

Thirtieth Congress, First session. Report No. 502 To accompany bill Hr No. 420.

House of Representatives.

Martha Gray, widow of Captain Robert Gray.

April 26, 1849

Mr. Brodhead, from the Committee on Public Lands, made the following report:

The committee of public lands, to whom was referred the petition and papers of Martha Gray, widow of Capt. Robert Gray, the discoverer of the Columbia river, have had the same under consideration and make the following report:

The petitioner claims a pension on account of the services of her husband in the navy of the United States during the revolution, and also on account of his discovery of the Columbia river.

The case of the petitioner is not such as to entitle her to a pension under existing laws.

The facts and proofs in regard to the discovery of the Columbia river by her said husband are fully stated in the report No. 456 made by the committee on revolutionary pensions during the first session of the 29th congress 27th March, 1846 which is hereunto annexed. The bill accompanying the same never became a law. Now that the lands in the Oregon territory are about to be surveyed, your committee upon the facts stated in said report have agreed to report a bill granting ten sections of land in said territory to the widow and children of said Captain Gray.

The committee on Revolutionary Pensions to whom was referred the petition of Martha Gray, of the city of Boston have had the same under consideration and make the following report:

The petitioner represents that she is the widow of Captain Robert Gray who discovered the Columbia river and was born in the town of

Tiverton, then in the state of Massachusetts, now Rhode Island, in the month of May, 1757, that he was in the naval service of the United States as an officer during part of the revolution and subsequently in the merchant service; that between the years 1787 and 1790 he made a voyage around the world in the sloop Washington, and in company with the ship Columbia and was in the month of September 1790 appointed master and commander of the said ship Columbia of Boston, then about to sail on a second trading voyage to the northwest coast of America; that she was married to the said Captain Robert Gray on the 3d of February 1794 and that he died in the summer of 1806, leaving four daughters and very little property; and that her daughters and herself have since his death supported themselves by their own exertions. She asks a pension on account of the services which her husband rendered in the country during the revolution and more particularly on account of his discovery of the Columbia river in 1792 which ~~re~~ has resulted so beneficially to the United States.

In proof of the facts set forth in her memorial she accompanies it with the following original documents, some of which are highly interesting; and as they have never yet been made public, your committee append copies hereunto.

1st: The Sea letters granted by the President of the United States dated at the city of New York the 16th day of September, 1790 under the seal of the United States signed by George Washington and countersigned by Thomas Jefferson, then Secretary of State.

2d: The sea-letter of the commonwealth of Massachusetts, dated the 24th day of September 1790 signed by John Hancock, then governor of that commonwealth and countersigned by John Avery, jr., then Secretary of State.

3d: The certificate of the cargo of the said ship Columbia, dated the 25th of September 1790, under the official seal; signed by Benjamin Lincoln, then collector and James Lovell, then naval officer at the port of Boston.

4th: The orders of the owner of the said vessel under which the voyage was conducted and which resulted in the discovery of the said river dated the 25th of September, 1790, drawn and signed by Joseph Barrell, one of the owners hereto.

The fact that she was married to the said Robert Gray by the Rev. John Elliott on the 3d day of February 1794 is proved by a certified ~~copy~~ copy from the records of marriages of the town (now city) of Boston, authenticated by the clerk of the said city.

There is no evidence adduced by Mrs. Gray other than her own allegation which she makes upon the statements of other people, than that her husband was in the naval service of the United States during the revolution. It may be inferred, however from the fact that he was appointed to the command of the said ship Columbia that he was appointed to the command of the said ship Columbia, having ten guns on board thereof and about to sail on a long and hazardous voyage. The knowledge and experience which would justify his appointment to the command of the expedition was most likely acquired in the service of the United States.

Under existing pension laws she would not be entitled to a pension, even though the fact that her husband was in the naval service of the United States during the revolution was clearly established, because she was married subsequently (one month) to the 1st of January, 1794.

Should compensation be made to her for the service which her husband rendered his country while prosecuting a private enterprise as a private ~~citizen~~ citizen? Various inquiries in view of the facts before stated here suggest themselves:

1-Did the said Captain Robert Gray first discover the Columbia river? and if so

2-Did such discovery confer a title on the vast and valuable territory drained and watered by it, commonly called the Oregon territory,

upon the United States?

3-Did the government of the United States avail itself of such discovery?

4-Was the hazard and labor of the voyage and particularly of the attempt to enter the mouth of the Columbia, very great?

All these questions legitimate history and national law answer in the affirmative.

That Captain Gray on the 11th day of May, 1792 first actually discovered and entered the great river Columbia and sailed up it some fifteen or twenty miles, is not disputed at the present day by any well informed person who has examined the question. At one time, it is true, it was insisted that the merit of discovering it belonged to Meares, a lieutenant in the royal navy of Great Britain, but in 1826, the British Plenipotentiary, in a discussion with the representative of the United States in regard to the title & c virtually abandons the idea of discovery by Meares by saying: "It must 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 same bay." Meares himself did not, at the time, claim to have discovered the river. On the contrary, to his own language "no such river as that of St. Roc (now called Columbia) exists as laid down in the Spanish charts." (See an account of voyage Page 168) The Spaniards supposed that there was a river near there, but never actually entered it. But this is not the only English authority in favor of Gray. Vancouver, in 1792, a British navigator sailing under the orders of his government, with instructions to examine and survey the whole shore of the Pacific, (Gray was instructed to do the same

thing to "sweep the northwest coast,") positively asserts that there was no such river as Gray claimed to have discovered. Before starting, he was furnished with all the information which Meares had collected in regard to the Northwest coast. On the 29th day of April, 1792, he says in his Journal, that he met Captain Gray, in the ship Columbia from Boston and was informed by him that he had "been off the mouth of the river in the latitude of 46 deg. 10 min., where the outset or reflux was so great as to prevent his entering for nine days,² and he adds," this was probably the opening passed by us on the forenoon of the 27th and was apparently inaccessible, not from the current but from the breakers which extended across it." He then goes on to record his opinion, from his own examination, notwithstanding the information given to him by Gray, that "if any inlet or river should be found, it must be a very intricate one, and inaccessible to vessels of our burden, owing to the reefs, broken water, etc. And he concludes by saying that he could "not possibly have passed any safe navigable opening, harbor or place of security" etc. (See Vancouver's journal, vol 2d pp 43 to 58 and 59) Yet Captain Gray in eleven days after, with an energy and enterprise unsurpassed, actually entered the river which he was prevented from entering before, sailed up it and gave it the name of his vessel, which it has to the present day. He remained in the river, as he states, nine days. Here then was an American fur trader, accomplishing more for himself and his country than a British navigator at the head of an important and expensive exploring expedition.

When Captain Gray returned to the United States in 1793, he made known his discovery and attached great importance to it as it sufficiently proved by Robert G. Shaw, esq., and old and highly respectable citizen of the city of Boston.

The discovery by Gray was followed in a reasonable time by the explorations of Lewis and Clark in 1803, and under the authority of the

government, upon the suggestion of Mr. Jefferson, and the settlement near the mouth of the river under the auspices of John Jacob Astor in 1811. During the war, the settlement was taken by the British sloop-of-war, Raccoon. In 1818, in conformity with the first article of the treaty of Ghent, the "possession of the settlement" of Astoria was "restored" by the British government to the United States, thereby recognising the right of possession to be in this government. Had not the discovery been made by Gray, it is proper to infer that exploration and settlement, (and restoration,) which so much strengthen our title, would not have been made in time to have been serviceable.

The government of the United States, up to the acquisition of the Florida title in 1810 1819, and since, has constantly claimed the fruits of the discovery of Gray. The records show it. This claim is authorized by the rule of national law; for although he was a private adventurer, he had the protection of the flag of his country, and the latter of the President thereof. If the discovery of the Columbia did not confer title to the country drained by it, upon the government of which he was a citizen, it certainly did not upon himself and heirs. This idea is pretty distinctly stated by Vattel, an approved writer of national law. As the whole earth is appointed to supply the wants of man in general, it would be unjust that a single person should exercise dominion over so vast a territory. Hence, a reason for the rule of national law before referred to, which confers title upon the nation.

The difficulty and danger of entering the Columbia for the first time can be inferred from what Captain Gray said to Vancouver and from the account which Vancouver himself gave of the "breakers, reefs and broken waters," upon that part of the coast. Captain Wilkes, in his lately published narrative speaking of the mouth of the Columbia, which for so many years repelled discovery, says:

Mere description can give little idea of the terrors of the bar of the Columbia. All who have seen it have spoken of the wildness of the scene--the incessant roar of the waters--representing ~~a good~~ it as one of the most fearful sights that can possibly meet the eye of the sailor." (Vol 4, page 313) In fact the enterprise, boldness, perseverance and peril of first entering the Columbia have seldom been paralleled in the annals of adventure. Now, however, that its mouth has been surveyed, it is much less difficult of access.

It now remains to inquire whether it would be proper to grant the relief prayed for by Mrs. Gray. It is true this is not a government of pensions and never ought to become such; but in this instance it would seem to be in accordance with every principle of justice, that, as we claim title to a large territory sufficient to make States, by virtue of the discovery of Gray, some little compensation ought to be made to his legal representatives therefor; thus relieving their wants and giving a public testimonial of the gratitude of his countrymen. Strict equity between individuals would in such a case give relief. A government to be perpetual, should be just if not generous. Patents are given to those who make useful discoveries. Pensions have been given to those who defended the country in time of war, and swords to those who rendered extraordinary service; so also have large bodies of land. Your committee would in this case recommend the grant of a township of land in the Oregon territory to the widow and children of Captain Gray as the most suitable return for his valuable services; but as no surveys have yet been made, and a territorial government has not yet been established in any portion thereof, it would be inexpedient at the present time so to do. The committee, however, entertain a well grounded hope that the time is not far distant when it would be proper to make such a grant. Meantime, it is believed that it would be proper to withhold the relief asked for, and thus refuse an

evidence of public gratitude. A bill granting Mrs. Gray the sum of five hundred dollars per annum is therefor, herewith reported and its passage recommended.