

**THE OREGON TERRITORY, ITS HISTORY AND
DISCOVERY, INCLUDING THE ACCOUNT OF
THE CONVENTION OF THE ESCURIAL, ALSO,
THE TREATIES AND NEGOTIATIONS BETWEEN
THE UNITED STATES AND GREAT BRITAIN, HELD
AT VARIOUS TIMES FOR THE SETTLEMENT OF A
BOUNDARY LINE**

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649050499

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Edited by Trieste Publishing Pty Ltd.
Cover @ 2017

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A BOUNDARY LINE,
AND
AN EXAMINATION OF THE WHOLE QUESTION
IN RESPECT TO
FACTS AND THE LAW OF NATIONS.

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NEW-YORK:
D. APPLETON & CO., 200 BROADWAY.
PHILADELPHIA:
GEO. S. APPLETON, 148 CHESNUT-STREET.
CINCINNATI—DERBY, BRADLEY & CO., 113 MAIN-STREET.
MDCCLXVI.

Sept 14-07
18

PREFACE.

THE object which the author had in view, in instituting the accompanying inquiry into the historical facts and the negotiations connected with the Oregon Territory, was to contribute, as far as his individual services might avail, to the peaceful solution of the question at issue between the United States of America and Great Britain. He could not resist the conviction, on reading several able treatises on the subject, that the case of the United States had been overstated by her writers and negotiators; and the perusal of Mr. Greenhow's Official Memoir, and subsequent History of Oregon and California, confirmed him in this impression, as they sought to establish more than was consistent with the acknowledged difficulty of a question, which has now been the subject of four fruitless negotiations. He determined, in consequence of this conviction, to investigate carefully the records of ancient discoveries and other matters of history connected with the North-west coast of America, concerning which much contradictory statement is to be met with in writers of acknowledged reputation. The result is, the present work, which has unavoidably assumed a much larger bulk than was anticipated by

the author when he commenced the inquiry: it is hoped, however, that the arrangement of the chapters will enable the reader to select, without difficulty, those portions of the subject which he may deem to be most deserving of his attention.

The expeditions of Drake and of Gali have thus necessarily come under consideration; and the views of the author will be found to differ, in respect to both these navigators, from those advanced by Mr. Greenhow, more especially in respect to Drake. Had the author noticed at an earlier period Mr. Greenhow's remark in the Preface to the second edition of his History, that he has "never deviated from the rule of not citing authorities at second-hand," he would have thought it right to apologise for attributing the incorrectness of Mr. Greenhow's statements as to the respective accounts of Drake's expedition, to his having been misled by the authority of the article "Drake," in the *Biographie Universelle*. He would even now apologise, were not any other supposition under the circumstances less respectful to Mr. Greenhow himself.

In regard to Juan de Fuca, if the author could have supposed that in the course of the last negotiations at Washington, Mr. Buchanan would have pronounced that De Fuca's Voyage "no longer admits of reasonable doubt," he would have entered into a more careful analysis of Michael Lock's tale, to show that it is utterly irreconcilable with ascertained facts. As it is, however, the author trusts that enough has been said in the chapter on the Pretended Discoveries of the North west Coast, to convince the reader that both the

stories of Juan de Fuca and Maldonado*, to the latter of whom, Mr. Calhoun, at an earlier stage of the same negotiations, refers by name as the pioneer of Spanish enterprise, are to be ranked with Admiral Fonte's account, in the class of Mythical discoveries.

In regard to Vancouver, the author, it is hoped, will be pardoned for expressing an opinion, that Mr. Greenhow has permitted his admitted jealousy for the fame of his fellow-citizens to lead him to do injustice to Vancouver's character, and to assail it with arguments founded in one or two instances upon incorrect views of Vancouver's own statements. Mr. Gallatin expressed a very different opinion of this officer, in his Counter-statement, during the negotiation of 1826, when he observes that Vancouver "had *too much probity* to alter his statement, when, on the ensuing day, he was informed by Captain Gray of the existence of the river, at the mouth of which he had been for several days without being able to enter it."

The chapter on the Convention of the Escorial is intended to give an outline of the facts and negotiations connected with the controversy between Spain and Great Britain in respect to Nootka Sound, and the subsequent settlement of the points in dispute. The arguments which the author conceived them to furnish against the positions of the Commissioners of the United States, have been inserted, as the opportunity offered itself, in the chapters on the several negotiations. The author,

* Maldonado's pretended Voyage bears the date of 1588. In the copy of Mr. Calhoun's letter, circulated on this side of the Atlantic, it is referred to the year 1528.

however, has introduced in this chapter, what appears to him to be a conclusive refutation of Mr. Buchanan's statement, "that no sufficient evidence has been adduced that either Nootka Sound, or any other spot on the coast, was ever actually surrendered by Spain to Great Britain."

The chapter on the Columbia River attempts to adjust the respective claims of Heceta, Gray, and Broughton, to the discovery and exploration of that river.

A few chapters have been next inserted on points of international law connected with territorial title, which, it was thought, might facilitate the examination of the questions raised in the course of the negotiations by the Commissioners of Great Britain and the United States. They do not profess to be complete, but they embrace, it is believed, nearly all that is of importance for the reader to be familiar with.

The chapters on the Limits of Louisiana, and the Treaty of Washington, were required to elucidate the "derivative title" of the United States.

If the author could have anticipated the publication of the correspondence between Mr. Pakenham and the Plenipotentiaries of the United States, he would most probably have adopted a different arrangement in his review of the several negotiations, so as to avoid an appearance of needless repetition. His manuscript, however, with the exception of the two last chapters, was completed before the President's message reached this country. As the earlier sheets, however, were passing through the press, one or two remarks have been

inserted which have a bearing on the recent correspondence; but it should be observed, that a separate review of each negotiation was designedly adopted, for the purpose of enabling the reader to appreciate more readily the variety of phases, which the claims of the United States have assumed in the course of them.

Some observations have been made in Chapter XII. and other places, upon the general utility of the argument from maps in the case of disputed territory. The late negotiations at Washington have furnished an apposite illustration of the truth of the author's remarks. Mr. Buchanan, towards the conclusion of his last letter to Mr. Pakenham, addressed an argument to the British Minister, of the kind known to logicians as the *argumentum ad verecundiam*: — "Even British geographers have not doubted our title to the territory in dispute. There is a large and splendid globe now in the Department of the State, recently received from London, and published by Maltby & Co., manufacturers and publishers to 'The Society for the Diffusion of Useful knowledge,' which assigns this territory to the United States." The history, however, of this globe is rather curious. It was ordered of Mr. Malby (not Maltby) for the Department of State at Washington, before Mr. Everett quitted his post of Minister of the United States in this country. It no doubt deserves the commendation bestowed upon it by Mr. Buchanan, for Mr. Malby manufactures excellent globes; but the globe sent to Washington was not made from the plates used on the globes published under the sanction of "The Society for the Diffusion of Useful Knowledge,"

though this is not said by way of disparagement to it. The Society, in its maps, has carried the boundary line west of the Rocky Mountains, along the 49th parallel to the Columbia River, and thence along that river to the sea ; but in its globes the line is not marked beyond the Rocky Mountains. Mr. Malby, knowing that the globe ordered of him was intended for the Department of State at Washington, was led to suppose that it would be more satisfactorily completed, as it was an American order, if he coloured in, for it is not engraved, the boundary line proposed by the Commissioners of the United States. The author would apologise for discussing so trifling a circumstance, had not the authorities of the United States considered the fact of sufficient importance to ground a serious argument upon it.

In conclusion, the Author must beg pardon of the distinguished diplomatists in the late negotiations at Washington, whose arguments he has subjected to criticism, if he has omitted to notice several portions of their statements, to which they may justly attribute great weight. It is not from any want of respect that he has neglected them, but the limits of his work precluded a fuller consideration of the subject.

LONDON, Jan. 22, 1846.