

**OREGON: THE CLAIM OF THE UNITED
STATES TO OREGON; WITH AN
APPENDIX, CONTAINING THE COUNTER
STATEMENT OF MR. PAKENHAM TO THE
AMERICAN SECRETARIES OF STATE**

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INTRODUCTION.

From the MESSAGE of the PRESIDENT of the UNITED STATES
to Congress, December, 1845.

My attention was early directed to the negotiation, which, on the 4th of March last, I found pending at Washington between the United States and Great Britain, on the subject of the Oregon territory.—Three several attempts have been previously made to settle the questions in dispute between the two countries, by negotiation, upon the principle of compromise: but each had proved unsuccessful.

These negotiations took place at London, in the years 1818, 1824, and 1829; the two first under the administration of Mr. Monroe, and the last under that of Mr. Adams. The negotiation of 1818 having failed to accomplish its object, resulted in the convention of the 20th of October of that year. By the third article of that convention, it was "agreed that any country that may be claimed by either party on the north-west coast of America, westward of the Stony Mountains, shall, together with its harbours, bays and creeks, and the navigation of all rivers within the same, be free and open for the term of 10 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 among themselves."

The negotiation of 1824 was productive of no result, and the convention of 1818 was left unchanged.

The negotiation of 1826, having also failed to effect an adjustment by compromise, resulted in the convention of August the 6th, 1827, by which it was agreed to continue in force, for an indefinite period, the provisions of the third article of the convention of the 20th of October, 1818; and it was further provided, that "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 12 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." In these attempts to adjust the controversy, the parallel of the 49th degree of north latitude had been offered by the United States to Great Britain, and in those of 1818 and 1826, with a further concession of the free navigation of the Columbia River south of that latitude. The parallel of the 49th degree, from the Rocky Mountains to its intersection with the north-easternmost branch of the Columbia, and thence down the channel of that river to the sea, had been offered by Great Britain, with an addition of a small detached territory north of the Columbia. Each of these propositions had been rejected by the parties respectively.

In October, 1843, the Envoy Extraordinary and Minister Plenipotentiary of the United States in London, was authorised to make a similar offer to those made in 1818 and 1826. Thus stood the question, when the negotiation was shortly afterwards transferred to Washington: and, on the 23rd of August, 1844, was formally opened, under the direction of my immediate predecessor. Like all the previous negotiations, it was based upon principles of "compromise;" and the avowed purpose of the parties was, "to treat of the respective claims of the two countries to the Oregon territory, with the view to establish a permanent boundary between them Westward of the Rocky Mountains to the Pacific Ocean." Accordingly on the 26th of

August, 1844, the British Plenipotentiary offered to divide the Oregon territory by the 49th parallel of north latitude from the Rocky Mountains to the point of its intersection with the north-easternmost branch of the Columbia River, and thence down that river to the sea; leaving the free navigation of the river to be enjoyed in common by both parties—the country South of this line to belong to the United States, and that North of it to Great Britain. At the same time, he proposed, in addition, to yield to the United States a detached territory, North of the Columbia, extending along the Pacific and the Straits of Fuca, from Bulfinch's Harbour inclusive, to Hood's Canal, and to make free to the United States any port or ports south of latitude 49 degrees, which they might desire, either on the main land, or on Quadra and Vancouver's Island. With the exception of the free ports, this was the same offer which had been made by the British, and rejected by the American Government in the negotiation of 1826. This proposition was properly rejected by the American Plenipotentiary on the day it was submitted. This was the only proposition of compromise offered by the British Plenipotentiary. The proposition on the part of Great Britain having been rejected, the British Plenipotentiary requested that a proposal should be made by the United States for "an equitable adjustment of the question."

When I came into office, I found this to be the state of the negotiation. Though entertaining the settled conviction, that the British pretensions of title could not be maintained to any portion of the Oregon territory upon any principle of public law recognised by nations, yet, in deference to what had been done by my predecessors, and especially in consideration that propositions of compromise had been thrice made by two preceding administrations, to adjust the question on the parallel of 49 degrees, and in two of them yielding to Great Britain the free navigation of the Columbia, and that the pending negotiation had been commenced on the basis of compromise, I deemed it to be my duty not abruptly to break it off. In consideration, too, that under the conventions of 1818 and 1827, the citizens and subjects of the two Powers held a joint occu-

pancy of the country, I was induced to make another effort to settle this long-pending controversy in the spirit of moderation which had given birth to the renewed discussion. A proposition was accordingly made, which was rejected by the British Plenipotentiary, who, without submitting any other proposition, suffered the negotiation on his part to drop, expressing his trust that the United States would offer what he saw fit to call "some further proposal for the settlement of the Oregon question, more consistent with fairness and equity, and with the reasonable expectations of the British Government." The proposition thus offered and rejected, repeated the offer of the parallel of 49 degrees of north latitude, which had been made by two preceding administrations, but without proposing to surrender to Great Britain, as they had done, the free navigation of the Columbia River. The right of any foreign Power to the free navigation of any of our rivers, through the heart of our country, was one which I was unwilling to concede. It also embraced a provision to make free to Great Britain any port or ports on the Cape of Quadra and Vancouver's Island, south of this parallel. Had this been a new question, coming under discussion for the first time, this proposition would not have been made. The extraordinary and wholly inadmissible demands of the British Government, and the rejection of the proposition made in deference alone to what had been done by my predecessors, and the implied obligation which their acts seemed to impose, afford satisfactory evidence that no compromise which the United States ought to accept, can be effected. With this conviction, the proposition of compromise which had been made and rejected, was, by my direction, subsequently withdrawn, and our title to the whole Oregon territory asserted, and, as is believed, maintained by irrefragable facts and arguments.

The civilized world will see in these proceedings a spirit of liberal concession on the part of the United States; and this Government will be relieved from all responsibility which may follow the failure to settle the controversy.

OREGON CORRESPONDENCE.

(A.)

Mr. Calhoun to Mr. Pakenham.

Washington, Sept. 3, 1844.

THE undersigned, American Plenipotentiary, declines the proposal of the British Plenipotentiary, on the ground that it would have the effect of restricting the possessions of the United States to limits far more circumscribed than their claims clearly entitle them to. It proposes to limit their northern boundary by a line drawn from the Rocky Mountains along the 49th parallel of latitude to the north-easternmost branch of the Columbia river, and thence down the middle of that river to the sea—giving to Great Britain all the country north, and to the United States all south, of that line, except a detached territory extending on the Pacific and the Straits of Fuca, from Bulfinch's Harbour to Hood's Canal. To which it is proposed, in addition, to make free to the United States any port which the United States Government might desire, either on the main land or on Vancouver's Island, south of latitude 49th degree.

By turning to the map hereto annexed, and on which the proposed boundary is marked in pencil, it will be seen that it assigns to Great Britain almost the entire region (on its north side) drained by the Columbia river, lying on its northern bank. It is not deemed necessary to state at large the claims of the United States to this territory, and the grounds on which they rest, in order to make good the assertion that it restricts the possessions of the United States within narrower bounds than they are clearly entitled to. It will be sufficient for this purpose to show that they

are clearly entitled to the entire region drained by the river ; and to the establishment of this point the undersigned proposes accordingly to limit his remarks at present.

Our claims to the portion of the territory drained by the Columbia river may be divided into those we have in our own proper right, and those we have derived from France and Spain. We ground the former, as against Great Britain, on priority of discovery and priority of exploration and settlement. We rest our claim to discovery, as against her, on that of Captain Gray, a citizen of the United States, who, in the ship *Columbia*, of Boston, passed its bar and anchored in the river, 10 miles above its mouth, on the 11th of May, 1792, and who afterwards sailed up the river 12 or 15 miles, and left it on the 20th of the same month, calling it *Columbia*, after his ship, which name it still retains.

On these facts our claim to the discovery and entrance into the river rests. They are too well attested to be controverted ; but they have been opposed by the alleged discoveries of Meares and Vancouver. It is true that the former explored a portion of the coast through which the Columbia flows into the ocean, in 1788 (five years before Captain Gray crossed the bar and anchored in the river), in order to ascertain whether the river, as laid down in the Spanish charts, and called the *St. Roe*, existed or not ; but it is equally true that he did not even discover it. On the contrary, he expressly declares, in his account of the voyage, as the result of his observations, that " we can now safely assert that there is no such river as that of the *St. Roe*, as laid down in the Spanish charts ;" and, as if to perpetuate his disappointment, he called the promontory lying north of the inlet where he expected to discover it, *Cape Disappointment*, and the inlet itself *Deception Bay*. It is also true that Vancouver, in April, 1792, explored the same coast ; but it is no less so that he failed to discover the river, of which his own journal furnishes the most conclusive evidence, as well as his strong conviction that no such river existed. So strong was it, indeed, that when he fell in with Captain Gray, shortly afterwards, and was informed by him that he had been off the mouth of a river in latitude $46^{\circ} 10'$, whose outlet was so strong as to prevent his entering, he remained still incredulous, and strongly expressed himself to that effect in his journal. It

was shortly after this interview that Captain Gray again visited its mouth, crossed its bar, and sailed up the river, as has been stated. After he left it he visited Nootka Sound, where he communicated his discoveries to Quadra, the Spanish commandant at that place, and gave him a chart and description of the mouth of the river. After his departure, Vancouver arrived there in September, when he was informed of the discoveries of Captain Gray, and obtained from Quadra copies of the chart he had left with him. In consequence of the information thus obtained he was induced to visit again that part of the coast. It was during this visit that he entered the river on the 20th of October, and made his survey.

From these facts it is manifest, that the alleged discoveries of Meares and Vancouver cannot, in the slightest degree, shake the claim of Captain Gray to priority of discovery. Indeed, so conclusive is the evidence in his favour, that it has been attempted to evade our claim on the novel and wholly untenable ground that his discovery was made, not in a national, but a private vessel. Such, and so incontestable is the evidence of our claim as against Great Britain—from priority of discovery, as to the mouth of the river, crossing its bar, entering it, and sailing up its stream—on the voyage of Captain Gray alone, without taking into consideration the prior discovery of the Spanish navigator, Heceta, which will be more particularly referred to hereafter.

Nor is the evidence of the priority of our discovery of the head-branches of the river and its exploration less conclusive. Before the treaty was ratified by which we acquired Louisiana, in 1803, an expedition was planned—at the head of which were placed Meriwether Lewis and William Clarke—to explore the river Missouri and its principal branches to their sources, and then to seek and trace to its termination in the Pacific some stream, “whether the Columbia, the Oregon, the Colorado, or any other which might offer the most direct and practicable water communication across the continent, for the purpose of commerce.” The party began to ascend the Missouri in May, 1804, and, in the summer of 1805, reached the head-waters of the Columbia river. After crossing many of the streams falling into it, they reached the Kooksoskee, in latitude $43^{\circ} 34'$ —descended that to the principal northern branch, which they called Lewis's—followed that