REPRINT DEPARTMENT

George Wilkes: History of Oregon, Geographical, Geological and Political. (New York, Colyer, 1845.)

[The reprint of this rare work was begun in the first number of the Washington Historical Quarterly and has been continued in portions of varying lengths. For the sake of librarians and others who have kept the files, the work is here continued.—*Editor.*]

(No. 2.)

THE FRENCH TITLE.

Extract from the Report of the Committee on Military Affairs, made in Congress in 1843.

The treaty of Utrecht was concluded in 1713. By the tenth article it was agreed between Great Britain and France, to determine within one year, by commissioners, the limits between the Hudson's Bay and the places appertaining to the French. The same commissioners were also authorized to settle, in like manner, the boundaries between the other British and French colonies in those parts. Commissioners were accordingly appointed by the two Powers, and there is strong reason to believe they actually established the boundaries according to the terms of the treaty, although no formal record of the fact now exists. The evidence that the boundaries were thus established is, first, "the fact of the appointment of the commissioners for that express purpose; and that two distinct lines may be found traced on the different maps published in the last century, each purporting to be the limit between the Hudson's Bay territories on the north and the French possessions on the south, fixed by commissioners according to the treaty of Utrecht." One of these lines "is drawn irregularly from the Atlantic to a point in the 49th parallel of latitude, south of the southernmost part of the Hudson's Bay, and thence westward along that parallel to Red River, and, in some maps, still further west. This line is generally considered in the United States, and has been assumed by their government, as the true boundary settled by the commissioners agreeably to the treaty above mentioned." Thus we find Messrs. Monroe and Pinckney, at Madrid, in 1805, writing to the Spanish minister as

follows: "In conformity with the tenth article of the first-mentioned treaty, (treaty of Utrecht,) the boundary between Canada and Louisiana on the one side, and the Hudson's Bay and Northwestern Companies on the other, was established by commissioners by a line to commence at a cape or promontory on the ocean in 58 degrees 31 minutes north latitude; to run thence southwestwardly to latitude 49 degrees north from the equator, and along that line indefinitely westward." These extracts are taken from the Memoir of Mr. Greenhow, who, it is proper to add, considers the opinion that these boundary lines were actually established by the commissioners "at variance with the most accredited authorities." In this opinion the committee does not concur; so far from doing so, it is thought the presumption that the 49th parallel was adopted by the commissioners under the treaty of Utrecht, is strengthened by the line of demarcation subsequently agreed on by the treaty of Versailles, in 1763, between France and Great Britain, and also by the treaty of peace of 1783, between the United States and Great Britain. By the former, the "confines between the British and French possessions were irrevocably fixed by a line drawn along the middle of the Mississippi, from its source to the Iberville," etc. By the latter, that part of the northern boundary of the United States which is applicable to the subject is described to be through the Lake-of-the-Woods, "to the most northwesetrn point thereof, and from thence on a due west course to the Mississippi river." The most northwestern point of the Lake-of-the-Woods is perhaps a few minutes north of the 49th parallel of latitude. By the convention of 1818, between the United States and Great Britain, in the second article, it is agreed that a line drawn from the most northwestern point of the Lake-of-the-Woods, along the 49th parallel of north latitude, or if the said point shall not lie in the 49th parallel of north latitude, then that a line drawn from the said point due north or south, as the case may be, until the said line shall intersect the said parallel of north latitude, and from the point of such intersection, due west, along and with said parallel, shall be the line of demarcation between the territories of the United States and those of his Britannic majesty; and that the said line shall form the northern boundary of the said territories of the United States, and the southern boundary of the territory of his Britannic majesty, from the Lake-of-the-Woods to the Stony Mountains."

This line, it will be obsered, is a deviation from the boundary established by the treaty of 1783; for that was to extend due west from the northwestern point of the Lake-of-the-Woods, *without any reference to its latitude.* By this, we are in the contingency named, to run by the shortest line from the specified point on the Lake-of-the-Woods to the forty-ninth parallel of latitude. Whence, it may be asked, the solicitude to adopt this

particular parallel, except as it corresponded with preëxisting arrangements, which could have been made under the provisions of the treaty of Utrecht alone? for under no other had any reference at that time been made to the said forty-ninth degree.

This coincidence between the boundaries established by Great Britain and France in 1763, and between Great Britain and the United States in 1783 and 1818, can scarcely be accounted for on any other supposition, than that the said line had been previously established by the commissioners under the treaty of Utrecht. This conclusion is strengthened by a further coincidence in the boundaries fixed in the said treaties of 1763 and 1783. In both, the Mississippi is adopted as the boundary. One of the lines then (the Mississippi) previously established between Great Britain and France being thus, beyond all cavil, adopted between the United States and Great Britain, may it not be fairly inferred, in the absence of all proof to the contrary, and with strong corroborating proof in favor of the inference, drawn from the stipulations of treaties, lines of demarcation on old maps, etc., that the other line, (forty-ninth parallel,) equally beyond cavil established by the United States and Great Britain, was also the same one previously existing between Great Britain and France? but such line had no existence, unless under the stipulations of the treaty of Utrecht. For these reasons, the committee has adopted the opinion, that the forty-ninth parallel of latitude was actually established by the commissioners under that treaty. It may not be unimportant here to observe, that this forty-ninth parallel is not a random line, arbitrarily selected, but the one to which France was entitled upon the well-settled principle that the first discoverer of a river is entitled, by virtue of that discovery, to all the unoccupied territory watered by that river and its tributaries.

We have seen that, by the treaty of 1763, the Mississippi, from its source, was adopted as the line of demarcation between the British and French possessions. Louisiana then extended north as far as that river reached; in other words, it stretched along the whole course of the Mississippi, from its source, in about latitude forty-nine, to its mouth, in the gulf of Mexico, in latitude twenty-nine. By the stipulations, then, of this treaty alone, without calling in the aid of the previous treaty of Utrecht, the northern boundary of Louisiana is clearly recognized as a line drawn due west from the source of the Mississippi: we say due west, because the east line alone of the boundaries of Louisiana being specifically and in express terms established by the treaty, her surface can only be ascertained by the extension of that whole line in the direction in which her territory is admitted to lie. This simple and only practicable process of

giving to Louisiana any territory under the treaty, fixes as the whole of her northern boundary, a line running due west from the source of the Mississippi, which may, for the purpose of this argument, be fairly assumed as the forty-ninth parallel, without injustice to any party.

Having thus ascertained the northern boundary of Louisiana, it becomes important to inquire what were its western limits, as between Great Britain and France: we say between Great Britain and France, because here another competitor appeared, (we speak of 1763,) in the person of the king of Spain, upon whose title we shall insist, if we fail to establish that of France.

The treaty of 1763 professing to establish and actually establishing lines of demarcation between the contiguous territories of the contracting parties, it cannot be denied, except upon strong proof, that all the boundaries about which any dispute then existed, or subsequent disputes could be anticipated, (that is, where their respective territories touched each other,) were then definitely adjusted and settled. These territories are known to have touched on the north and on the east; and accordingly in those quarters we find the lines clearly described. Is it not evident, that had they touched in other points, had there been other quarters where questions of conflicting claims might have arisen, the lines in those quarters also would have been fixed with equal precision? But to the south and west there is no allusion in the treaty; an omission conclusive of the fact that in those directions Great Britain had no territory contiguous to Louisiana. But Louisiana extended, by the stipulations of the treaty, west from the Mississippi; and Great Britain, having no territory or claim to territory which could arrest her extension in that direction, is precluded from denying that the French title covered the whole country from that river to the shores of the Pacific Ocean.

The parties to the treaty of 1763 made partition of almost the whole continent of North America, assigning to England the terriory east of the Mississippi, and north of the forty-ninth parallel of latitude. No claim was at that time advanced by Great Britain to territory in any other quarter of this vast continent; a very pregnant conclusion against the existence of any such claim. Her Government, ever vigilant for the increase of her territory, with a view to the extension of her commerce, manifested upon the occasion of this treaty an avidity of acquisition which the continent was scarcely large enough to satisfy. Never very nice in scrutinizing the foundation of her pretensions, nor over scrupulous in the selection of means to enforce them, she was at this juncture in a position peculiarly auspicious to the gratification of her absorbing passion of territorial aggrandizement. Conqueror at every point, she dictated the terms of peace, and asserted

successfully every claim founded in the slightest pretext of right. Still no title is either advanced or even intimated, to possessions west of the Mississippi.

Mr. Cushing, of Massachusetts, in a report from the Committee on Foreign Relations, to the House of Representatives, made January 4, 1839, has the following sentences: "As between France and Great Britain, or Great Britain and the United States, the successor of all the rights of France, the question (of boundary) 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 may, perhaps, be urged that the limits of Louisiana, on the west, are confined to the territory drained by the Mississippi and its tributaries; the extent of her claim, founded on the discovery of that river, being restricted to the country so drained. The principle upon which this limitation is attempted may be safely admitted, without in any degree affecting the right for which we contend; because, first, Great Britain is precluded from asserting it by her admission, in 1763, that Louisiana extended indefinitely west from the Mississippi; and, second, because the principle being of universal application, if the discovery of the Mississippi by the French confine Louisiana to its waters east of the Rocky Mountains, the discovery of the Columbia by the Americans will extend their claim to the whole country watered by that great river, west of those mountains, and our true claim has this extent. Yet, to avoid unprofitable disputes, and for the sake of peace, we have expressed a willingness (met in no corresponding spirit, the committee is sorry to say,) to confine ourselves to much narrower limits.

(No. 3)

Copy of the Convention between his Britannic Majesty and the King of Spain, Commonly called the Nootka Treaty, of October, 1790.

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

"ART. 2. A just reparation shall be made according to the nature of the case, for all acts of violence and hostility which may have been committeed subsequent to the month of April, 1789, by the subjects of either of the contracting parties against the subjects of the other; and in case said respective subjects shall, since the same period, have been forcibly dispossessed of their lands, buildings, vessels, merchandise, and other property whatever on the said Continent, or on the seas and islands adjacent, they shall be reestablished in the possession thereof, or a just compensation shall be made to them for the losses which they have sustained.

"ART. 3. In order to strengthen the bonds of friendship, and to preserve in future a perfect harmony and good understanding between the two contracting parties, it is agreed, that their respective subjects shall not be disturbed or molested, either in negotiating or carrying on their fisheries in the Pacific Ocean or in the South Seas, or in landing on the coast of these 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 instructions specified in these following articles.

"ART. 4. His Britannic majesty engages to take the most effectual measures to prevent the navigation, and the fishing of his subjects in the Pacific Ocean, or in the South Seas, from being made a pretext for illicit trade with the Spanish settlements; and with this view, it is moreover, expressly stipulated, that British subjects shall not navigate or carry on their fishery in the said seas, within the space of ten sea leagues from any part of the coasts already occupied by Spain.

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

"ART. 6. With respect to the eastern and western coasts of South America, and to the islands adjacent, no settlement shall be formed hereafter by the respective subjects in such part of those coasts as are situated to the south of those parts of the same coasts, and of the islands adjacent, which are already occupied by Spain; 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.

"ART. 7. In all cases of complaint, or infraction of the articles of the present convention, the officers of either party, without permitting themselves previously to commit any violence or acts of force, shall be bound to make an exact report of the affair, and of its circumstances, to their respective courts who will terminate such differences in an amicable manner.

ART. 8. The present convention shall be ratified and confirmed in the space of six weeks, to be computed from the day of its signature, or sooner, if it can be done.

"In witness whereof, we, the undersigned, plenipotentiaries of their Britannic and Catholic majesties, have in their names, and by virtue of respective full powers, signed the present convention, and set thereto the seals of our Arms. Done at the palace of St. Lawrence, the 28th of October, 1790.

[L. S.] "EL CONDE DE FLORIDA BANCA.

[L. S.] "ALLEYNE FITHZHEBERT."*

(No. 6.)

BRITISH STATEMENT, OF 1826.*

The government of Great Britain, in proposing to renew, for a further term of years, the third article of the convention of 1818, respecting the territory on the north-west coast of America, west of the Rocky Mountains, regrets that it has been found impossible, in the present negotiation, to agree upon a line of boundary which should separate those parts of that territory, which might henceforward be occupied or settled by the subjects of Great Britain, from the parts which would remain open to occupancy or settlement by the United States.

To establish such a boundary must be the ultimate object of both countries. With this object in contemplation, and from a persuasion that a part of the difficulties which have hitherto prevented its attainment is to be attributed to a misconception, on the part of the United Sates, of the claims and views of Great Britain in regard to the territory in question,

---

[No.'s 4 and 5 of the Appendix, consisting of a correspondence between Captains Gray and Ingraham and the Spanish commissioner at Nootka in 1792, and an extract from Captain Gray's log-book respecting the occurrences in the Columbia river on his first visit, though referred to in the preceding pages, were deemed to be of not enough importance to warrant any further increase of this portion of the work.]

*Note to this Reprint Edition.—Wilkes here misspells the name which is Alleyne Fitzherbert, Baron St. Helens. It is interesting to know that while off the mouth of the Columbia River on October 20, 1792, Captain George Vancouver named a beautiful mountain St. Helens, making this reference: "This I have distinguished by the name of Mount St. Helens, in honor of His Britannic Majesty's ambassador at the court of Madrid."

*This statement is here inserted in full because it is a complete synopsis of all the pretensions of Great Britain; and being the groundwork of her claims is particularly interesting as showing the other side of the story.

the British plenipotentiaries deem it advisable to bring under the notice of the American plenipotentiary a full and explicit exposition of those claims and views.

As preliminary to this discussion, it is highly desirable to mark distinctly the broad differenec between the nature of the rights claimed by Great Britain and those asserted by the United States, in respect to the territory in question.

Over a large portion of that territory, namely, from the 42d degree to the 49th degree of north latitude, the United States claim full and exclusive sovereignty.†

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.§

The pretensions of Great Britain, on the contrary, tend to the mere maintenance of her own rights, in resistance to the exclusive character of the pretensions of the United States.

Having thus stated the nature of the respective claims of the two parties, the British plenipotentiaries will now examine the grounds on which those claims are founded.

The claims of the United States are urged upon three grounds:

1st. As resulting from their own *proper* right.

2dly. As resulting from a right derived to them from Spain; that power having, by the treaty of Florida, concluded with the United States in 1819, ceded to the latter all their rights and claims on the western coast of America north of the 42d degree.

3dly. As resulting from a right derived to them from France, to whom the United States succeeded, by treaty, in possession of the province of Louisiana.

The first right, or right *proper*, of the United States, is founded on the alleged discovery of the Columbia River by Mr. Gray, of Boston, who, in 1792, entered that river, and explored it to some distance from its mouth.

‡At the period of this convention, the United States plenipotentiary was instructed to agree to the extension of our northern boundary line, westward from the Lake of the Woods, along parallel 49°, to the Pacific; with the further instruction, that in case such compromise should not be accepted, we should feel ourselves entitled thereafter, to insist upon the full measure of our rights.

†She has exercised it nevertheless.

§Truly so; and this must always be the case between rightful owners and mere pretenders.

To this are added the first exploration, by Lewis and Clark, of a main branch of the same river, from its source downwards, and also the alleged priority of settlement, by citizens of the United States, of the country in the vicinity of the same river.

The second right, or right derived from Spain, is founded on the alleged prior discovery of the region in dispute by Spanish navigators, of whom the chief were, 1st, Cabrillo, who, in 1543, visited that coast as far as 44 degrees north latitude; 2d, De Fuca, who, as it is affirmed, in 1598, entered the straits known by his name in latitude 49 degrees; 3d, Guelli, who, in 1582, is said to have pushed his researches as high as 57 degrees north latitude; 4th, Perez and others, who, between the years 1774 and 1792, visited Nootka Sound and the adjacent coasts.

The third right, derived from the cession of Louisiana to the United States, is founded on the assumption that that province, its boundaries never having been exactly defined *longitudinally*, may fairly be asserted to extend westward across the Rocky Mountains, to the shore of the Pacific.

Before the merits of these respective claims are considered, it is necessary to observe that one only out of the three can be valid.

They are, in fact, claims obviously incompatible the one with the other.* If, for example, the title of Spain by first discovery, or the title or the other of those kingdoms have been the lawful possessor of that territory, at the moment when the United States claim to have discovered it. If, on the other hand, the Americans were the first discoverers, there is necessarily an end of the Spanish claim; and if priority of discovery constitutes the title, that of France falls equally to the ground.

Upon the question, how far prior discovery constitutes a legal claim to sovereignty, the law of nations is somewhat vague and undefined. It is, however, admitted by the most approved writers that mere accidental discovery, unattended by exploration—by formally taking possession in the name of the discoverer's sovereign—by occupation and settlement, more or less permanent—by purchase of the territory—or receiving the sovereignty from the natives—constitutes the lowest degree of title, and that it is only in proportion as first discovery is followed by any or all of these acts, that such title is strengthened and confirmed.

The rights conferred by discovery, therefore, must be discussed on their own merits.

But before the British plenipotentiaries proceed to compare the rel-

*By no means! An equitable settlement might at one time have divided the territory between the two first parties claimant; and their joint release in favor of the United States, while it makes absolutely against Great Britain, strengthens the title of the United States in the same degree.

of France as the original possessor of Louisiana, be valid, then must one

ative claims of Great Britain and the United States, in this respect, it will be advisable to dispose of the two other grounds of right, put forward by the United States.

The second ground of claim, advanced by the United States, is the cession made by Spain to the United States, by the treaty of Florida, in 1819.

If the conflicting claims of Great Britain and Spain, in respect to all that part of the coast of North America, had not been finally adjusted by the convention of Nootka, in the year 1790, and if all the arguments and pretensions, whether resting on priority of discovery, or derived from any other consideration, had not been definitely set at rest by the signature of that convention, nothing would be more easy than to demonstrate that the claims of Great Britain to that country, as opposed to those of Spain, were so far from visionary, or arbitrarily assumed, that they established more than *a parity of title* to the possession of the country in question, either as against Spain, or any other nation.

Whatever that title may have been, however, eitheir on the part of Great Britain or on the part of Spain, prior to the convention of 1790, it was from thenceforward no longer to be traced in vague narratives of discoveries, several of them admitted to be aprocryphal, but in the text and stipulations of that convention itself.

By that convention it was agreed that all parts of the north-western 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.

In this stipulation, as it has been already stated, all tracts of country claimed by Spain and Great Britain, or accruing to either, in whatever manner, were included.

The rights of Spain on that coast were, by the treaty of Florida, in 1819, conveyed by Spain to the United States. With those rights the United States nesessarily succeeded to the limitations by which they were defined, and the obligations under which they were to be exercised. From those obligations and limitations, as contracted towards Great Britain, Great Britain cannot be expected gratuitously to release those countries, merely because the rights of the party originally bound have been transferred to a third power.

The third ground of claim of the United States rests on the right supposed to be derived from the cession to them of Louisiana by France.

In arguing this branch of the question, it will not be necessary to

examine in detail the very dubious point of the assumed extent of that province, since, by the treaty between France and Spain of 1763, the whole of that territory, defined or undefined, real or ideal, was ceded by France to Spain, and, consequently, belonged to Spain, not only in 1790, when the convention of Nootka was signed between Great Britain and Spain, but also subsequently, in 1792, the period of Gray's discovery of the mouth of the Columbia. If, then Louisiana embraced the country west of the Rocky Mountains, to the south of the 49th parallel of latitude, it must have embraced the Columbia itself, which that parallel intersects; and, consequently, Gray's discovery must have been made in a country avodedly already appropriated to Spain, and, if so appropriated, necessarily included, with all other Spanish possessions and claims in that quarter, in the stipulations of the Nootka convention.

Even if it could be shown, therefore, that, the district west of the Rocky Mountains was within the boundaries of Louisiana, that circumstance would in no way assist the claim of the United States.

It may, nevertheless, be worth while to expose, in a few words, the futility of the attempt to include that district within those boundaries.

For this purpose, it is only necessary to refer to the original grant of Louisiana made to De Crozat by Louis XIV., shortly after its discovery by La Salle. That province is therein expressly described as "the country drained by the waters entering, directly or indirectly, into the Mississippi." Now, unless it can be shown that any of the tributaries of the Mississippi cross the Rocky Mountains from west to east, it is difficult to conceive how any part of Louisiana can be found to the west of that ridge.

There remains to be considered the first ground of claim advanced by the United States to the territory in question, namely, that founded on their own proper right as first discoverers and occupiers of territory.

If the discovery of the country in question, or rather the mere entrance into the mouth of the Columbia by a private American citizen, be, as the United States assert, (although Great Britain is far from admitting the correctness of the assertion), a valid ground of national and exclusive claim to all the country situated between the 42d and 49th parallels of latitude, then must any preceding discovery of the same country, by an individual of any other nation, invest such nation with a more valid, because a prior, claim to that country.

Now, to set aside, for the present, Drake, Cook, and Vancouver, who all of them either took possession of, or touched at, various points of the coast in question, Great Britain can show that in 1788—that is, four years before Gray entered the mouth of the Columbia River—Mr. Meares,

a lieutenant of the royal navy,* who had been sent by the East India Company on a trading expedition to the north-west coast of America, had already minutely explored that coast, from the 49th degree to the 45th degree north latitude; had taken formal possession of the Straits of De Fuca, in the name of his sovereign; had *purchased land*, trafficked and *formed treaties*† with the natives; and had *actually entered the bay of the Columbia*, to the northern head land of which he gave the name of *Cape Disappointment**—a name which it bears to this day.

Dixon, Scott, Duncan, Strange, and other private British traders, had also visited these shores and countries several years before Gray; but the single example of Meares suffices to quash Gray's claim to prior discovery. To the other navigators above mentioned, therefore, it is unnecessary to refer more particularly.

It may be worth while, however, to observe, with regard to Meares, that his account of his voyages was *published in London in August*, 1790; that is, two years before Gray is even pretended to have entered the Columbia.†

To that account are appended, first, extracts from his log-book; secondly, maps of the coasts and harbors which he visited, in which every part of the coast in question, *including the bay of the Columbia*, (*into which the log expressly states that Meares entered,*) is minutely laid down, its delineation tallying, in almost every particular, with Vancouver's subsequent survey, and with the description found in all the best maps of that part of the world, adopted at this moment; thirdly, the account in question actually contains an engraving, dated in August, 1790, of the entrance of De Fuca's Straits, executed after a design taken *in June*, 1788, by Meares himself.‡

With these physical evidences of authenticity, it is needless to contend for, as it is impossible to controvert, the truth of Meares's statement.

It was only on the *17th of September*, 1788, that the Washington, commanded by Mr. Gray, first made her appearance at Nootka.

*Meares was a Portuguese hireling, and not in any branch of English service, and though a speculating half-pay lieutenant, was, to all intents and purposes, as much a private citizen as Captain Gray. See Appendix, No. 10.

†The only treaty he formed, was an agreement with Maquinna, the king of the surrounding country, granting him leave to make a temporary building, on the express condition, that when he finally left the coast, "the house and all the goods thereunto belonging" should fell into that chief's possession; a condition, by the way, which Meares dishonestly failed to fulfil, for the boards were struck off and taken on board one of his vessels, and the roof was given to Captain Kendrick.

*"Cape Disappointment,' 'because he failed to discover the river he sought.

†That is to say, he was "disappointed" two years before Captain Gray was satisfied.

‡It will be recollected it was "Meares himself" who despatched word to England of the wonderful discoveries of Captain Gray, in the Strait of Fuca.

If, therefore, any claim to these countries, as between Great Britain and the United States, is to be deduced from priority of the discovery, the above exposition of dates and facts suffices to establish that claim in favor of Great Britain, on a basis too firm to be shaken.

It must, indeed, be admitted that Mr. Gray, finding himself in the bay formed by the discharge of the waters of the Columbia into the Pacific, was the first to ascertain that this bay formed the outlet of a great river—a discovery which had escaped Lieutenant Meares, when, in 1788, four years before he entered the very same bay.

But can it be seriously urged that this single step in the progress of discovery not only wholly supersedes the prior discoveries, both of the bay and the coast, by Lieutenant Meares, but equally absorbs the subsequent exploration of the river by Captain Vancouver, for near a hundred miles above the point to which Mr. Gray's ship had proceeded, the formal taking possession of it by that British navigator, in the name of his sovereign, and also all the other discoveries, explorations, and temporary possession and occupation of the ports and harbors on the coast, as well of the Pacific as within the Straits of De Fuca, up to the 49th parallel of latitude.§

This pretension, however, extraordinary as it is, does not embrace the whole of the claim which the United States build upon the limited discovery of Mr. Gray, namely, that the bay of which Cape Disappointment is the northernmost headland, is, in fact, the embrochure of a river. That mere ascertainment, it is asserted, confers on the United States a title, in exclusive sovereignty, to the whole extent of country drained by such river, and by all its tributary streams.

In support of this very extraordinary pretension, the United States allege the precedent of grants and charters accorded in former times to companies and individuals, by various European sovereigns, over several parts of the American continent. Among other instances are adduced the charters granted by Elizabeth, James I., Charles II., and George II., to sundry British subjects and associations,|| as also the grant made by Louis XIV. to De Crozat over the tract of country watered by the Mississippi and its tributaries.

§No; we claim these latter, on the ground of other discoveries, and also on the score of Spain.

||This is a wilful perversion, to say the least of it. The United States, in proving the principle, merely alluded to these later charters as instances of Britain's recognition of the rule with her own subjects, or in other words, **when it ran in favor of herself.** While the correctness and usage of the principle was otherwise indubitably proved, the above instances were merely brought forward as a conclusive rebuke to Britain's opposition to its application **to us.** It was on the ground of these charters, together with the application of their rule to the pretended discovery of the Columbia river by Vancouver and Meares, that we felt warranted in asserting on the 31st page, that Great Britain advances the principle herself.