if England made a settlement in a valley, Spain might erect a fort on the hill overlooking it; which conclusively shows that the right of colonization was never in the contemplation of the treaty. And Mr. Fox argued the same point at great length and with great force, demonstrating that before the treaty England might colonize in the Pacific, but that now she could only settle, as the phrase is in the third article, or build huts as restricted in the sixth, for the sole purpose of the fisheries, excluding colonization. (*Parl. Hist.* vol. xxviii.) Add to which, it is only as a commercial treaty that this convention can, upon the principles contended for by Great Britain in other great controversies, be considered in force; for such treaties only were renewed by the treaty between Spain and Great Britain of July 1814.

In fact, the Nootka Convention is obviously impossible to execute, if the word "settlements" is to include colonies, or carry after it any title of dominion; because the express language permits promiscuous and intermixed settlements everywhere, and over the whole face of the country, to the subjects of both parties; and even declares every such settlement, made by either party, common to the other. Or if, as England contends, the convention is but a recognition of the general rights of all nations, then it admits of such promiscuous settlements by all nations; which is wholly incompatible with any idea of sovereignty, but applies well enough to "huts and other temporary buildings" for the fisheries.

In this view of the subject, the United States further say, that under

the convention the sovereignty is not in abeyance; it remains unchanged; it is left untouched; temporary commercial rights only are for the time being regulated; that the question of sovereignty stands upon its former footing; that when it comes up, the parties are remitted to their pre-existing rights; and that before the convention, and notwithstanding its provisions, the right of sovereignty appertained to Spain as against Great Britain; or in the words of the Count of Fernan Nuñez,—“By the treaties, demarcations, takings of possession, and the most decided acts of sovereignty exercised by the Spaniards, \* \* \* all the coast to the north of western America, on the side of the South Sea, as far as beyond what is called Prince William’s Sound, \* \* \* is acknowledged to belong exclusively to Spain.” (*Letter of June 16, 1790.*) And the United States will not be debarred from the exercise of the just rights she derives from Spain, when there is nothing set up against her but new and monstrous constructions of a treaty extorted from Spain by what Lord Porchester justly called “unprovoked bullying,” and founded not in right but in power. (*North. A. Rev.*, vol. xxvii.)

The Committee proceed to the French title.

When Louisiana was acquired by the United States, it was well known, as already suggested, that the limits were not well defined. Indeed, they were defined on neither side, except along the Mississippi. The northern line by the British possessions was fixed in 1818. The southeastern and southwestern was fixed by the Florida Treaty. And the question remains, how far does it extend west? This was at the time considered a question with Spain alone. Don Pedro Cevallos says: “From this point (the intersection of the Red river) the limits which ought to be established on the northern side are doubtful and little known.” (*Letter of April 13, 1805.*) And in the negotiation of the Florida Treaty, Don Luis de Onis admitted the same thing, though he affirmed the Spanish title on the Pacific. But as between France and Great Britain, or Great Britain and the United States, the successor of all the rights of France, the question would seem to be concluded by the Treaty of Versailles, already cited, in which Great Britain relinquishes *irrevocably* all pretensions west of the Mississippi. On the footing of the Treaty of Utrecht, ratified by our convention of 1818, England may, possibly, by extension of contiguity, carry her possessions from Hudson’s Bay across to the Pacific, north of latitude 49°; but by the Treaty of Versailles, we possess the same right, and an exclusive one, to carry our territory across the Continent south of that line, in the right of France.

It has been objected that in the grant of Louisiana to Crozat by Louis XIV, that province is confined to the country drained by the waters emptying in the Mississippi, excluding by implication any other country. But Crozat’s grant did not cover the whole of Louisiana as it was when ceded to the United States. Crozat’s grant was understood as extending no farther north than latitude 42°; the French possessions north of that parallel being a part of New France (or Canada.) And New France, as projected in the most authentic maps, did extend to territory drained or supposed to be drained by rivers flowing into the Pacific. In 1717, Louis enlarged Louisiana, by adding thereto the country in the latitude of the Illinois. And this extended dimension of Louisiana has been tacitly admitted by Great Britain, who, while herself possessed of Canada obtained

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The American title remains to be considered on its particular merits.

Anterior to the Louisiana Treaty, our claim rested on Gray's exploration of the river Columbia, the permanent record of which subsists in the name itself; it being one of the applications of the rule of prior discovery, that the exploration of a river gave rights to the country watered by that river, as exemplified in the claim of the Mississippi valley by France, on the ground of the original exploration of the river by her subjects; and some such principle being necessary to give integrity and unity of possession to any one Power, and to prevent the intermixture of possessions in a territory having a natural completeness of its own. The defects of this claim consisted of the counter-pretensions of France as the possessor of Louisiana, and of Spain as the possessor of Mexico, and as the first visiter of the Columbia and the coast generally. By the conclusion of the Louisiana Treaty and the Florida Treaty, these defects were cured. To which had then been added the further claims of the United States in their own right, or their title proper, by reason of Lewis and Clark's expedition, and Mr. Astor's establishment of Astoria, recognised by Great Britain as constituting possession, and also right of continued possession, until the title should be definitively adjusted. Though these several claims conflicted with each other originally, they acquired mutual strength in the same hands; as if three persons claim the same estate, one by deed or devise, another by inheritance, and a third by possession, the union of all in one person by purchase or otherwise would result in the best of titles. Thus much, treating it as a dominion founded on discovery and exploration, and partial occupation.

But, in another point of view, this combination of titles becomes yet more important. Having planted her foot on the shore of Hudson's Bay, Great Britain claims against all the world that she may stretch the other to the Rocky Mountains; and the claim is admitted by the rest of the world. Nay, it is from Hudson's Bay that her establishments have extended across the Continent. Sir Alexander Mackenzie led the way in 1793, and the Northwest Company and the Hudson's Bay Company followed in it, until they had gradually intruded themselves into the valley of the Columbia, not from the Pacific, but proceeding from the Atlantic; and the civil jurisdiction of the British subjects dwelling beyond the Rocky Mountains depends this day in *the Courts of Upper Canada, by the acts of Parliament of 43 Geo. III, ch. 131, and 1 and 2 Geo. IV, ch. 66.* Which is in conformity with the fact hereinbefore stated, that, prior to the Treaty of Versailles, the English Government claimed and granted to the Pacific by virtue of her possessions in New England and Virginia.

And a pretension of this nature, however extravagant it may seem at the first blush, grows out of the necessities of self-preservation. Great Britain, when she gained a lodgment on the coast of the Atlantic, readily saw, and her Colonies soon learned by disastrous experience, how dangerous it would be to them to have a hostile foreign Power establish itself behind them. For the same reason that it was important to the British Colonies to exclude, if they might, any Power from taking possession in



their rear, it was important to the French Colonies on the Mississippi to prevent any other Power from establishing itself in their own rear. Hence they claimed, and rightfully, according to the received law of nations, to have the exclusive dominion, and the right of excluding the entrance of any foreign colonization westward of them, until they should reach some other European Power having a better title than theirs; and west of them there was none such except Spain.

And the precise extent of prolongation by contiguity, to which an actual settlement gives right, must have some relation to the magnitude and population of that settlement, and to the facility with which adjoining vacant lands may promise to be occupied and cultivated by such a population, as compared with any to come from elsewhere; and this in addition to the considerations of national security.

Important as these principles were to the infant Colonies of France and Britain, and strong as are the claims of this nature we derive from the treaties of those two Powers, those principles are yet more important, and those claims stronger, in reference to the existing state of North America and our own position as the leading Power of this Continent. Who shall undertake to define the limits of the expansibility of the population of the United States? Does it not now flow westward with the never-ceasing advance of a rising tide of the sea? Along a line of more than a thousand miles from the Lakes to the Gulf of Mexico, perpetually moves forward the western frontier of the United States. Here, stretched along the whole length of this line, is the vanguard, as it were, of the onward march of the Anglo-American race, advancing, it has been calculated, at the average rate of about half a degree of longitude each succeeding year. Occasionally, an obstacle presents itself in some unproductive region of country, or some Indian tribe; the column is checked; its wings incline towards each other; it breaks; but it speedily reunites again beyond the obstacle, and resumes its forward progress, ever facing, and approaching nearer and nearer to, the remotest regions of the West. This movement goes on with the predestined certainty and the unerring precision of the great works of eternal Providence, rather than as an act of feeble man. Another generation may see the settlements of our people diffused over the Pacific slope of the Rocky Mountains. It is idle to suppose any new Colony to be sent out from Great Britain will or can establish itself in the far West, ultimately to stand in competition with this great movement of the population and power of the United States. Nor should any attempt at such competition be countenanced by us. For if the safety of the few thousands of British settlers on the Atlantic, or of French settlers on the Mississippi, required the extension of their exclusive sovereignty to a certain degree west, how far shall that extension not be demanded for the safety of the millions of the United States, who already occupy in full and undisputed sovereignty, and overspread with their teeming population, and unite in the bonds of one great and glorious political society, the whole of the vast valley of the Mississippi and the Missouri?

At a contingency the most delicate in the affairs of this Continent, Mr. Monroe issued his celebrated declaration, that while the United States continued neutral and impartial in the contests of the European Powers among themselves, it was otherwise in regard to their movements in this hemisphere; that the United States would consider an attempt on their part to extend their peculiar political systems to any part of the New

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World as dangerous to our peace and safety; and that we could not view a voluntary interposition of theirs in the affairs of the new Republics of America, with indifference, or in any other light than as the manifestation of an unfriendly disposition towards the United States. (*Message, Dec. 2, 1823.*)

This declaration, it is well known, had the most important immediate effects at the time of its utterance, when certain of the European Powers contemplated a forcible interference in the affairs of the Spanish Colonies in America. It has deservedly come to be regarded as an essential component part of the international law of the New World. (*Wheaton's Inter. Law, p. 88.*) And great as the force of it is, when applied to the precise case which called for it, still greater is it when considered in its application to the case of an attempt on the part of any European Power to found new colonies in North America in parts not yet occupied. It has been the happy fortune of the United States to free itself by the purchase of Louisiana and Florida from the presence of European Colonies on our southern and western frontiers. The possessions of Great Britain now overhang the United States along their vast northern frontier from the Atlantic to the Pacific. South of that line, the whole Continent, from the great Lakes to the Isthmus of Darien, is occupied by Americans, by children of the soil, by Governments independent of Europe. And it is due alike to our highest interests and to our honor to have it universally understood, that neither Great Britain, nor any other European Power, is any longer to consider the unsettled parts of the Continent, adjoining the settlements of the United States, in the nature of unoccupied lands for the reception of European Colonies. If Great Britain had any pretext to claim the territory of Oregon as a part of her possessions on the Lakes, or her existing Colonies, it would be otherwise. But she does not. She distinctly puts her claim to Oregon on the ground that it is unoccupied territory, just like Virginia or Massachusetts before she colonized them; and that as unoccupied savage territory she may now colonize the Columbia river; not that it is part of a Colony now possessed by her, but country in which she has the right at this day to found a new Colony.

"Great Britain considered the whole of the unoccupied parts of America as being open to her future settlements, as heretofore. They included within these parts, as well that portion of the North-west Coast lying between the 42d and 51st degrees of latitude, as any other parts. The principle of colonization on that coast, or elsewhere, on any portions of those continents not yet occupied, Great Britain was not prepared to relinquish.—(*Mr. Rush's Letter, Aug. 12, 1824.*)

This pretension the Committee deem to be inadmissible, and prejudicial to the rights, the security, and the peace of the United States.

There is a class of reasons applicable to this point which is every day acquiring more and more force. It is the situation of the Indians in the interior of the Continent. It has at all times been the policy of Great Britain,—a policy little in keeping with her ostentation of humanity in regard to the black race,—to keep the red-men under subsidy to her, so as to have them always ready to bring into the field against the United States. At the epoch of the Revolution, we proposed that the Indians should be suffered to remain neutral; but England refused. She has kept them under arms, or in a semi-hostile state, against us, more or less constantly, from that day to this. Our commissioners at Ghent proposed an agreement for the perpetual neutrality of the Indians; but England again refused it. The perseverance of Great Britain in this policy has been de-

plorably injurious to us ; and its effects are written with the scalping-knife and the brand of the Indian, in letters of blood and fire, in the history of the Southern and Western States. And this, the unholy policy of Great Britain in regard to the Indians, has done more than any and every other cause united, to waste, degrade, and barbarize them, so as to render them a curse alike to us and to themselves. By the acquisition of Florida, the influence of the British over the Indians of the United States was shut out from the South ; but it still operates unchecked, and is fostered and kept alive by regular Government subsidies in the Northwest ; and is exerted without any counteraction among the Indians of the remote West, and will continue to be exerted, in all respects to our loss and injury, until the Hudson's Bay Company is expelled from the territory of Oregon, and it is possessed in full and undisputed sovereignty by the United States.

In conclusion of this branch of their instructions, it only remains for the Committee to advert to certain particular facts in the present political relations of the territory of Oregon, confirmatory of and connected with the general considerations they have suggested.

Great Britain had very much distinguished herself at an early period, by voyages of discovery in the seas to the northeast of this Continent. Thus it happened that she acquired territorial rights on the shores of Hudson's bay, which at the Congress of Utrecht were formally acknowledged by France, as before stated. The extent of this territory was not then, nor until long afterwards, definitively settled. Meanwhile, among the corrupt monopolies of the reign of Charles II was the grant of a charter to the "Adventurers of the Hudson's Bay Company." Their declared and proper objects were, of course, navigation, and trade in the furs, fish, or other productions of Hudson's Bay. *Exploration* was, indeed, one of the benefits anticipated from the Company ; but the Company itself proved for more than a century to be the great obstacle to exploration, or in the emphatic language of the London Quarterly Review, (a competent witness on such a point,) "From the moment this body of 'Adventurers' was instituted, the *spirit* of 'adventure' died away ; and every succeeding effort was palsied by the baneful influence of a monopoly, of which the discovery of a northwest passage was deemed the forerunner of destruction." This Company is to America precisely what the East India Company is to Asia. It has been suffered to extend its power from Labrador southwardly to Lake Superior, thence along the *ligne des versants* of the Mississippi and the Missouri, and so sweeping around by the base of the Rocky Mountains to the Slave Lake, and thence back to the extreme northeastern shores of the Atlantic. A glance at the map will show the vast extent of these imperial dominions. (*Bouchette's Br. Dom. vol. 1, p. 32.*) When, by the aid of the Anglo-American Provinces, Great Britain had subdued Canada, this did not become incorporated with the possessions of the Hudson's Bay Company. On the contrary, when the independence of the United States gave rise to new relations in the Northwest, the Hudson's Bay Company was placed by Britain on the footing of an independent Power ; and in regulating the rights of mutual transit in that quarter, Jay's Treaty contains this clause : "The country within the limits of the Hudson's Bay Company only excepted." That is to say, when the territorial or commercial rights of the United States are to be restricted, the Hudson's Bay Company is put forward as an independent foreign state. So also is it, when there is opportunity or occasion

to extend British rights in competition with ours; as in dealings with the Indians it has repeatedly happened, where the acts of the Company have at all times been greatly injurious to the United States. But, on the contrary, if the United States, or any other Power, seeks to repress the pretensions of the Company, it is no longer left by Great Britain to stand on its own bottom as a political community, but is taken under the wing of the British Government. This, indeed, we know is the precise mode in which the East India Company has been made the instrument of conquering the hundred millions of Hindostan.

After the Hudson's Bay Company had for a length of time lorded it in sole supremacy over the Indians of the extensive region claimed by it, there sprung up a competitor of its profitable fur-trade in the Northwest Company of Montreal. These two companies did not scruple to engage in continual feuds, growing out of jealousies of trade, and mutual complaints of violated privileges; nay, they actually waged hostilities one against the other in the guise of sovereign states; rendering the interior of the continent a scene of rapine, outrage, and bloodshed. (*Earl of Selkirk, Claims, &c.*)

These empire-companies, and their traders, trappers, and agents, have been the immediate instruments of much of that perpetual intermeddling of Great Britain with the Indians of the United States, which, from 1775 to the present day, has never ceased to be practised to our injury, and the fruits of which were seen in every one of the disasters of the West and Northwest, from the massacres of Wyoming and Cherry Valley and the defeats of Harmar and St. Clair to the later enterprises of Tecumseh and of Black Hawk.

This latter company, (the Northwest Company so called,) it was, which fraudulently obtained possession of Astoria in 1812, and hoisted the British flag on the Columbia. (*Irving's Astoria.*) Its differences with the Hudson's Bay Company were at length adjusted; in 1821 the two companies became one, continuing to act under the charter of the Hudson's Bay Company; and, by act of Parliament, the Company received a grant of civil jurisdiction, which it now exercises at all its establishments. That is, the Hudson's Bay Company is the medium through which Great Britain exercises exclusive civil jurisdiction over all the territory of Oregon, in which it is conceded, on all hands, our rights are at least equal to hers. Nor civil jurisdiction only. It is known by the official report of Mr. Slacum, who recently visited the territory in behalf of the United States, that the Company has, in addition to a number of minor factories, one at Vancouver on the Columbia, which is in all respects a military post, though, like the sepoy and other troops of Hindostan, the garrison consists of the servants of the Company, not of officers and men bearing the Queen's commission. Of other establishments of the Company, (which are in name as in fact *forts*,) there are known to be Fort Umqua, on the Umqua; Fort George, Fort Nez Percés, Fort Okanagan, Fort Colville, and Koolante fort, besides Fort Vancouver, on the Columbia, or its branches; and Fort Nasqually, south of the strait of Juan de Fuca.

To prove these general facts, and also to show the effect of them, a few authentic statements follow from persons of approved authority.

The President's Message, of the 23d of December, 1837, contains this information:

"The Hudson's Bay Company have also several depots, situated on watercourses, in the interior of the country; the principal one is at Fort Vancouver, on the northern bank of the Co-

Columbia river, about eighty or one hundred miles from its mouth. It is known, by information recently obtained, that the English company have a steamboat on this river, and that they have a saw-mill, and are cutting timber on the territory claimed by the United States, and are shipping it in considerable quantities to the Sandwich islands."

Mr. Cambreleng, in a letter to Mr. Benton of the 12th January, 1829, says:

"I have in my possession the actual returns of the furs collected by the Hudson's Bay Company for the year 1828, which, according to a valuation made by one who has a thorough knowledge of the trade, amount to \$894,879 85. The shares of that company have increased from £60, or 40 per cent. below par, to £240 sterling, or 140 per cent. above par. The business of the company has continued to increase at the rate of from 60 to \$100,000 annually. The prosperous condition of the Hudson's Bay Company may be attributed, in some measure, to the advantages enjoyed by the British traders, who procure their manufactures without duty, while the American traders pay 40 per cent. and upwards; and who can send their furs to the American market, while our traders pay a duty in the British market. But the most important advantage enjoyed by the Hudson's Bay Company is the admirable harbor at the mouth of the Columbia, which we virtually and unfortunately granted them by our treaty of 1818. That settlement at the mouth of the Columbia river is now the centre of an immense trade in furs, and, unless we take some step to place our traders on an equal footing with the British and secure to the former the privilege of trading in safety within our own dominions at least, our Indian trade must decline, and we must make up our minds to surrender the whole Indian country to Great Britain."—(*Sen. Doc. 1828-'29, No. 67.*)

Mr. Irving says:

"Though the [Hudson's Bay] Company, by treaty, have a right to a participation only in the trade of these regions, [beyond the Rocky Mountains,] and are, in fact, but tenants in sufferance; yet have they quietly availed themselves of the original oversight, and subsequent supineness of the American Government, to establish a monopoly of the trade of the river [Columbia] and its dependencies; and are adroitly proceeding to fortify themselves in their usurpation by securing all the strong points of the country.

"Nor is it likely the latter [the American traders] will ever be able to maintain any footing in the land, until the question of territorial right is adjusted between the two countries. The sooner that takes place, the better. It is a question too serious to national pride, if not to national interest, to be slurred over; and every year is adding to the difficulties which environ it.

"The resources of the country \* \* in the hands of America, enjoying a direct trade with the East Indies, would be brought into quickening activity, and might soon realize the dream of Mr. Astor, in giving rise to a flourishing commercial empire."—(*Rocky Mountains, vol. 2.*)

The plans of Great Britain in respect to this country are shadowed forth by Sir Alexander Mackenzie as follows:

"But, whatever course may be taken from the Atlantic, the Columbia is the line of communication from the Pacific Ocean pointed out by nature, as it is the only navigable river in the whole extent of Vancouver's minute survey of that coast. Its banks, also, form the first level country in all the southern extent of continental coast from Cook's entry, and, consequently, the most northern situation fit for colonization, and suitable for the residence of a civilized people. By opening this intercourse between the Atlantic and Pacific Oceans, and forming regular establishments through the interior, and at both extremes, as well as along the coasts and islands, the entire command of the fur trade of North America might be obtained from latitude 48 degrees north, to the pole, except that portion of it which the Russians have in the Pacific. To this may be added the fishery in both seas, and the markets of the four quarters of the globe. Such would be the field for commercial enterprise; and incalculable would be the produce of it, when supported by the operations of that credit and capital which Great Britain so pre-eminently possesses."—(*Travels, vol. 2.*)

To which the same writer adds, that the effect of the developement of those plans would be the complete exclusion of Americans from the country, and the most important *political* as well as commercial advantages to the United Kingdom.

The Committee will have occasion to submit to the House additional information on these points, when they dispose of that part of their instructions which refers to the statistical condition and political value of the

country of Oregon. It is sufficient for the immediate purpose to have demonstrated that the plan of the British to put an end to American enterprise in the valley of the Columbia has succeeded.

Still, this object has been accomplished under the shelter of a convention, which provides that the country of Oregon, together with its harbors, bays, and creeks, and the navigation of all rivers within the same, shall for the time being be free and open to the vessels, citizens, and subjects of the two Powers; and which thus professes to give equal present advantages to the people of each nation and to prejudge the ultimate rights of neither. But the practical effect of the convention is the reverse, in that nearly all the present advantages are enjoyed by England, and the ultimate rights of the United States are seriously endangered.

This arises from the peculiar organization of the Hudson's Bay Company, which now in fact rules over the whole country, and has exclusive possession of its trade, just as completely as the East India Company in Hindostan at the period of its early conquests there, when it was a close corporation, and independent of the control of the King's ministers. Individual traders, and ordinary commercial companies cannot stand against it. They cannot compete in resources with this great empire-corporation. Besides which, a powerful incorporated company like this, having exclusive privileges of trade by charter, and those privileges conveying *territory* as appurtenant to trade,—a monster and an anomaly in its nature as it is,—such a company is in itself to all intents and purposes a territorial government. It has all the civil and all the military machinery of government. Nay more. The act of Parliament already referred to gives to the courts of Upper Canada the same civil jurisdiction, in all respects, within the parts of America not within the limits of Lower or Upper Canada, nor of any civil government of the United States, as they have within the limits of Upper Canada. England may appoint justices of peace, or constitute other inferior courts in those parts. There is no provision in the act to except citizens of the United States, or country claimed by the United States, from this jurisdiction. And these provisions are precisely applicable to the country beyond the Rocky Mountains, and to that only; and there is no other part of America to which they do apply. This, indeed, is well understood by American citizens in Oregon to be the fact, as the Committee have been expressly informed. So that the Hudson's Bay Company not only monopolizes the trade of Oregon, but may control the inhabitants, and even send them to Upper Canada to be tried for imputed offences.

The privileges of the Hudson's Bay Company operate injuriously in another respect. Experience has shown the necessity of military posts among the Indians. The Company accordingly has its great post, and its lesser forts, all of them British military posts in fact, but with the peculiarity, that its flag not being the Queen's flag, the Government is enabled to pursue the disingenuous course of claiming rights and territory in virtue of acts performed by it, while in the same breath disavowing all Government responsibility for those acts. But the United States has no military post there. It has no gigantic company, like that of Hudson's Bay, to be put forward to act the ambiguous and insidious part of a government, or of private individuals, as the policy of state may render most convenient. If it establishes a post, it must do so openly and above-board, in its own name. But this Great Britain objects to, so that still the

monopoly of trade and of civil and military power shall be held by her *indirectly*, through the means of the Hudson's Bay Company.

The Committee are of opinion that this ground of distinction ought to be no longer admitted by the United States. So long as Great Britain takes to herself the fruits of the operations of these empire-corporations, and the millions of subjects they conquer, and the vast realms they subdue, are governed and held for her advantage, she ought not to be permitted to set up any distinction, in her dealings with a foreign state, between their acts and hers. So far as regards the rights or the safety of that foreign state, a military post established by the East India Company or the Hudson's Bay Company is a military post established by Great Britain. Not to perceive this, is to shut our eyes to the system of operations, by means of which Great Britain has built up the stupendous fabric of her power in the East and the West.

The injustice done to the United States, by the double use which Great Britain makes of the Hudson's Bay Company, was strongly urged by Mr. Gallatin, in his conferences with the British ministers on the subject in 1826 and 1827. The British ministers were not insensible to the force of his objections. And the following passage of Mr. Gallatin's letter of December 20, 1826, is important in its bearing upon the question of what legislation Congress may adopt, without infringement of the treaty relations of the two Powers :

"The establishment of a distinct Territorial Government on the west side of the Stony mountains, would also be objected to as an attempt to exercise exclusive sovereignty. I observed that, although the Northwest Company might, from its being incorporated, from the habits of the men they employed, and from having a monopoly with respect to trade, so far as British subjects were concerned, carry on a species of government, without the assistance of that of Great Britain, it was otherwise with us. Our population there would consist of several independent companies and individuals. We had always been in the habit, in our most remote settlements, of carrying laws, courts, and justices of the peace with us. There was an absolute necessity, on our part, to have some species of government. Without it, the kind of sovereignty, or rather jurisdiction, which it was intended to admit, could not be exercised on our part. It was suggested, and seemed to be acquiesced in, that the difficulty might be obviated, provided the erection of a new Territory was not confined exclusively to the territory west of the mountains; that it should be defined as embracing all the possessions of the United States west of a line that should be at some distance from, and east of, the Stony mountains."

It may deserve consideration whether this suggestion should not be acted upon by Congress; since it would be doing no more than what Great Britain has already done by the act of 1 & 2 Geo. IV.

The Committee beg leave to subjoin, that in the course of this Report they have not undertaken to raise any novel pretensions in behalf of the United States. They have relied on the grounds of right alleged by every American statesman, who has had occasion to examine the subject, from the time of Mr. Jefferson to the present day; referring more especially to the instructions, correspondence, and despatches of Mr. Mouroe, Mr. Adams, Mr. Rush, Mr. Clay, Mr. Gallatin, and Mr. Lawrence, and the reports of Mr. Floyd, Mr. Baylies, and Mr. Linn; and superadding only such further illustrations, facts, and arguments, as the personal research of the Committee has brought to their knowledge. They propose, in a future Report, to present to the House the statistical facts and considerations called for by their instructions; and meantime, as the result of their immediate deliberations, they submit the accompanying Bill, the adoption of which they recommend to the House.

A BILL to provide for the protection of the citizens of the United States residing in the Oregon Territory, or trading on the Columbia river or its tributaries.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President of the United States be, and he is hereby, authorized and directed to employ such portion of the army and navy as he may deem necessary for the protection of the persons and property of such citizens of the United States as may reside in the Territory of Oregon, or as are employed in commerce on the Columbia river, its tributaries, and on its marine coast.

Sec. 2. *And be it further enacted,* That the sum of \_\_\_\_\_ dollars is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to carry into effect the foregoing section.

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## APPENDIX A.

## BRITISH CLAIM.

[FROM MR. BAYLIES'S REPORT, 19TH CONG. 1ST SESS., NO. 213.]

After a careful examination of the British claim, the committee have unanimously come to the conclusion that it is wholly unfounded, and that the navigators of Great Britain were not the original discoverers of any part of the region which is included between the Mexican and Russian boundaries. Nevertheless, the minute examination which has been made by them of parts of this coast, ought, perhaps, to secure to the nation who patronized them something more than could be claimed as a positive right; but we think the offer of Mr. Rush, to continue the boundary along the forty-ninth parallel of latitude, from the Rocky Mountains to the ocean, was as great a concession as would be compatible with our interests, our honor, or our rights.

It is a question, at first somewhat difficult of solution, why Great Britain should have become so extremely anxious to wrest from the United States a territory comparatively of limited extent, and, considering the vast domains in Asia, Africa, Australasia, and America, which she has yet to populate and to reclaim, comparatively of little value; yet, a little reflection will suggest the answer.

Great Britain adopts no plans of policy from caprice or vanity. Her ambition is developed in a system of wise and sagacious projects to check, to influence, and to control all nations by means of her navy and her commerce; in prosperity and in adversity, in peace and in war, she has pursued this grand design, with an energy and perseverance which does infinite credit to her political sagacity and foresight.

Great Britain and Ireland may be assimilated to huge fortifications on the western frontier of Europe. She sends forth her fleets. Every seventy-four is a floating fort, which can move rapidly along the whole extent of the European coast.

At the strait of the Mediterranean sea, the southern extremity of Europe, she holds an impregnable fortress, from which she can act either upon the southern coasts of France and Italy, or the coast of Barbary, near the eastern extremity of the Mediterranean. The Ionian islands and Malta will enable her to act with a controlling power upon Egypt, the Grecian Archipelago, Greece, and a great part of the Turkish Empire. In a single week she can annihilate their commerce and destroy their maritime cities. From Gibraltar she can also act upon the northwestern, and, from St. Helena, upon the southwestern coasts of Africa.

The extreme southern part of Africa, the Cape of Good Hope, now in her possession, will always enable her to control the southern part of that vast peninsula, and its whole eastern coast, from Cape Town to the Red sea.

From the Isle of France her operations upon the African coast can be effectually aided; and the possession of that island establishes, firmly, her power to control the whole commerce of the Indian Ocean. Her

continuous settlements and fortifications on both coasts of Hindostan, flanked by Ceylon, in the same manner as she flanks Europe, will always render her invincible in that quarter.

Neither has she neglected North America. Nova Scotia, Bermuda, and Trinidad, are almost in line. From the two first she can act with powerful effect upon the whole coast of the United States. Trinidad is almost connected with the continent of South America at the very point where the Carribean sea, which washes the whole north coast of South America, unites with the Atlantic—a point equally formidable to the Republic of Colombia, the Dutch and French possessions on the continent, and the Empire of Brazil.

These front stations afford her, at all times, the means of concentrating all her flying artillery of the deep upon any selected point. These stations enable her in war to strike with a thousand arms; and, if not to annihilate, at least to control and check, the whole commerce of the Atlantic and Indian Oceans.

Always alive to her great interests, she early discovered the importance of the Pacific Ocean to her commercial projects.

Holding the vast island of New Holland and Van Diemen's Land, she is already possessed of the naval empire of the southeastern Pacific; no long period will elapse before the Burmese Empire will fall before her arms; and the possession of Cochin China will advance the flag of St. George to the shores of the Northern Pacific, and, sooner or later, will enable her to control the commerce of China, which exists only at Canton, to which she will be a near, a dreaded, and a dangerous neighbor.

She now claims the sovereignty of the Sandwich islands. Taheita is obedient to her power. What, then, remains to enable her to encompass the globe? Columbia river and De Fuca's strait! Possessed of these, she will soon plant her standards on every island in the Pacific Ocean.

Except the Columbia, there is no river which opens far into the interior on the whole western shore of the Pacific Ocean. There is no secure port or naval station from 39° to 46°.

The possession of these waters will give her the command of the Northern Pacific, enable her to control the commerce and policy of Mexico, Central America, and South America. These rich nations will be her commercial colonies. "She will then gather to herself all nations, and her ambition will span the earth."

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## APPENDIX B.

### DISCOVERY IN THE NORTHWEST.

[EXTRACTED FROM THE NORTH AMERICAN REVIEW, JANUARY, 1839.]

When the Spaniards had completed the conquest of Mexico, they immediately turned their attention to the northwestern coast of America. Their expeditions by sea and land, in that direction, were numerous; and the Great Conqueror himself set the example by undertaking several of the earliest of these at his own charge, and conducting one of them in person. The Emperor had exhorted him to explore the northern seas in search of "the secret" of a strait, which should abridge the voyage from Spain to the East Indies. Unquiet and ambitious in temper, and disgusted with the spectacle of inferior persons administering the rich realms

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which his courage and skill had conquered, Cortes willingly engaged in the new enterprise of extending the Spanish power into other and (as yet) unexplored regions, and perhaps of solving the long-studied problem of a direct passage by the north to Cathay. He fitted out, first, Diego Hurtado de Mendoza, then Diego de Becerra and Hernando de Grijalva. (*Gomara, fol. 116; Herrera, dec. iv. and v.*) In one of these voyages, Cortes, through Hernando de Grijalva, his lieutenant, discovered California, in 1534. In another, Cortes himself, and in defiance of infinite hardships, and obstacles without number, explored the Gulf of California. (*Gomara, fol. 117.*) Returning in safety, after the general belief in Mexico that he had perished, he continued the progress of discovery, (*Herrera, dec. vii.*) by fitting out Francisco de Ulloa in the same direction. The discoveries thus made would alone have sufficed to immortalize any meaner man than Cortes; but the fame of them is comparatively lost in the splendor of his other great achievements. He thus led the way to the eventual settlement of California by the Spaniards, and to subsequent voyages of discovery along the northwestern coast of America.

Emulous of the efforts of Cortes, his successor, the Viceroy Antonio de Mendoza, fitted out several expeditions by sea and land, the memory of which still remains in the name of Cape Mendocino, derived from him. In 1540, he sent Hernando de Alarcon by sea, and Francisco Vasquez de Coronado by land. (*Herrera, dec. vii; Gomara, fol. 116; Ramusio, tom. iii.*) But, without pausing on the Spanish land expeditions in California and New Mexico, of their voyages along the coast, those of Cabrillo and Gali are, next after the surveys of Cortes, the most important in order of time.

Juan Rodriguez de Cabrillo explored the outer coast of California, as far as 37° 10' N. with great care. He died on the island of San Bernardo, in 1543; but his pilot, Bartolomé Ferrello, continued his discoveries to the coast of Cape Blanco, in 43° N. (*Herrera, dec. vii.*) Burney is of opinion that Cabrillo gave its name to Cape Mendocino. (*Voyages, i, 224.*)

Spain having, some time before this, formed settlements in the Philippine islands, there naturally grew up a direct intercourse between Manila and Acapulco. In sailing from Macao to Acapulco, in 1582, Francisco Gali visited the northwest coast as high up as 57° 30', his description of that region being of apparent veracity and accuracy. At least, such is the representation of Humboldt (*Nouv. Esp., lib. iii.*) and of Navarrete; (*Viage de la Sutil, int.*;) though Burney makes some citations from a Dutch author, Linschoten, which led him to the conclusion that Gali went no farther than 37° 50' N. (*Voyages, vol. v, p. 164.*)

Passing over the mere hearsay accounts of the supposed discoveries of the Spaniard Andres de Urdaneta, in 1554, and of his countryman Juan Fernandez de Ladrillero, in 1574; both which are described, but not admitted as genuine, by Navarrete; (*Viage de la Sutil, int. pp. 38 and 43.*;) and the same of Martin Chack, the Portuguese, spoken of by Purchas; (*vol. iii. bk. 4.*);—next come accounts of two voyages, which some have considered apocryphal, but one at least of which, if not both, there is good reason to regard as authentic.

Nicolas Antonio, a Spanish author of great credit, in his *Bibliotheca Hispana*, (*vol. ii., p. 2.*) says that he had seen in the hands of the Bishop of Segovia, who was a member of the Council of the Indies, the manu-

script narrative of a voyage, being the relation of the discovery of the *strait of Anian*, in 1588, by a Spaniard of the name of Ferrer Maldonado. That there was in that period a skilful navigator and geographer of that name, is abundantly authenticated by various evidence. A general belief in such a voyage seems to have obtained among the Spaniards; for, in 1789, it was particularly referred to as one of the inducements of Malaspina's expedition, hereafter described; at which time Maldonado's journal existed in the library of the Duque del Infantado, who furnished a copy of it to Malaspina. In 1812, Amoretti, an Italian scholar, published a manuscript, found by him among the manuscripts of the Ambrosian library at Milan, of which he was librarian, purporting to be Maldonado's account of his voyage. The *London Quarterly Review*, after a very critical discussion of the question, comes to the conclusion, from internal proofs, that the manuscript, which Amoretti found and published, was a fabrication of some old writer. There is no occasion to quarrel with this conclusion; the rather, since the Review also pronounces, that, though the particular manuscript was false, yet substantially such a voyage did actually take place. (*Quarterly Review*, vol. xvi.) That is to say, there is the best of English authority for the belief that, so early as 1588, the Spanish navigator Maldonado had proceeded north to what is now called Behring's strait.

There is no doubt, that many other vessels visited the coast in the same way, whilst bound from Manila and Macao to Acapulco. One of these, it is known, the *San Agustin*, entered the bay of San Francisco in 1595, and was there wrecked. (*Torquemada*, lib. v, c. 55.)

There is good English authority for believing another important fact; and that is, the truth of the alleged discovery of the strait of Juan de Fuca, in 1599, by a Greek pilot of that name, in the service of Spain.

The only printed account of this voyage is contained in Purchas, who gives it, as he received it, from Juan de Fuca himself, through Mr. Michael Lok, English consul at Aleppo. (*Pilgrims*, vol. iii, p. 849.)

This account was for a long time doubted, or discredited, owing to want of knowledge of the facts. But the researches of Gray, Meares, Vancouver, Malaspina, and others, having shown that there is a broad strait in the place indicated by Juan de Fuca, answering in all essential particulars to his description; and the description itself, as given by Purchas, being so minute and exact as to negative altogether the supposition of its having been fabricated, or derived from any other source than actual observation, the general sense of modern geographers has admitted the claim of the Greek pilot to the honor of the discovery of the strait, and has bestowed upon it his name, which it now universally bears. To this effect is the valuable testimony of Vancouver, (vol. i, p. 215,) of Burney, (vol. ii, p. 110,) of M. de Fleurieu, (*Voyage de Marchand, int.*) and of the *Quarterly Review*, (vol. xvi, p. 159.) And the Review suggests a remarkable confirmation of the story of the old Greek pilot. Juan de Fuca speaks of being plundered by an English cruiser, commanded by one *Candish*; and Sir Thomas Cavendish (pronounced *Candish*) relates that he found a Greek pilot in one of the Spanish ships, which he robbed in the Pacific. For the rest, though Lok's narrative contains some errors or exaggerations, they are no greater than occur in many (perhaps most) of the old voyages, and are no impeachment of the general credibility of the story.

Next to this comes the voyage of Sebastian Vizcaino, one of the most interesting and best conducted in the annals of navigation. "Vizcaino

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was a man of great ability and experience, and of considerable personal distinction. In 1594 he commanded an important expedition in California, the conquest and settlement of which had been confided to his care. When the interests of the Manila commerce, which required a port of refuge in California, and the general desire to understand the nature of the shores of that country, caused the further exploration of the northwest coast to be undertaken by Philip the Third, the Conde de Monterey being Viceroy of Mexico, the Viceroy selected Vizcaino for this service. The fleet, of which he was captain-general, consisted of three large vessels, the *San Diego*, *Santo Tomas*, and *Tres Reyes*, with picked crews of seamen, and soldiers, commanded by officers of merit and reputation, including Torribio Gomez, as admiral, and Geronymo Martin, as cosmographer. Of this expedition a very full and authentic account exists in original documents, an abridgment of which is to be found in *Torquemada*. In addition to which, are thirty-two original maps of the countries explored by the expedition, drawn up by Enrico Martinez, and vouched by Humboldt as surpassing all previous works of that kind, in accuracy and skill of construction. The fleet set sail from Acapulco, the 2d of May, 1602, and arrived there, on its return, the 21st of March, 1603. Vizcaino, himself, proceeded north only so far as Cape San Sebastian, in latitude 42°, and north of Trinidad bay. But one of his ships, the frigate *Tres Reyes*, conducted by Antonio Flores, as pilot, and commanded by Martin de Aguilar, went on further, to latitude 43°, and, on the 19th of January, 1603, reached the mouth of a deep river, often called in the books after the name of Aguilar, being, probably, the same which is now called the Umqua. There is some reason to suppose this river may have been visited by Cabrillo, in 1543! The discovery of it, unless made by Cabrillo, unquestionably belongs to Martin de Aguilar. It was the ultimate point of Vizcaino's expedition, which then returned to Acapulco. (*Torquemada*, lib. v.)

After this time, for a long series of years, the northwest coast seems to have been left unexplored by Spain; that is, assuming the story of De Fonte's voyage, in 1640, not to be authentic. (*Venegas*, tom. iii; *Burney*, vol. iii.) And the reason of the cessation of the efforts of Spain is to be sought for, not in her neglect of navigation, but in the necessary change of her policy. She had ceased to desire the existence of a northwest passage from Europe to the Pacific: because, though such a passage might in some respects be useful to her, it would be greatly more injurious to her in other respects, inasmuch as it would bring down upon her possessions in the Pacific and Indian seas the piratical cruisers of the northern nations of Europe. The expeditions of Drake and Cavendish had shown that the circuit of Cape Horn did not furnish to Spain a complete security for her remote possessions in the Pacific. Still more alarming would have been their insecurity, if accessible by a ready passage from Hudson's bay.

Without relying, then, upon De Fonte, and giving away even the voyage of Maldonado, it will be perceived that we have authentic proofs that Cabrillo (or Ferrello) had explored to latitude 43° in 1543; that Gali was at 37° 30', if not at 57° 30', in 1582; that the *San Agustin* was at the bay of San Francisco, in 1595; that Juan de Fuca entered the strait now bearing his name, in 1599; and that, in 1602, Vizcaino (that is, Martin de Aguilar) surveyed the coast of California, as far up as the

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river of Aguilar. Besides which, the outer coast of California was explored immediately after the conquest, by the orders of Cortes and of Mendoza, to Cape Mendocino, and was repeatedly visited by the Manila ships, to provide a port for whom the expedition of Vizcaino was, in part, undertaken. And upon these various discoveries, and the proximity of their settlements in Mexico, the Government of Spain proceeded, in the course of the seventeenth century, to make or authorize settlements in New California, so as to acquire all the territorial rights, by which any European Government ever has obtained original claim to sovereignty of the soil in America.

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

Although Sir Francis pretended to take possession of the country, and to call it *New Albion*, this could amount to nothing as against Spain, the prior discoverer. England, by touching at New California, could not acquire any rights whatever; for whatever right such an act may be deemed, by the European conventional law, to confer, had already been appropriated by Spain. And Spain also proceeded to do that, which England did not do, and which, by the same European conventional law, is deemed the consummation of the inchoate title gained by discovery, namely, the formation of settlements in the country discovered. To say nothing, therefore, of the absurdity of claiming a title for England as against Spain, by the piratical acts of a professional pirate, such as Sir Francis Drake, in most of his expeditions along the American coast, was,—to say nothing of this,—if Sir Francis Drake had been a peaceful, or at any rate a just explorer in behalf of England, yet, according even to the most liberal of all the rules of international law applicable to his case, his acts in reality conferred on his Government no territorial rights whatever in America.

Discovery in the North Pacific was revived, not by England, but by Russia, who, in consequence of her Asiatic possessions, very naturally turned her attention to the opposite coast of America. The voyages of Behring and Tschirikow, in 1728, 1729, and 1741, led to a more exact knowledge of the relative bearings of the Asiatic and American coasts in the high northern latitudes, and to the Russian establishments on the Aleutian islands, and the promontory of Alaska.

These events alarmed Spain, and stimulated England; and the numerous voyages of those two nations to the northwest coast ensued. First of

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

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

In 1776, another expedition from San Blas to the northwest was projected by the Spanish Government, and intrusted to Quadra and to Don Ignacio Arteaga; but it did not set sail until 1779. Quadra, with his pilot, Don Francisco Maurelle, surveyed in this expedition the port of Bucareli, as in their former voyage; also, Mount St. Elias and the isle of La Magdalena. (*Hinchinbrook*.)

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

Next comes the unfortunate French expedition of La Pérouse, who, in 1785, was at Mount St. Elias, and sailed from thence to Monterey, but without making any novel discoveries of value, on that coast.

Voyages to the northwest were now interrupted for a while, by the progress of the American Revolution, which involved Britain, France, and Spain, as well as the United States, in a common war. But immediately after the restoration of peace, commerce turned its attention to the productive fur-trade of that region; Great Britain and the United States became competitors with Russia for the supply of peltries in the markets of Asia; and a great number of private merchant vessels began to frequent Nootka Sound and the neighboring seas and islands. Among these commercial navigators, the Englishmen Meares, Portlocke, and Dixon, and the American Robert Gray, distinguished themselves by their valuable additions to the geographical knowledge of the coast: especially by entering and exploring the Strait of Juan de Fuca, and thus proving, conclusively, that the story of the old pilot was a true one, and that the credit of the first discovery of that strait is due to Spain.

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

In the year 1787, Joseph Barrell, a distinguished merchant of Boston, in the State of Massachusetts, projected a voyage of commerce and discovery to the northwest coast of America; and Samuel Brown, Charles Bulfinch,



John Derby, Crowell Hatch, and John M. Pintard, citizens of the United States, became associated with him in the enterprise. Two vessels, the ship *Columbia*, commanded by John Kendrick, and the sloop *Washington*, by Robert Gray, were equipped, and provided with suitable cargoes for traffic with the natives, and set sail from Boston in October, 1787. This expedition was regarded with much interest, it being the first attempt from the United States to circumnavigate the globe. The *Columbia* arrived at Nootka Sound the 16th of September, 1788, and the *Washington* soon afterwards. Here they proceeded to collect furs. While on the coast, Captain Gray, in the *Washington*, entered into, and sailed some way up, the long-lost strait of Juan de Fuca, which Martinez, in 1774, had seen, but not entered. Captain Gray was then transferred to the *Columbia*, and proceeded in her to Canton with the furs collected, and at Canton took in a cargo of teas for Boston, Captain Kendrick remaining on the coast in the *Lady Washington*. Thus far, the enterprise had not proved a gainful one to the parties, two of whom, Messrs. Derby and Pintard, disposed of their shares to Messrs. Barrell and Brown; who, with their remaining associates, decided, nevertheless, to despatch the *Columbia* once again, with Captain Gray, to the northwest coast. He accordingly proceeded thither, and, on the 7th of May, 1792, came in sight of land in latitude  $46^{\circ} 58'$ , and anchored in what he named *Bulfinch's harbor*, now called *Gray's harbor*. On the 11th of May he entered a large river; and, on the 14th, sailed up the same about fourteen miles, and remained in the river until the 21st of May. To this river he gave the name of his ship, and the north side of the entrance he called *Cape Hancock*, the south side *Point Adams*. This is the first entrance and exploration of the river *Columbia*; the inlet, or bay of which, however, had been seen by Ayala and Heceta, and called by them *Entrada de Heceta*, as we have before stated; and, so far as the discovery and exploration of this river from the sea can confer any claims of sovereignty, those claims, therefore, belong to the United States, both in her own right and in right of Spain. And, although the voyage was unprofitable to its enterprising projectors, it was highly important to the United States, as well by giving rights of discovery, as because it opened the way to a most valuable and productive commerce, which was afterwards pursued by other citizens of the United States.

In 1788, two Spanish vessels, commanded by Don Esteban Martinez and Don Gonzalo Lopez de Haro, sailed from San Blas, to examine the Russian establishments in America; and, in 1799, Martinez proceeded with the same vessels for the purpose of making a settlement in Nootka Sound, and constructed the fort of San Miguel on one of the islands there. Two months after this, arrived the English ship *Argonaut*, fitted out by a new trading corporation in England, called "King George's Sound Company," which, in the grasping and rapacious spirit that has actuated the East India Company and the Hudson's Bay Company, pretended to monopolize to itself the trade and territory of Nootka Sound. Martinez demanded by what right England undertook to do this. Colnet, the commander of the *Argonaut*, referred to Cook's voyage. Martinez very justly replied, that he himself, under Perez, had anticipated Cook, in the discovery of Nootka Sound, by four years; a fact well remembered by the natives, who had a perfect recollection of Martinez, personally, and of the expedition of Perez. At length,

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Martinez put an end to the dispute by arresting Colnet, and sending him to San Blas. At the same time, other vessels, commanded by Don Francisco Elisa and Don Salvador Fidalgo, were sent from Mexico to support Martinez. Fidalgo formed a second Spanish settlement or fort to the southeast of Quadra's island, *on the main land*, at the entrance of the strait of Juan de Fuca, in latitude  $48^{\circ} 20'$  north. This fact is important to be remembered; for we thus see, that Spain was the first European Power that doubled Cape Mendocino and Cape Blanco, the first that visited the river of Aguilar, the first that discovered the inlet of Columbia river, the first that visited Nootka Sound, the first that discovered the Strait of Juan de Fuca, and *the first that formed any establishment, on any part of the northwest coast, from California to the forty-ninth degree of north latitude.* Hers is the prior title to that of England, both by discovery and by settlement.

Meanwhile, the seizure of Colnet had excited a very lively sensation in Europe, and well-nigh involved Britain and Spain in a new war. This was the celebrated Nootka Sound controversy; which controversy being disposed of by a convention between Great Britain and Spain, the design, previously conceived by the British Government, to have a more careful survey of the northwest coast, was resumed, and intrusted to Vancouver. His exertions were meritorious and valuable. Not, however, that he made any new discovery of *national* consequence, but that he followed up successfully those of others, and accurately reconnoitred an extensive region. This was done during the years 1792, 1793, and 1794.

Of course, the English give to Vancouver all the credit he deserves, and much that he does not deserve, and never claimed. Yet Vancouver himself, in his own narrative, states truly and candidly, with the frankness natural to a brave sailor, that he derived the knowledge of the existence of Columbia river from Captain Gray, who had previously visited it, and named it; and who spoke Vancouver, and communicated to him the fact. On the 29th of April, 1792, Vancouver says, that he spoke the ship *Columbia*, of Boston, Captain Robert Gray; that Gray gave information of a river in  $46^{\circ} 10'$ ; and he then proceeds to mention a previous voyage, that of the *Washington*, in which Gray had entered the Strait of Juan de Fuca. (*Voyage*, vol. i.) Afterwards, when Vancouver sent Broughton, one of his officers, to explore the river Columbia, he says, "Broughton had for his guidance thus far up the inlet, a chart by Mr. Gray, who had commanded the American ship *Columbia*." (Vol. ii. p. 53.) In the same place, he uses the name of *Point Adams*, applied by Gray.

Simultaneously with Vancouver's voyage, were the Spanish expeditions of Malaspina, in 1791, and that of Galiano and Valdes, in 1792, which may well compare in dignity and importance with those of Cook and Vancouver.

Malaspina sailed from Cadiz in 1789, in the corvettes *Descubierta* and *Atrevida*, and, having other objects, did not reach Acapulco on his way to the northwest, until February, 1791. He spent a part of that year in surveying the extreme northwest coast in search of the strait supposed to have been discovered by Lorenzo Ferrer Maldonado, and in taking the heights of mountains, and the exact position of great points, as well to the north of and near to Nootka Sound, as on the coast of New Spain.

At the suggestion of Malaspina, the Conde de Revillagigedo, Viceroy

of New Spain, despatched on another expedition the schooners *Sutil* and *Mejicana*, commanded by Don Dionisio Galiano and Don Cayetano Valdes, to make survey of the coast between Cape Mendocino and Nootka Sound, which, thus far, had been passed by, or only cursorily examined, by other navigators. Galiano and Valdes, like Malaspina, possessed all the qualities of character and science required for this duty. In the course of this voyage, they completed the survey of the strait of Juan de Fuca, sailing all around the island of Quadra and Vancouver, meeting and having the most friendly intercourse with Vancouver on those seas. They also explored the river Columbia. The result of their labors was published in Spain in 1802, (*Viage de las Goletas Sutil y Mejicana*,) with a learned introduction, ascribed to Don Martin Fernandez de Navarrete. (*Coleccion de Viages, Fr. t.*, tom. i. p. 393.)

There still remained another tract of coast, between latitudes 51° and 56° N., not satisfactorily explored; and this was done in 1792, by Don Jacinto Caamaño, in the frigate *Aranzazu*, under the orders of the Viceroy of New Spain. (*Humboldt, N. Esp.*, tom. i, p. 343.)

There followed, at successive periods, the various voyages and settlements of the Russians, which have drawn from both Great Britain and the United States a recognition of the peculiar rights of Russia north of 54 degrees 40 minutes, (Prince of Wales's island,) but which rights not extending south of that parallel, need not be considered in the present connection.

#### APPENDIX C.

##### THE VOYAGE OF JUAN DE FUCA.

[FROM PURCHAS'S PILGRIMS, VOL. III, P. 849.]

A note made by me, Michael Lok the elder, touching the Strait of Sea, commonly called *Fretum Anian*, in the South Sea, through the North-west passage of *Meta incognita*.

When I was at Venice, in April, 1596, happily arrived there an old man, about threescore yeares of age, called commonly Iuan de Fuca, but named properly Apostolos Valerianos, of Nation a Greeke, borne in the Iland Cefalonia, of profession a Mariner; and an ancient Pilot of Shippes. This man being come lately out of Spaine, arrived first at Ligorno, and went thence to Florence in Italie, where he found one Iohn Dowglas, an Englishman, a famous Mariner, ready comming for Venice, to be Pilot of a Venetian Ship, named Ragasona for England, in whose company they came both together to Venice. And Iohn Dowglas being well acquainted with me before, he gaue me knowledge of this Greeke Pilot, and brought him to my speech: and in long talke and conference between vs, in presence of Iohn Dowglas: this Greeke Pilot declared, in the Italian and Spanish languages, thus much in effect as followeth.

First he said, that he had bin in the West Indies of Spaine by the space of fortie yeers, and had sailed to and from many places thereof, as Mariner and Pilot, in the seruice of the Spaniards.

Also he said, that he was in the Spanish Shippe, which in returning from the Ilands, Philippinas and China, towards Noua Spania, was rob-

bed and taken at the Cape California, by Captaine Candish, Englishman, whereby he lost sixtie thousand Duckets of his owne goods.

Also he said, that he was Pilot of three small Ships, which the Viceroy of Mexico sent from Mexico, armed with one hundred men, Souldiers, vnder a Captain, Spaniards, to discover the Straits of Anian, along the coast of the South-Sea, and to fortifie in that Strait, to resist the passage and proceedings of the English Nation, which were feared to passe through those Straits into the South-Sea. And that by reason of a mutinie which happened among the Souldiers, for the Sodomie of their Captaine, that voyage was ouerthrowne, and the Ships returned backe from California coast to Noua Spania, without any effect of thing done in that Voyage. And that after their returne, the Captaine was at Mexico punished by iustice.

Also he said, that shortly after the said Voyage was so ill ended, the said Viceroy of Mexico sent him out againe Anno 1592, with a small Carauela, and a Pinnace, armed with Mariners onely, to follow the said Voyage for discouery of the same Straits of Anian, and the passage thereof, into the Sea which they call the North Sea, which is our North-west Sea. And that he followed his course in that Voyage West and North-west in the South-Sea, all alongst the coast of Noua Spania, and California, and the Indies, now called North America (all of which Voyage hee signified to me in a great Map, and a Sea-card of mine owne, which I laied before him) vntill hee came to the Latitude of fortie seuen degrees, and that there finding that the Land trended North and North-east, with a broad Inlet of Sea, between 47. and 48. degrees of Latitude: he entred thereinto, sayling therein more than twentie dayes, and found that Land trending still some time North-west and North-east, and North, and also East and South-eastward, and very much broader Sea then was at the said entrance, and that hee passed by diuers Ilands in that sayling. And that at the entrance of this said Strait, there is on the North-west coast thereof, a great Hedland or Iland, with an exceeding high Pinacle, or spired Rocke, like a piller thereupon.

Also he said, that he went on Land in diuers places, and that he saw some people on Land, clad in Beasts skins: and that the Land is very fruitfull, and rich of Gold, Siluer, Pearle, and other things, like Noua Spania.

And also he said, that he being entred thus farre into the said Strait, and being come into the North Sea already, and finding the Sea wide enough euery where, and to be about thirtie or fortie leagues wide in the mouth of the Straits, where he entred; hee thought he had now well discharged his office, and done the thing which he was sent to doe: and that hee not being armed to resist the force of the Saluage people that might happen, hee therefore set sayle and returned homewards againe towards Noua Spania, where hee arriued at Acapulco, Anno 1592, hoping to be rewarded greatly of the Viceroy, for this seruice done in this said Voyage.

Also he said, that after his comming to Mexico, hee was greatly welcommed by the Viceroy, and had great promises of great reward, but that hauing sued there two yeares time, and obtained nothing to his content, the Viceroy told him, that he should be rewarded in Spaine of the King himselfe very greatly, and willed him therefore to goe into Spaine, which Voyage hee did performe.

Also he said, that when he was come into Spaine, he was greatly

welcomed there at the Kings Court, in wordes after the Spanish manner, but after long time of suite there also, hee could not get any reward there neither to his content. And that therefore at the length he stole away out of Spaine, and came into Italie, to goe home againe and liue among his owne Kindred and Countrimen, he being very old.

Also he said, that hee thought the cause of his ill reward had of the Spaniards, to bee for that they did vnderstand very well, that the English Nation had now giuen ouer all their voyages for discouerie of the North-west passage, wherefore they need not feare them any more to come that way into the South Sea, and therefore they needed not his seruice therein any more.

Also he said, that in regard of this ill reward had of the Spaniards, and vnderstanding of the noble minde of the Queene of England, and of her warres maintayned so valiantly against the Spaniards, and hoping that her Maiestie would doe him iustice for his goods lost by Captain Candish, he would bee content to goe into England, and serue her Maiestie in that voyage for the discouerie perfectly of the North-west passage into the South Sea, and would put his life into her Maiesties hands to performe the same, if shee would furnish him with onely one ship of fortie tunnes burden and a Pinasse, and that he would performe it in thirtie dayes time, from one end to the other of the Streights. And he willed me so to write into England.

And vpon this conference had twise with the said Greeke Pilot, I did write thereof accordingly into England vnto the right honourable the old Lord Treasurer Cecill, and to Sir Walter Raleigh, and to Master Richard Hakluyt that famous Cosmographer, certifying them hereof by my Letters. And in the behalfe of the said Greeke Pilot, I prayed them to disburse one hundred pounds of money, to bring him into England with my selfe, for that my owne purse would not stretch so wide at that time. And I had answere hereof by Letters of friends, that this action was very well liked, and greatly desired in England to bee effected; but the money was not readie, and therefore this action dyed at that time, though the said Greeke Pilot perchance liueth still this day at home in his owne Countrie in Cefalonia, towards the which place he went from me within a fortnight after this conference had at Venice.

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## APPENDIX D.

## VOYAGE OF VIZCAINO AND AGUILAR.

[FROM TORQUEMADA, MONARQ. IND., LIB. V.]

## CAPITULO XLV.

*Donde se dà principio à la Jornada, que Sebastian Vizcaino hizo por este Mar del Sùr, y del intento que huvo para hacerse el Viage, y Jornada de el Cabo Mendocino, esta quinta vez, que fùè à descubrirse.*

Nuestro Rey Phelipo Tercero, como verdadero hijo de tan Christianissimo Padre, y Nieto de tan Santos Abuelos, tiene tanto zelo del bien de las Almas, que tiene à su cargo, que de ordinario procura, por todas las vias, y modos que puede, ampliar el Christianismo por todo este Nuevo-Mundo; y assi vino à su noticia, como governando la Nueva-España, como Virrey de ella, Don Antonio de Mendoza, que fuè en el tiempo, que se descubriò el viage, y navegacion de las Islas de Luzòn, que llamamos Philipinas, con ciertos Navios, que se fabricaron en el Puerto de la Navidad, Costa del Mar del Sùr, y tierra de la Nueva-España, viniendo de vuelta las dichas Naos, en altura de quarenta y dos grados, poco menos, vieron los que en ellas venian un Remate, que la tierra firme allì hacia, al qual llamaron Cabo Mendocino, à contemplacion del Virrey, que los havia embiado, y que desde allì, hasta el Puerto de la Navidad, parecia ser todo tierra firme. Y llegados à la Nueva-España, dieron noticia de ello al dicho Virrey, el qual pretendiò, que se descubriera la dicha Costa, hasta el dicho parage del Cabo Mendocino; y poniendolo por obra, à su costa, solo pudo llegar hasta el Puerto, que se llamò entonces de Santiago, y ahora le llamamos de la Magdalena, que està en altura de veinte y cinco grados, y desde allì se tornò el que lo iba à descubrir, por parecerle imposible poder passar mas adelante, por ser continuos en aquella Costa los vientos Noruestes diametralmente contrarios para la dicha navegacion. Supo tambien su Magestad, como otros Virreyes havian intentado este mismo descubrimiento, por mandado de su Padre, y como no havian salido con èl (como adelante se dirà): hallò tambien su Magestad, entre otros Papeles, una Informacion, que ciertos Estrangeros havian dado à su Padre, en que se dicen algunas cosas notables, que ellos en aquella tierra havian visto, llevados allì con fuerza de tiempos, en un Navio desde la Costa de los Bacallaos, que es en Terranova, dando en ella razon de haver passado de la Mar del Norte à la de el Sùr, por el Estrecho de Anian, que es mas adelante de el Cabo Mendocino, y que havian visto una populosa, y rica Ciudad, bien fortalecida, y cercada, y muy rica de gente, politica, y cortesana, y bien tratada, y otras cosas, dignas de saberse, y de ser vistas. Por otra parte havia sido tambien informado, que los Navios, que vienen de la China à la Nueva-España, corren notable riesgo en la vuelta; y que cerca del Cabo Mendocino solian ser las mayores tormentas; que con vendria, para reparo de las Naos, descubrir la Costa desde allì al Puerto de Acapulco, para que sabiendose la Costa, tuviessen reparo los Navios, que por allì navegan; pues de ordinario son de su Magestad, y corre su Real Hacienda muchissimo riesgo. Por estas, y otras muchas causas, mandò al Conde de Monte-Rey, Virrey de esta Nueva-España, que à su

costa hiciesse hacer el dicho descubrimiento, con todo cuidado, y diligencia; y que en el coste, y gastos no reparasse; porque este era su gusto, y queria assi se hiciesse.

## CAPITULO XLVI.

*En que se trata de comò, y por què orden dispuso las cosas necesarias, para hacer el dicho descubrimiento, el Conde de Monte-Rey, Virrey de la Nueva-España.*

El Conde de Monte-Rey, deseando acertar à hacer lo que su Magestad, con tanto encarecimiento, le havia mandado, lo comunicò, y tratò una, y muchas veces con personas de experiencia y saber de quienes tenia satisfaccion, que le dirian lo que mas convinièsse, para que mejor se hiciesse, y su Magestad fuesse mas bien servido. Resuelto, pues, y determinado en lo que se havia de hacer: mandò apercibir todo lo necessario, con mucho cuidado, y diligencia, y nombrò al General Sebastian Vizcaino por Capitan General, para este Viage, que antes lo havia sido de las Californias; y por Almirante, al Capitan Toribio Gomez de Corvàn, personas de experiencia, y merecedoras de toda confianza; porque el General Sebastian Vizcaino era persona, à cuyo cargo estaba entonces la pacificacion, y Conquista de las Californias, y era el que mas de los de la Nueva-España sabia aquella costa, por haver ido el año de 1594 à descubrir aquellas tierras, (como yà dexamos dicho,) y era el mas interessado de todos, en que el descubrimiento se hiciesse como su Magestad mandaba; pues era cosa, que èl havia de hacer à su costa. Para el buen successo de su comision, y conquista, al Capitan Toribio Gomez se le diò oficio de Almirante; porque en cosas de Mar era muy cursado, y pràctico, y havia servido muchos años à su Magestad en la Costa de Francia, en los Navios de Corso de Armada; y por haver servido con mucha fidelidad, y esfuerzo, se le diò el ser Cabo de los Patages de la dicha Armada, y se le encargaron negocios de mucho peso, y de suma confianza, como de todo le constò al Virrey por papeles, y recados abonados, que el dicho Toribio Gomez le presentò, en Testimonio de sus Servicios, al qual despachò luego el Virrey en busca de dos Navios à la Provincia de Onduras, y Quatemala, y en su compañía embiò al Alferez Sebastian Melendez, y al Piloto Antonio Flores, para que le ayudassen, y acompañassen. Tambien despachò luego al Alferez Juan de Acevedo Texeda al Puerto de Acapulco, à prevenir allì lo necessario para la Navegacion, y para que assistiesse en la Fabrica de una Fragata pequeña, para el mismo efecto. Luego mandò al General Sebastian Vizcaino, que pidiesse lo que huviesse menester para el Viage, assi de bastimentos, como de gente de Mar, y Guerra, al qual se le diò todo lo necesario para el Viage cumplidamente. Dieronsele Ministros Eclesiasticos para que le acompañassen en esta Jornada, que fueron tres Religiosos Descalzos de Nuestra Señora del Carmen, que fueron los Padres Fray Andrès de la Assumpcion, Fray Antonio de la Ascension, y Fray Thomàs de Aquino. Fuè por Comissario el Padre Fray Andrès de la Assumpcion; y à falta suya, Fray Antonio de la Ascension; y por ausencia de ambos, Fray Thomàs de Aquino. Y porque, como dice Ciceron, las cosas grandiosas no se hacen jamàs con solas fuerzas, aceleramientos, y ligereza del cuerpo, si no vãn acompañadas con consejo, y madurèz, y con el parecer de los prudentes, y experimentados Consejeros, señalò el Virrey para esto al Capitan Alonso Estevan Peguero, Soldado

viejo, y de mucho valor, y de grande experiencia, de los de Flandes, y que se hallò en lo de Magallanes; y al Capitan Gaspar de Alarcòn, Soldado afamado de Bretaña, por su esfuerzo, prudencia, y buen consejo; y para los negocios de Mar, à los Pilotos, y Maestros de los Navios; y al Capitan Geronymo Martin, que iba con Plaza de Cosmografo, para demarcar, y pintar las tierras, que se fuessen descubriendo, para que con distincion se le diese firme, y verdadera Relacion à su Magestad de lo que se descubriese, y sucediese en el dicho Viage. Estas cosas assi prevenidas, mandò el Conde, que Don Francisco de Valverde, Factor de la Caxa Real de Mexico, y Proveedor de sus Armadas, que despachàra à Acapulco todo lo que era à su cargo, y mandò pagar à los Soldados, que para el efecto se havian escogido, que fuè una de las mas lucidas Companias, que se han levantado en la Nueva-España, de la qual fuè por Alferez Juan Francisco Suriano, y por Sargento Miguèl de Legar.

Y siendo yà tiempo de partir, llamòlos el Virrey à todos, y haciendoles un discreto parlamento, les encargò el negocio à que les embiaba, la paz, y union entre todos, y la obediencia, y respeto à los mayores, y en especial à los Religiosos, en quien èl tenia puestos sus ojos, y la esperanza del buen sucesso del Viage, que iban à hacer; y desde allí repartiò la gente, como havia de ir en los Navios, y se partieron el General, y los Religiosos, y Capitanes de Mexico à siete de Marzo, dia de Santo Thomàs de Aquino, y llegaron à Acapulco, Puerto donde se havian de embarcar, dia de San Joseph, que fuè à 20. del dicho mes del dicho de 1602.

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#### CAPITULO IV.

*En que se trata de lo que le sucediò à la Capitana, y Fragata, desde que salieron del Puerto de Monte-Rey, hasta llegar al Cabo de San Sebastian, que es mas adelante del Cabo Mendocino.*

Luego como la Nao Capitana, y Fragata salieron del Puerto de Monte-Rey, en demanda del Cabo Mendocino, les diò un poco de buen viento, que les durò hasta el dia de los Reyes, y con èl navegaron, hasta passar mas adelante del Puerto de *San Francisco*. Y el dia despues de los Reyes, que fuè à siete de Enero, sobrevino el viento Norueste algo riguroso; pero podiasse sufrir, y navegar con èl: y entendiendo los de la Fragata, que no era el viento forzoso para arribar, fuè siguiendo su Viage, como la Capitana no le havia hecho farol, entendiendo iban juntas; porque por ser de noche no veian, y à la mañana, en la Capitana, acordò el General volver à entrar en el Puerto de San Francisco, entendiendo venia atràs la Fragata para aguardarla; y como la Fragata iba adelante, se perdieron de vista, y no se supo de la Fragata, hasta que en el camino de Acapulco à la Ciudad de Mexico, haviendo buuelto del Viage la Capitana, se tuvo nuevas de ella. La causa de haver entrado la Capitana en el Puerto de San Francisco, fuè por reconocerle, y por vèr si se hallaba allí rastro de una Nao llamada *San Agustin*, que en aquel Puerto havia dado à la Costa el año de 1595; la qual, por mandado de su Magestad, y del Virrey de la Nueva-España, que era el que entonces la gobernaba Don Luis de Velasco, la havia despachado desde Filipinas el Governador Gomez Perez Das Mariñas, para que hiciera este descubrimiento, de que aora vamos tratando, haviendosele encargado el cuidado, de que con fidelidad, y puntualidad lo hiciera el Piloto Sebastian Rodriguez Cermeñòn; y estando yà en este Puerto esta Nao San Agustin, se perdiò, y



diò à la Costa con un viento travesía; y entre los que alli venían en aquella ocasion, era uno el Piloto Mayor Francisco de Volaños, que lo era de esta Armada. El conociò el parage, y dixo, que en tierra havia dexado mucha Cera, y Caxones de Sedas; y por vèr si havia algun rastro de algo, quiso el General entrar en èl. Surgiò esta Nao Capitana detrás de una punta, que la tierra en el dicho Puerto hace, que se llamò *la Punta de los Reyes*; mas no se echò gente en tierra, por estàr con cuidado de la Frágata; y assi, el dia siguiente tornò esta Nao Capitana à salir de alli, para ir su camino en busca de la Frágata. El viento era Norueste, y escaso; y assi era muy poco lo que se navegaba; pero poco à poco, à doce el mes de Enero, Domingo, llegò esta Nao Capitana à vista de unas Sierras altas bermejas; y catorce leguas mas adelante al Norueste, se viò un Cabo Tajado à la Mar, y cerca de èl unas Sierras nevadas; de suerte, que à los Pilotos les pareciò, por razon, que de ello tenian, ser el Cabo Mendocino, el qual està en altura de quarenta y un grados y medio.

El dia siguiente, que se contaron trece de Enero, vino un viento Sueste con grandissima furia, y con èl un agua menuda fria, que parecia nieve. Este viento alborotò de tal suerte la Mar, que parecia cada momento estàr yà el Navio anegado, ò perdido; y para reparar esta furia, y por no llegar à mas altura, por tener temor del excesivo frio, que alli podia haver, y porque de fuerza en mas altura havia de ser mas grande, y mas trabajosa la tormenta, por ser entonces alli la mayor fuerza, y rigor del Invierno, se acordò en que la Nao se pusiesse de Mar en travès, hasta que huviesse viento acomodado, para tornar otra vez la buelta de Acapulco.

Quando la Nao Capitana llegò à este parage del Cabo Mendocino, yà no havia mas de solas seis personas en ella de todas, que tuviessen salud, y anduviessen en pie; porque todos los Soldados, Marineros, Pages, y Grumetes, estaban caídos en las camas de la enfermedad, que referimos; y no solamente la gente, que hemos dicho, estaban en las camas, pero tambien los Religiosos, y los Capitanes entretenidos, estaban caídos enfermos, que apenas el Padre Comissario podia acudir à confesarlos, y à olear à los que se iban muriendo; porque el Padre Fray Antonio yà no podia levantarse de una cama; y como la gente sana era poca para menear el Navio, havia entre todos una muy grande afliccion, causada de temor, en verse en tal parage, y sin remedio: y si la tormenta fuera mas brava, tengo por cierta la pèrdida de todos; porque los Soldados, y Marineros de ninguna manera, con su flaqueza, pudieran repararla, por no poder marear las Velas, como se requeria, para escusar los daños, que les podrian sobrevenir, si el viento llevàra el Navio à la Costa. El General, viendose en el trabajo, y riesgo, que he dicho, congregò à Consejo à los que solia, y con ellos se tratò del remedio que se pondria, y que mas conviniessse al servicio de Dios, y de su Magestad, y de toda aquella gente. Vistas las Ordenanzas, que el Conde de Monte-Rey, Virrey de la Nueva-España, havia dado al General Sebastian Vizcaïno, se acordò, que no se passasse adelante, sino que en haviendo buen tiempo, se diesse buelta para el Puerto de Acapulco, y que se entrarian en la California en el Puerto de la Paz, à aguardar el socorro, que con la Nao Almiranta se le havia embiado à pedir al Virrey. Con esto parece cobrà algun alivio la gente, por parecerles podian tener algunos dias mas de vida, de los que tuvieren, si passàran adelante: y à catorce del dicho mes aclarò un poco el dia, y saliò el Sol; de suerte, que los Pilotos pudieron pesarle, y se hallaron cerca del

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dicho Cabo Mendocino, que las corrientes havian llevado hasta alli el Navio en solos dos dias. Luego se obscureció el dia con una niebla espesa, y obscura, y una garva, que de fria, no havia quien la pudiesse esperar ; y como el viento era todavia Sueste, estuvose el Navio de Mar en través, hasta diez y nueve de Enero, vispera de San Fabian, y Sebastian Martyres. Este dia vino el viento Norueste, y con él aclarò el dia ; y tomando la altura los Pilotos, se hallaron en quarenta y dos grados de altura ; y en la Costa havia un Cabo blanco, de tierra blanca, junto à unas Sierras altas, y nevadas, y llamòse *el Cabo Blanco de San Sebastian*. Con este viento, los Marineros achacosos, se animaron à ayudar à los que estaban sanos, y con grandissimo trabajo se subieron las Vergas, y se tendieron à viento, para tornar de buelta al Puerto de Acapulco, con animo de venir à vista de la tierra en busca de la Fragata, y reconociendo de camino la Costa.

La Fragata, como yà dixè arriba, se hallò sin la Capitana ; entendiendo iba delante, fue en su seguimiento, y en busca suya ; y estando en altura de quarenta y un grados, le diò el viento Sueste, que he dicho, à la Capitana, y no pudiendo resistirle de Mar en través, corrió con el viento, hasta llegar al abrigo de la tierra firme ; y muy cerca del Cabo Mendocino, al abrigo de una peña grande, se estuvo surta, hasta que passàra ; y despues de haverse sossegado el viento, prosiguieron su Navegacion muy cerca de tierra : y à diez y nueve de Enero se hallò el Piloto Antonio Flores, que iba en la Fragata, en altura de quarenta y tres grados, donde la tierra hace un Cabo, ò Punta, que se llamò *Cabo Blanco*, desde el qual comienza la Costa à correrse al Norueste, y junto à él se hallò un Rio muy caudaloso, y hondable, que por las orillas de él havia muy grandes Fresnos, Sauces, Zarzas, y otros Arboles de Castilla ; y queriendo entrar por él, las corrientes no dieron lugar à ello.\* Viendose el Alferéz Martin de Aguilar, Cabo de la Fragata, y el Piloto Antonio Flores, que yà havian llegado à mas altura, que la Instruccion del Virrey mandaba, y que la Capitana no parecia, hallandose tambien con muchos enfermos, acordaron de tornarse à Acapulco, y assi lo pusieron por obra, como adelante dirè.

Entiendese, que este Rio es el que vâ à dâr à una grande Ciudad, que descubrieron los Olandeses, viniendo derrotados ; y que este es el Estrecho de Anian, por donde el Navio, que le descubriò, atravessò, y passò de la Mar del Norte à la del Sùr ; y que sin falta es en esta Comarca, ò Vecindad la dicha Ciudad, que se llamò *de Quivira* ; y de este sitio, y parage es de quien trata la Relacion, que su Magestad leyò ; por lo qual se moviò, y aficionò à mandar, que con mucho cuidado se hiciera este descubrimiento, y se le diera aviso cierto de todo.

\* The Author of the work entitled 'Noticia de la California, y de su Conquista, temporal y espiritual, hasta el tiempo presente, sacada de la Historia manuscrita, formada, &c., por el Padre Miguel Venegas,' makes the following remark on this passage of Torquemada :—

'Es digno de notar, que lo hallado, y visto por estos Españoles, no fuè *Entrada, Estrecho, ò Brazo de Mar, sino Río*. Lo demás, que aqui se añade del *Estrecho de Anian, &c.*, bien se ve, ser puras conjeturas del Autor, sin ningun apoyo.'

In the copy of the work, belonging to the Library of Congress, is the following interesting autograph note :—

'Al R. P. Francisco Xr. Charlevoix, de la Compañia de Jesus, ofrece este exemplar de la Noticia de la California, en prenda de su agradecimiento eterno, su Autor verdadero, ANDRÉS MARCOS BURRIEL, de la misma Compañia.'

## APPENDIX E.

## VOYAGE OF AYALA AND HECETA.

[MAURELLE'S JOURNAL, FROM BARRINGTON'S MISCELLANIES, P. 473.]

"Being on board the King's store-ship, the Santa Rica, which then lay in the port of Vera Cruz, I received on the 10th of that month an order from his excellency the Viceroy, Don Antonio Maria de Bucarely and Orsua, to undertake the function of first pilot in the expedition which was then fitting out at the port of St. Blas for discoveries on the northern coast of California.

"As I have always had the strongest desire to serve his Majesty (be the risque what it may) I readily accepted this commission, and, setting out from La Vera Cruz on the 12th of January, I reached Mexico on the 18th in order to receive his Excellency's further commands. I left Mexico again on the 16th of February, and arrived at the port of St. Blas, putting myself under the orders of the officer, who was to fit out the expedition, Don Bruno Heceta. The ships prepared for this purpose were a frigate and schooner, the latter being 36 feet long, 12 feet wide, and 8 deep, commanded by the Lieutenant Don Juan de Ayala, assisted by Don Juan Francisco de la Bodega, of the same rank, and I embarked in the schooner."

\* \* \* \* \*

"On the 19th of June, at 8 in the morning, we took up our anchors, and sailed with a gentle breeze from N. W. which had continued in the same direction all the time we were in port. It fell calm however at ten, on which we cast anchor about a cannon's shot from the little island, where we had ten fathom water, and a muddy bottom.

"On the 20th in the evening the wind blew again from the N. W. and we sailed to the E. S. E. and S. E. the wind continuing N. W. which made the sea run high.

"On the 21st was new moon, and the wind veered about to the W. with small rains and mists, which separated the two ships for six or eight hours, during which we made our signals by lights, and firing guns.

"In order to get into the course we were to steer, if the wind proved favourable, I mentioned to our commander what I had read in D. Juan Perez's journal, which had been delivered to him, where it was observed that this navigator had the winds from the S. and S. E. with which it was easy to run along the coast, to a high northern latitude, and for that reason Perez was of opinion that the coast should not be approached till 49, in which I agreed with him. Our commanders indeed kept as much to windward as possible, in order to take advantage of the wind, when it should become fair; but it soon changed to the W. and N. W. which drove us on that part of the coast which we wanted to avoid.

"On this same day we repaired several damages which our ship had suffered, with the greatest alacrity, in hopes of prosecuting our discoveries, and found that she sailed better comparatively with the frigate than she had done before.

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"On the 2d of July some other damages were repaired.

"Although we laid great stress upon getting to the westward, in order that we might afterwards proceed N. as also discover some port in a lower latitude than 65, yet we were not able to effect this, as the wind from being W. turned to the N. W. and drove us upon the coast [too early.]

"On the 9th of July I conceived myself to be in the latitude of the mouth of a river, discovered by John de Fuca (according to the French map) which we therefore endeavoured to make for, whilst at the same time we observed that the sea was coloured, as in soundings; many fish, reeds 20 feet long, and the *orange-head* likewise appeared; all of which circumstances shewed that we were not far distant from the coast.

"The same day both wind and sea increased so much that our deck was thoroughly wetted, and our cistern of water also was much damaged, on which account it became necessary to steer S. W. from five in the evening till day-break, when the sea became more calm, and wind more fair; so that we sailed N. and a point to the E. hoping to discover the land.

"At sun-set the horizon was more clear, and the signs of approaching the coast greatly increased; as we could not distinguish it however, we kept in the wake of the frigate, by very clear moonlight.

"On the 11th, at day-break, the sky was very bright, there was an appearance of soundings, much sea-weed, many birds, and the greatest signs of being near land. In effect at 11 the sun shone, and we distinguished the coast to the N. W. when we were about 12 leagues from it.

"In the evening both wind and sea rose so much that the frigate thought it right to keep us in sight, and we were much fatigued by the violence of the weather.

"On the 12th we had got five or six leagues to the N. of the frigate, whilst we were but three leagues from the land, with a more favourable wind and calmer sea, so that we joined her by eleven. At six in the evening the coast was not more distant than a league, when we distinguished various headlands, many small islands, as also mountains covered with snow.

"We likewise found a barren island, about half a league in circumference, which we called *de Dolores*.

"We now carried all the sail we could to follow the frigate, but we could not do so at the proper distance, in so much that at sun-set we lost sight of her; and although during the whole night we hung out lights, fired our guns, as also rockets, she never answered our signals; from which we concluded that they could not be distinguished by our companion.

"On the 13th however the frigate appeared at a great distance, and seemed to be making for the coast.

"We now sounded, and found 30 fathoms of water, casting anchor two leagues and half from the land. At twelve on the same day we saw the frigate still at a greater distance to leeward, though she endeavoured to approach the coast. On this we set sail to join her, keeping at the same time as near to the land as we could, and being not farther distant than a mile, we plainly distinguished, as we passed to the S. W., the plains, small detached rocks, and low headlands, till six in the evening. As we could not however find any port, and could not bear to lose the nothing we had gained with so much trouble, we determined to cast anchor near

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a point, where we thought we should be able to procure wood and water, as well as masts.

"The frigate was now not more than half a league distant, and we therefore made a signal to her to cast anchor, having eight fathoms of water upon sounding.

"After this I soon went on board the frigate, the captain of which told me that the commander of the schooner should come to him, in order to hold a council, whether the schooner should proceed or not to a higher latitude, as every minute we stayed longer on the coast, would subject us to greater risques, both from the winds and sea. This was also the more to be dreaded, as the whole crew of the frigate had been sick for the two last days, whilst the commander himself was far from well. The captain of the schooner therefore was to keep near, and jointly take possession of this part of the coast. I accordingly carried these orders to the schooner, whose captain directed that the next day we should join the frigate.

"In the mean while nine canoes of tall and stout Indians appeared, who invited the crew of the schooner with great cordiality to eat, drink, and sleep with them.

"Our commander took care to regale them in the best manner he could, and particularly their chieftains, as well as those who came the most readily on board, giving them whatever they seemed most to desire.

"The Indians, being obliged by these civilities, rowed near to our ship, making friendly signs, and as we answered by the same civilities, they left us at nine, and soon returned with fish of many sorts, *pagro*, whale, and salmon, as also flesh of several animals, well cured under ground. These presents, in sufficient abundance, were offered to our commander, after which they returned to their villages, leaving us in high admiration of their noble proceedings.

"On the 14th, in the morning, the sea ebbed so low, that the ridges of rocks appeared along the coast, which prevented us from then sailing, and obliged us to wait for the full of the tide, which was to happen at 12 at noon. During this interval the Indians trafficked with us for various skins of animals, for which they expected some pieces of iron in exchange, which they manifested by putting their hands upon the rudder-irons; our people therefore procured them such, from old chests, after which they returned to their village, making the same signs as they had done the day before."

[Here follows an account of landing for water, and of difficulties with the Indians.]

"On the 14th of July we sailed, at five in the evening, from this road, which lies in 47. 21 N. Lat., the wind being N. W. and N. N. W. by which we left the coast, steering S. W."

\* \* \* \* \*

"On the 13th [August] we conceived ourselves to be in soundings from the colour of the sea; at the same time appeared *orange-heads*, many flags, many birds, with red feet, breast, and beak, as also many whales; all which were certain signs of our nearer approach to land.

"During the 14th and 15th these signs increased, when we found ourselves in N. Lat. 56. 8. and 154 leagues W. of the continent, and 69 leagues from an island to be found in our chart, which likewise pointed out an archipelago in the same parallel. This search however was attended

with great difficulty, as the wind blew with great violence, whilst the mists did not permit us to distinguish any distant object.

"At noon on the 16th we saw land to the N. W. at the distance of six leagues, and it soon afterwards opened to the N. E. presenting considerable headlands and mountains, one of which was of an immense height, being situated upon a projecting cape, and of the most regular and beautiful form I had ever seen. It was also quite detached from the great ridge of mountains. Its top was covered with snow, under which appeared some wide gullies, which continue till about the middle of the mountain, and from thence to the bottom are trees of the same kind as those at Trinity.

"We named this mountain *St. Jacinthus*, and the cape *del Engaño*, both of which are situated in N. Lat. 57. 2. and by two repeated observations at a mile's distance we found the W. Long. from St. Blas to be 34. 12.

"From this cape we fixed the principal points on the coast, as will appear by our chart.

"On the 17th the wind blew moderate from the S. by means of which we entered a bay that was three leagues wide at its mouth, and which was protected from the N. by cape *del Engaño*; on the opposite side to this cape we discovered a port more than a league wide at the entrance, perfectly secure from all winds but the S. We nearly approached the sides of this bay, and never found less than fifty fathoms in depth; but we could not perceive any kind of flat or plain, as the mountains came quite down to the shore. Notwithstanding this we distinguished a small river, which (it being night) we did not further attend to, but cast anchor in 66 fathoms, the bottom being a clay, as we found upon drawing up our anchors.

"This port is situated in 57. 11 N. Lat. and 34. 12. W. Long. from St. Blas; which, together with the headland, we named Guadalupe.

"On the 18th we sailed again, with little wind; when two canoes, with four Indians in each, appeared (viz. two men and two women) who, however, did not seem to wish to come on board us, but only made signs that we should go on shore.

"We continued our course however (the wind being N. W.) till nine in the morning, when we entered another port, not so large indeed, but the adjacent country much more desirable to navigators, as a river empties itself here of eight or ten feet wide, whilst the harbour is protected from almost every wind, by means of a long ridge of high islands, almost joining each other, with anchorage of 18 fathoms, the bottom being a sand. Here we cast anchor at a pistol's shot from the land, where we saw, on the bank of the river, a high house, and a parapet of timber supported by stakes drove into the ground, where we observed ten Indian men, besides women and children.

"We named this port *de los Remedios*, and found that it was situated in 57. 18 N. Lat. and 34. 12 W. Long. from St. Blas.

"The same day, having prepared ourselves for defence against the Indians, five of us landed about noon, when, having posted ourselves in the safest place we could fix upon, we planted the cross with all proper devotion, cutting another on a rock, and displaying the Spanish colours, according to our instructions on that head."

\* \* \* \* \*

"On the 24th at 2 in the evening, and being in 55. 17 N. Lat. we doubled a cape, and entered into a large bay, discovering to the N. an arm of the sea, where the temperature was very unpleasant, but the sea perfectly calm, being sheltered from the wind. This *arm* also affords excellent water from rills and pools, whilst the anchorage is good, with a vast plenty of fish. It is delineated in one of our charts.

"As we were now becalmed, the schooner rowed till we cast anchor in the entrance or mouth, the water being 20 fathoms, and the bottom soft mud. At this time we were not more than two musquet shots from the land, and wished to lay down the interior parts, but were not able to effect this for want of wind. We now experienced a pleasant temperature, which probably arose from some large volcanoes, the light of which we perceived during the night, though at a considerable distance. This unexpected warmth totally restored the health of our crew.

"As we thus lay at anchor, and so much to our satisfaction, our Captain gave me orders (being himself indisposed) that I should land with some of our crew, and with the same precautions as at *Los Remedios*. He also directed me to take possession for his Majesty of this part of the coast, and name it Bucarely. I accordingly obeyed his instructions in all particulars, without seeing a single Indian, though there were the following proofs of the country's being inhabited; viz. a hut, some paths, and a wooden outhouse. On the 24th we went a second time on shore, and provided ourselves with as much wood and water as we wanted.

"We made two observations on different days, and found our latitude to be 55. 17. and W. Long. from S. Blas 32. 9.

"The mountains near this port or inlet are covered with the same trees as those at the other places, where we had landed, but I can say nothing with regard to the inhabitants, from what hath been before stated.

"To the S. we saw an island of a moderate height, at the distance of six leagues, which we named S. Carlos, and sailed on the 29th with a gentle breeze at N. but which fell calm at noon, when we were opposite to a bare island, which scarcely appeared above the sea; there are many rocks however, both to the E. and W. Here we anchored in 22 fathoms, and about two leagues distant from the island of S. Carlos.

"In this situation we observed a cape, which we named St. Augustine, at the distance of four or five leagues; after which the coast trended to the E. so much that we lost sight of it. We found also that there were here such violent currents in opposite directions, that we could not sound. As these currents rose and fell with the tide, it should seem that this inlet hath no communication but with the sea."

"On the 11th [September] we saw land, at the distance of eight or nine leagues, and in Lat. 53. 54. but as we wished not to approach so near as not to be able to leave it, on account of our having so few hands capable of working, we kept at a proper distance, only having a view of it from day to day, and not examining its capes, bays, and ports.

"In Lat. 49. however we endeavoured to draw nearer to the land, both because we were persuaded that the wind would continue favourable, and that some of the convalescents might now begin to assist us; so that in Lat. 47. 3. we were not further distant than a mile, when we attended to all proper particulars, as before.

"On the 20th, at eight in the morning, we were within half a league,

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precisely in the same situation as on the 13th of July; we found however 17 leagues difference with regard to our Longitude.

"On the 21st, being still nearer the coast, the wind blew from the S. and S. W. which, though moderate, obliged us to sail from the land.

"On the 22d the wind was N. W. but as both the captain and myself were ill of a fever, the ship steer'd for the port of Monterey. This our sickness made the rest of the crew almost despair; for which reason the captain and myself shewed ourselves upon the deck as often as we could, in which efforts the Almighty assisted us.

"On the 24th, finding ourselves somewhat better, we discovered the land in 45. 27. sailing along the coast at about the distance of a cannon's shot; and as we therefore could distinctly see every considerable object, we lay to during the night, hoping thus to find the river of Martin Aguilar, and continued this search till we were in Lat. 45. 50. when we distinguished a cape exactly resembling a round table, with some red gullies, from which the coast trends to the S. W. From this part rise ten small islands, and some others which are scarcely above the sea; the Latitude of this cape hath before been mentioned, and its Longitude is 20. 4. W. from S. Blas. As we therefore could see nothing of Martin de Aguilar's River in this second trial, we conclude that it is not to be found, for we must have discovered it, if any such river was on this part of the coast.\*

"It is said indeed that Aguilar observed the mouth of this river in 43, but the instruments of those times were very imperfect. Allowing the error however to have been in making the latitude too high, and that therefore we might have found it in 42 or lower; yet this we can scarcely conceive to be the truth, as we examined all that part of the coast, except about fifty minutes of Latitude.

"After this last return to the coast, we endeavoured to make for the port of S. Francisco."

#### APPENDIX F.

##### VOYAGE OF ROBERT GRAY.

*Extract from the log-book of the ship Columbia, Captain Robert Gray; furnished by Charles Bulfinch, Esq., one of the owners of the Columbia.*

May 7, 1792, A. M.—Being within six miles of the land, saw an entrance in the same, which had a very good appearance of a harbor; lowered away the jolly-boat, and went in search of an anchoring-place, the ship standing to and fro, with a very strong weather-current. At 1 P. M. the boat returned, having found no place where the ship could anchor with safety; made sail on the ship; stood in for the shore. We soon saw, from our mast-head, a passage in between the sand-bars. At half past 3, bore away, and run in northeast by east, having from four to eight fathoms, sandy bottom; and, as we drew in nearer between the bars, had from ten to thirteen fathoms, having a very strong tide of ebb to stem. Many canoes came alongside. At 5 P. M. came to in five fathoms water, sandy bottom, in a safe harbor, well sheltered from the sea by long sand-bars and spits. Our latitude observed, this day, was 46° 58' north.

\* There is nothing remarkable in this. Later English navigators sought, without finding, any opening between Lat. 42 and 50 N.



*May 10.*—Fresh breezes and pleasant weather; many natives alongside; at noon, all the canoes left us. At 1 p. m. began to unmoor, took up the best bower-anchor, and hove short on the small bower-anchor. At half past 4, (being high water,) hove up the anchor, and came to sail and a beating down the harbor.

*May 11.*—At half past 7, we were out clear of the bars, and directed our course to the southward, along shore. At 8 p. m. the entrance of Bulfinch's harbor bore north, distance four miles; the southern extremity of the land bore south-southeast half east, and the northern north-northwest; sent up the main top-gallant yard and set all sail. At 4 a. m. saw the entrance of our desired port bearing east-southeast, distance six leagues; in steering sails, and hauled our wind in shore. At 8 a. m., being a little to windward of the entrance of the harbor, bore away, and run in east-northeast between the breakers, having from five to seven fathoms of water. When we were over the bar, we found this to be a large river of fresh water, up which we steered. Many canoes came alongside. At 1 p. m. came to with the small bower, in ten fathoms, black and white sand. The entrance between the bars bore west-southwest, distant ten miles; the north side of the river a half mile distant from the ship; the south side of the same two and a half miles distance; a village on the north side of the river west by north, distant three quarters of a mile. Vast numbers of natives came alongside; people employed in pumping the salt water out of our water-casks, in order to fill with fresh, while the ship floated in. So ends.

*May 12.*—Many natives alongside; noon, fresh wind; let go the best bower-anchor and veered out on both cables; sent down the main top-gallant yard; filled up all the water-casks in the hold. The latter part, heavy gales and rainy dirty weather.

*May 13.*—Fresh winds and rainy weather; many natives alongside; hove up the best bower-anchor; seamen and tradesmen at their various departments.

*May 14.*—Fresh gales and cloudy; many natives alongside; at noon, weighed and came to sail, standing up the river northeast by east; we found the channel very narrow. At 4 p. m. we had sailed upwards of twelve or fifteen miles, when the channel was so very narrow that it was almost impossible to keep in it, having from three to eighteen fathoms water, sandy bottom. At half past 4 the ship took ground, but she did not stay long before she came off, without any assistance. We backed her off, stern foremost, into three fathoms, and let go the small bower, and moored ship with kedge and hawser. The jolly-boat was sent to sound the channel out, but found it not navigable any further up; so, of course, we must have taken the wrong channel. So ends, with rainy weather; many natives alongside.

*Tuesday, May 15.*—Light airs and pleasant weather; many natives from different tribes came alongside. 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.

*May 16.*—Light airs and cloudy. At 4 a. m. hove up the anchor and towed down about three miles, with the last of the ebb-tide; came into six fathoms, sandy bottom, the jolly-boat sounding the channel. At 10

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A. M. a fresh breeze came up river. With the first of the ebb-tide we got under way and beat down river. At 1, (from its being very squally,) we came to, about two miles from the village, (*Chinouk*,) which bore west-southwest; many natives alongside; fresh gales and squally.

*May 17.*—Fresh winds and squally; many canoes alongside; calkers calking the pinnace; seamen paying the ship's sides with tar; painter painting ship; smiths and carpenters at their departments.

*May 18.*—Pleasant weather. At 4 in the morning began to heave ahead; at half-past came to sail, standing down river with the ebb-tide; at 7 (being slack water and the wind fluttering) we came to in five fathoms, sandy bottom; the entrance between the bars bore southwest by west, distance three miles. The north point of the harbor bore northwest, distant two miles; the south bore southeast, distant three and a half miles. At 9 a breeze sprung up from the eastward; took up the anchor and came to sail, but the wind soon came fluttering again; came to with the kedge and hawser; veered out fifty fathoms. Noon pleasant. Latitude observed  $46^{\circ} 17'$  north. At 1 came to sail with the first of the ebb-tide, and drifted down broadside, with light airs and strong tide; at three-quarters past, a fresh wind came from the northward; wore ship and stood into the river again. At 4 came to in six fathoms; good holding-ground about six or seven miles up; many canoes alongside.

*May 19.*—Fresh wind and clear weather. Early a number of canoes came alongside; seamen and tradesmen employed in their various departments.

Captain Gray gave this river the name of *Columbia's* river, and the north side of the entrance *Cape Hancock*; the south, *Adams's point*.

*May 20.*—Gentle breezes and pleasant weather. At 1 P. M. (being full sea) took up the anchor and made sail, standing down river. At 2 the wind left us, we being on the bar with a very strong tide which set on the breakers; it was now not possible to get out without a breeze to shoot her across the tide; so we were obliged to bring up in three and a half fathoms, the tide running five knots. At three-quarters past 2, a fresh wind came in from seaward; we immediately came to sail and beat over the bar, having from five to seven fathoms water in the channel. At 5 P. M. we were out, clear of all the bars, and in twenty fathoms water. A breeze came from the southward; we bore away to the northward; set all sail to the best advantage. At 8, *Cape Hancock* bore southeast, distant three leagues; the north extremity of the land in sight bore north by west. At 9, in steering and top-gallant sails. Midnight, light airs.

*May 21.*—At 6 A. M. the nearest land in sight bore east-southeast, distant eight leagues. At 7, set top-gallant sails and light stay-sails. At 11, set steering-sails fore and aft. Noon, pleasant agreeable weather. The entrance of *Bulfinch's* harbor bore southeast by east half east, distant five leagues.\*

\* The authenticity of this extract from Captain Gray's log-book is substantiated by the evidence to be found in Senate document, twenty-fifth Congress, second session, No. 470, page 20.

## APPENDIX G.

STATEMENT BY MR. BULFINCH,

*Concerning the voyage of the Lady Washington and the Columbia.*

In the year 1787, Joseph Barrell, Esq., a distinguished merchant of Boston, projected a voyage of commerce and discovery to the northwest coast of America, and associated with him Samuel Brown, Charles Bulfinch, John Derby, Crowel Hatch, and John M. Pintard. For the purposes of this voyage, the ship Columbia, under the command of John Kendrick, and the sloop Washington, commanded by Robert Gray, were equipped and provided with suitable cargoes for traffic with the natives of the northwest coast. The expedition was considered so remarkable, (it being the first attempt, from the United States, to circumnavigate the globe,) that medals were struck, both in silver and copper, bearing on one side the representation of the two vessels, and on the other the names of the owners. Very particular sailing-orders were agreed to and signed by Mr. Barrell in behalf of the owners, and by the captains, officers, and seamen of both vessels, in which the course of the voyage and the traffic with the natives were pointed out. The vessels left Boston in the autumn of 1787. After long delay, they reached Nootka Sound, and proceeded to traffic for furs; and when a sufficient quantity had been collected, Captain Kendrick put Captain Gray in command of the Columbia, to proceed with her cargo for Canton, while he remained on the coast with the sloop Washington to make further collections of furs. Captain Gray proceeded to Canton, made sale of his furs, and purchased a cargo of teas, with which he returned to Boston. The result of the voyage disappointed the expectations of its projectors; and the proceeds of the teas not being sufficient to cover the cost of outfit, and the unforeseen expenses in Canton and elsewhere, Messrs. Derby & Pintard would not pursue the enterprise further, but sold their shares in the vessels to Messrs. Barrell and Brown. The remaining owners determined to send Captain Gray (in command of the Columbia) to the coast, for the furs which it was supposed Captain Kendrick had been collecting. Captain Gray proceeded to the northwest coast, and on the 7th May, 1792, came in sight of land, in latitude  $46^{\circ} 58'$ , and anchored in what he named Bulfinch's harbor. On the 11th, he entered a large river, and, on the 14th, sailed up the same about fourteen miles, and remained in this river until the morning of the 21st May. This river he named COLUMBIA, (after the name of his ship;) the north side of the entrance he called *Cape Hancock*, and the south side *Point Adams*.

Captain Gray and his officers landed on the shores of this river, had frequent intercourse with the natives, and took possession, in the name of the United States. After Captain Gray had made another voyage to Canton with the cargo of furs collected by Captain Kendrick, he returned to Boston, when it was determined by the owners to prosecute the enterprise no further with the ship Columbia, but to leave Captain Kendrick with the sloop Washington to attend to their interests on the northwest coast.

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Captain Kendrick had the sloop newly fitted up as a brig, and pursued the objects of the enterprise, in getting furs and buying various tracts of land.

After the return of the ship *Columbia* to the United States, Captain Kendrick (then commanding the brig *Washington*) purchased, on account of his owners, from the native chiefs on the northwest coast of America, a large tract of land, embracing four degrees of latitude. The deed or deeds for the same were given for a valuable and satisfactory consideration, and were delivered with great form and ceremony by the native chiefs, who appeared on the occasion dressed in the full costume of their station, and in the presence of a multitude of the natives. The officers and seamen of the vessel were present at the ceremony, and severally subscribed their names as witnesses to the deeds.

\* \* \* \* \*

It is obvious that the original enterprise, though unproductive to its projectors, furnished an opening for a valuable commerce between the northwest coast of America and China, by which vast fortunes have been made by citizens of the United States; many of whom are living, and can attest the fact; while the Treasury of the United States has received, in imposts on such commerce, many hundreds of thousands of dollars.

It is apparent, also, that it was from the skill and perseverance of the commanders of the original expedition that the river *Columbia* (the great river of the West) was discovered; and this river still bears the name of the ship which first floated on its waters.

BOSTON, *May* 16, 1838.

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