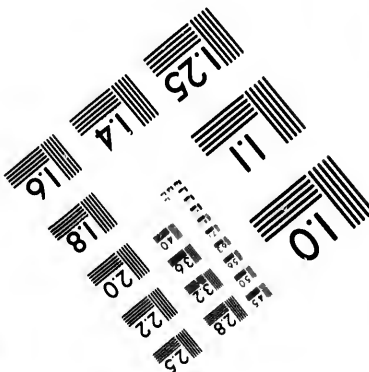
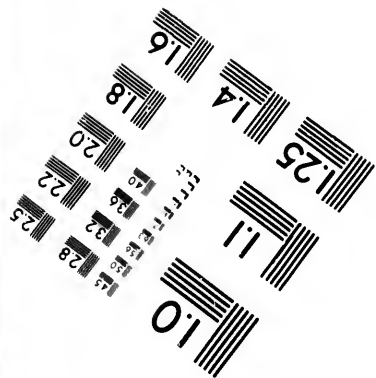
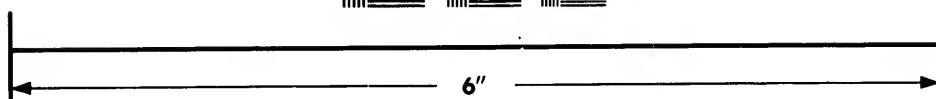
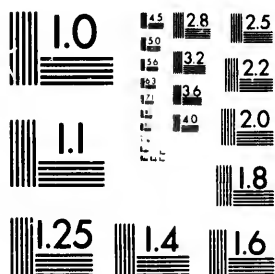


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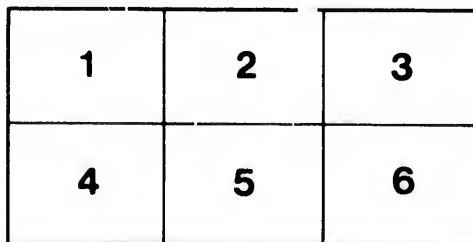
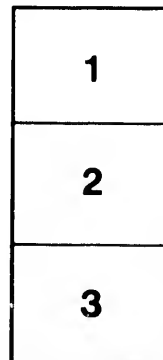
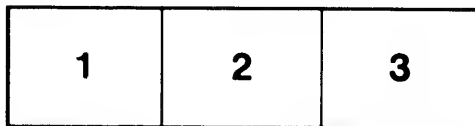
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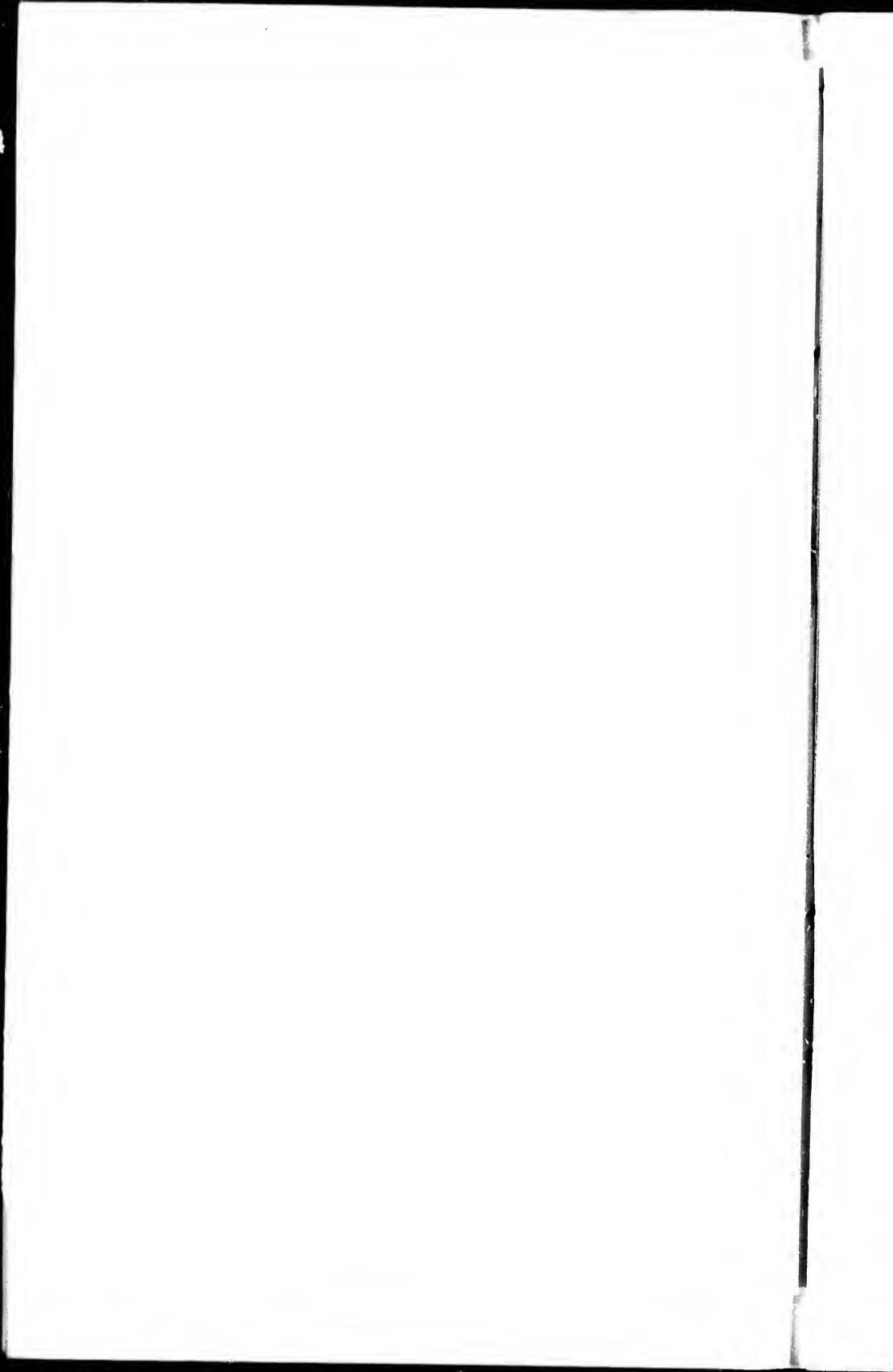
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ANSWER
TO THE
STRICTURES OF MR. THOMAS FALCONER
OF LINCOLN'S INN,
ON
THE HISTORY OF OREGON AND CALIFORNIA,
BY ROBERT GREENHOW.

IN publishing the second edition of my History of Oregon and California, I think it proper to present some observations, in answer to the strictures on the first edition, made by Mr. T. Falconer, of Lincoln's Inn, in his work "*On the discovery of the Mississippi, and on the South-western, Oregon, and North-western Boundary of the United States,*" which appeared in London in October, 1844. These strictures are slightly noticed in the preface to my second edition; but observing the importance assigned to them in London, I have been induced to answer them more particularly here.

Mr. Falconer's book is a small duodecimo, containing ninety-six pages of original matter, and as many more of translations from documents found by him in the Archives of the Marine Department of France, relative to the discovery and settlement of Louisiana. Of these documents, the greater and more valuable portion are already well known in the United States;* and a number still greater of more interesting papers, on the same subject, from the same and other Archives, now lie in manuscript before me, which have evidently escaped Mr. Falconer's researches. But while thus examining archives, and bringing hidden documents to light, Mr. Falconer has most singularly neglected to cast his eyes over works which have been long before the world: and of this neglect, his book is in fact the fruit; for he has thus been enabled to make many discoveries, new to himself, and to build on them a long series of arguments, which want nothing but a foundation of truth to render them irrefragable. Some of his principal discoveries of this kind I will now proceed to notice; and they will serve to show how much confidence is to be placed on his work, as evidence in the important questions of territorial right, now under discussion between the British and American governments.

The first thirty-eight pages are devoted by Mr. Falconer to "an abstract of the events connected with the discovery, occupation, and settle-

* See Sparks's Life of La Salle, and White's New Recopilacion.

ment of Louisiana, and of its transfer to the United States." Upon this transfer, he says, page 36 :—

"On October 1st, 1800, Louisiana was retroceded by Spain to France, 'with the same extent that it now has in the hands of Spain, and that it had, when France possessed it, and such as it should be after the treaties subsequently entered into between Spain and other States.' It was an act of retrocession, but it transferred so much less than France originally held, as had been shorn from it by the treaty of 1763, which gave to Great Britain, and through Great Britain to the United States, nearly the entire eastern bank of the Mississippi."

This all correct: now for the transfer of Louisiana to the United States, respecting which, Mr. Falconer has made a most notable discovery. Continuing, he says :—

"In 1803, France sold Louisiana to the United States for eleven millions of dollars. The purchase included all lands 'on the east [*quare* west] side of the Mississippi river, not then belonging to the United States, as far as the great chain of mountains which divide the waters flowing into the Pacific, and those falling into the Atlantic ocean; and from the said chain of mountains to the Pacific Ocean, between the territory claimed by Great Britain on one side, and by Spain on the other.'" —(*History of the Federal Government, by Alden Bradford, Boston. 1840. p. 130.*) No point was mentioned where the line in the chain of mountains was to commence, nor where the tract of land lay, forming a portion of Louisiana, lying between the territory claimed by Spain and Great Britain. France had nothing to sell but what constituted Louisiana after the cession made to Great Britain, in 1763. *There was nevertheless inserted in this treaty of sale, a reference to a perfectly undefined line to the Pacific, having no defined point of commencement, and referring to territory having no definable boundary on the north, or the south, or on the east.*"

In a note to the passage quoted in this paragraph, Mr. Falconer says :—“Mr. Greenhow, in his elaborate work on the Oregon question, has omitted all notice of this very important passage.”

This note surprised me not a little, as I was unable to see the importance of a passage containing merely a gratuitous, and certainly unfounded, opinion as to the limits of Louisiana; and I could discover no reason for which I should have noticed it. But how much greater was my surprise, on finding that *Mr. Falconer had presented this passage as a stipulation in the treaty of October 1803.* That such a mistake could have been made by a man professing to instruct the world as to “the South-western, Oregon, and North-western boundaries of the United States,” appeared preposterous: but on examining farther, no doubt was left that such was his view, or the view which he endeavored to impress on others. In the many pages which he has devoted to the consideration of this point, with the object of fixing upon the United States, the stigma of having procured the insertion in the treaty of 1803, of a clause, by which they might afterwards, unrighteously, lay claim to the Oregon territory, he returns again and again to this *important passage*, — his principal *cheval de bataille*. After relating the particulars of the Florida treaty, by which Spain ceded to the United States all her claims to territories on

the Pacific side of America, north of the forty-second parallel of latitude, he says, (p. 48,) "Thus was the undefined line from the Rocky Mountains to the Pacific, inserted in the treaty with France, converted into a defined line." Speaking of the western limits of Louisiana, (p. 60,) he says, — "There was no strip of land to the west, belonging to France, as mentioned in the treaty of 1803, 'lying between the territory claimed by Great Britain on the one side, and Spain on the other.'" — and (page 61,) when comparing the provisions of the latter treaty with those of the Florida treaty, he remarks — "The treaty with France, in 1803, professed to give 'a line' across some country lying between the territory claimed by Spain and Great Britain."

It is needless to say, to any one acquainted with the history of the transfer of Louisiana, by France to the United States, that the treaty by which that cession was effected, contains no other words respecting the limits of the country ceded, than those extracted from the treaty of 1800, whereby France obtained Louisiana from Spain, — viz.: "the colony or province of Louisiana, with the same extent that it now has in the hands of Spain, and that it had when France possessed it; and such as it should be, after the treaties subsequently entered into between Spain and other states;" and that no other description of boundaries could ever be obtained from the French government. Mr. Falconer quoted these words himself; but it is most charitable to suppose that he never saw the treaty, as he must otherwise stand amenable to the charge of having falsely brought forward the passage forming the subject of these remarks, as one of its stipulations, with the object of defaming the American government.

Mr. Falconer next presents a review of the accounts in my history, of the discoveries of the Spaniards, of Cook, and of the fur traders, as also of the pretended British settlement at Nootka Sound, of which he says, "the personal facts of the case are not of the slightest importance;" though upon those facts rests the whole question as to the superiority of the Spanish, or of the British claim to the territory about Nootka. He then enters upon the examination of the rights derived from discovery and occupation of a country, and quotes a large portion of the observations, in pages 187 to 189 of my history, omitting, however, some which have an important bearing on the subject. Here he contends that "a settlement must be understood to mean the establishment of the laws or government of the persons making the settlement, with the consent and authority of the nation to which they belong;" that, "discoveries actually accompanied by occupation, without such consent, do not entitle the settlers to any of the rights of their own government, or to exercise any power, even of the most inferior description, under the pretence of being a colony;" and that, "taking possession," — that is to say, the declaration of the right of a sovereign, or state, by one of its officers, to the possession of an unoccupied country, which he may touch, "is the exercise of a sovereign power, a distinct act of legislation, by which the new territory becomes annexed to the dominions of the crown." Upon these grounds he regards the right of Great Britain to the north-west coasts of America, as paramount; forgetting, or concealing the facts, that Spanish officers had landed on all those coasts, and on each occasion had most formally taken possession, in the name of their monarch, and had made a settle-

ment by direct and special orders, from their government, before any attempts for the same purpose had been made there by the people of any other nation; and that no authority on the part of the British government was alleged by the claimants of Nootka Sound, whose cause was supported by that power in 1790, at the risk of a war with Spain. Equally careful is Mr. Falconer, to omit all the material arguments adduced by me, with regard — to the controversy between Vancouver and the Spanish Commissioner at Nootka, in 1792 — to the examinations of the Columbia and the adjacent coasts, by Gray, and by the British navigators — to the American settlements on the Columbia, and — to the pretended reservation of right by the British government, on restoring those settlements in 1815. On all these points I have nothing to change in the accounts presented in my history. Mr. Falconer's note on his page 93, so far as I can unravel its meaning, for it is rendered somewhat doubtful by omissions, is as direct and positive misrepresentation of my views, as expressed in page 281 of the history to which it refers.

At page 85, Mr. Falconer writes: "On the north and north-western boundary of the United States, 'Louisiana, it is said, stretched from the Gulf of Mexico, to the northward and north-westward, to an undefined extent.' (Greenhow, p. 276.) It can be most distinctly demonstrated, that there is not the slightest foundation for this statement."

Now in the first place Mr. Falconer has entirely misquoted my expressions. Specially referring to the state of things at the commencement of this century, I say "the territories of the United States were at that time, all included between the Atlantic Ocean on the east, and the Mississippi river on the west. In the north were the British Provinces; in the west lay Florida belonging to Spain; and beyond the Mississippi the Spaniards claimed the vast region, called Louisiana, stretching from the Gulf of Mexico, northward and north-westward to an undefined extent." These observations, I repeat, refer only to the state of things in 1800, when Louisiana embraced no territory east of the Mississippi, except New Orleans and its vicinity; and nothing which I have seen has induced me to doubt their entire accuracy.

His conclusions on the subject are thus summed up in page 87: "First then, as a subordinate province partly formed out of Canada, Louisiana extended no farther than the distinct boundaries of it could be shown; secondly, it never extended further north than the Illinois river; thirdly, the question of the extent of Louisiana was argued at the peace of 1762; fourthly, Canada in its full extent was ceded to Great Britain; and, lastly, the official map used by France in its negotiations with Great Britain, incontestably proves, that the country north and north-west of the Mississippi was ceded as the Province of Canada. No better authority for the above statement can be cited, than M. Duffot de Mofras, a gentleman attached to the French legation at Mexico, and the author of a work on California, published by order of the French Government — to avoid the possibility of misinterpretation, his own words cited."

Of these conclusions it will be necessary to examine only the last, to which the others are subordinate: it is thus farther explained by Mr. Falconer. "By the seventh article of this cession" [the treaty of 1763 between France and Great Britain] "the line drawn from the source of the

River Mississippi, to the south, gave to Great Britain all the lands on the east bank of the river, and secured to France and through it to Spain, the territory west of the same line. But the territory of Canada north of the source of that river, ($47^{\circ} 10'$ N. L.) and north of a line, running west of the source of the river, was left as a part of Canada, of which it most indisputably formed a portion."

Mr. Falconer here places his meaning beyond question. Has he ever read the charter of the Hudson's Bay Company? Certainly not, or he would never have made this assertion. That charter was granted by King Charles the Second in 1669; it conveys to the Hudson's Bay Company in full possession, and almost in sovereignty, "all those seas, straits, and bays, rivers, lakes, creeks and sounds, in whatsoever latitude they shall be, that lie within the entrance of the Straits, commonly called Hudson's Straits, together with all the lands, countries, and territories, upon the coast and confines of the seas, straits, bays, lakes, rivers, creeks, and sounds aforesaid, which are not actually possessed by any of our subjects, or by the subjects of any other Christian prince or state." The right to these waters and territories was maintained by Great Britain in her wars with France, and was confirmed in the treaty of Utrecht, and in all subsequent treaties between those powers relative to territories in America so long as France held any possessions on the northern continent. The territories thus granted to the Hudson's Bay Company extend west of the Mississippi, and south of the latitude of the sources of that river, and they were always claimed and used by that body until 1818, when the 49th parallel of latitude was adopted by convention between Great Britain and the United States, as the dividing line between their possessions in that part of America. Until the conclusion of that convention, the northern boundaries of Louisiana remained *undefined* — that is, undetermined by accord of the parties interested, as I prove clearly in my pages 281 and 436.

Will Mr. Falconer now maintain that the territories, thus granted to the Hudson's Bay Company in 1669, most indisputably formed a portion of Canada, and therefore belonged to France until 1762? If not, his whole theory as to the western extension of Canada falls to the ground. Does he not see, moreover, that if his argument be admitted, by the same rule Louisiana must also necessarily have extended to the Pacific, embracing the whole lower portion and the mouth of the Columbia, which his government is now so anxious to secure?

What "*the official map used by France, in its negotiations with Great Britain,*" was, we are to learn from M. Duflot de Mofras. On referring to the quotation from that author, we see, first that, "*All the old maps, in fact, in accordance with the authors most worthy of credit, carry the limits of the French possessions of Canada to the South Sea.*"*

It is needless to waste time on such an assertion; the erroneousness of which, is shown by every old atlas. The "*author most worthy of credit,*" cited by M. de Mofras, is L'Escaubot, in whose history of New France, printed in 1617, after the settlement of Florida, New Mexico, Virginia and the New Netherlands, the whole of the American continent and

* "*Toutes les anciennes cartes, en effet d'accord avec les auteurs les plus avérés n'arrêtent qu'à la mer du Sud, la limite des possessions Françaises du Canada.*"

islands north of the Tropic of Cancer, is claimed as New France. M. de Mofras continues: "Finally in a map, engraved in 1757, and annexed to the Memoirs of the Commissaries of the kings of France and England in America, it may be seen beyond doubt that New France extended to the Pacific; and on it will be found on the west coast of America, under the 46th degree of latitude, a great river traced in a direction exactly conformable with that of the river Columbia."*

The work last cited, is a collection of statements, presented respectively by the Commissaries of France and England, appointed under the treaty of Aix la Chapelle in 1748, to settle the limits of certain territories in America. It is well known, and may be found in all large libraries. There are not less than four copies of it in Washington. If Mr. Falconer will take the trouble to examine it, he will find the map in the fourth volume, as specially stated by M. de Mofras, being indeed the only one in the collection, embracing the western part of America; but he will assuredly not find on it *any river entering the Pacific from the interior of America, near the 46th degree of latitude, nor any river resembling the Columbia, nor any allusion to Canada or New France, nor any sign whatsoever of the existence of French dominion in America.* The map was in fact, drawn and presented by the French Commissaries, as its title purports, with the object of exposing the extravagant pretensions of the British in America; and the whole division of the continent from sea to sea, between the 40th and the 48th parallels of latitude, including, of course, nearly all Canada, *appears on it as New England.* Yet this map Mr. Falconer presents as "*the official map used by France, in its negotiations with Great Britain,*" (mistaking, as the context abundantly shows the Commissaries appointed under the treaty of Aix la Chapelle, for Plenipotentiaries who signed the treaty of Paris;) and as contesting *proving "that the country north and north-west of the Mississippi, is included as the province of Canada."*

The quotations from M. Duffot de Mofras, are made from some articles by him on Oregon, which appeared in the Paris Journal des Débats. This gentleman has since published, under the auspices of the French government, a work on Oregon and California, professing to be the results of personal examination of those countries, and of subsequent labors and researches; but in reality containing little else than extracts from my history, with alterations to suit the views of the author. The conclusions of M. de Mofras are — that Canada certainly extended to the Pacific — that the Canadians are now as good Frenchmen as in the days of Beauharnais — that they will soon throw off the detested yoke of Great Britain, and will then form a grand *Franco Canadian Empire*, extending from the Atlantic to the Pacific, and embracing Oregon, which will be bound to France by every tie of religion, feeling and policy.

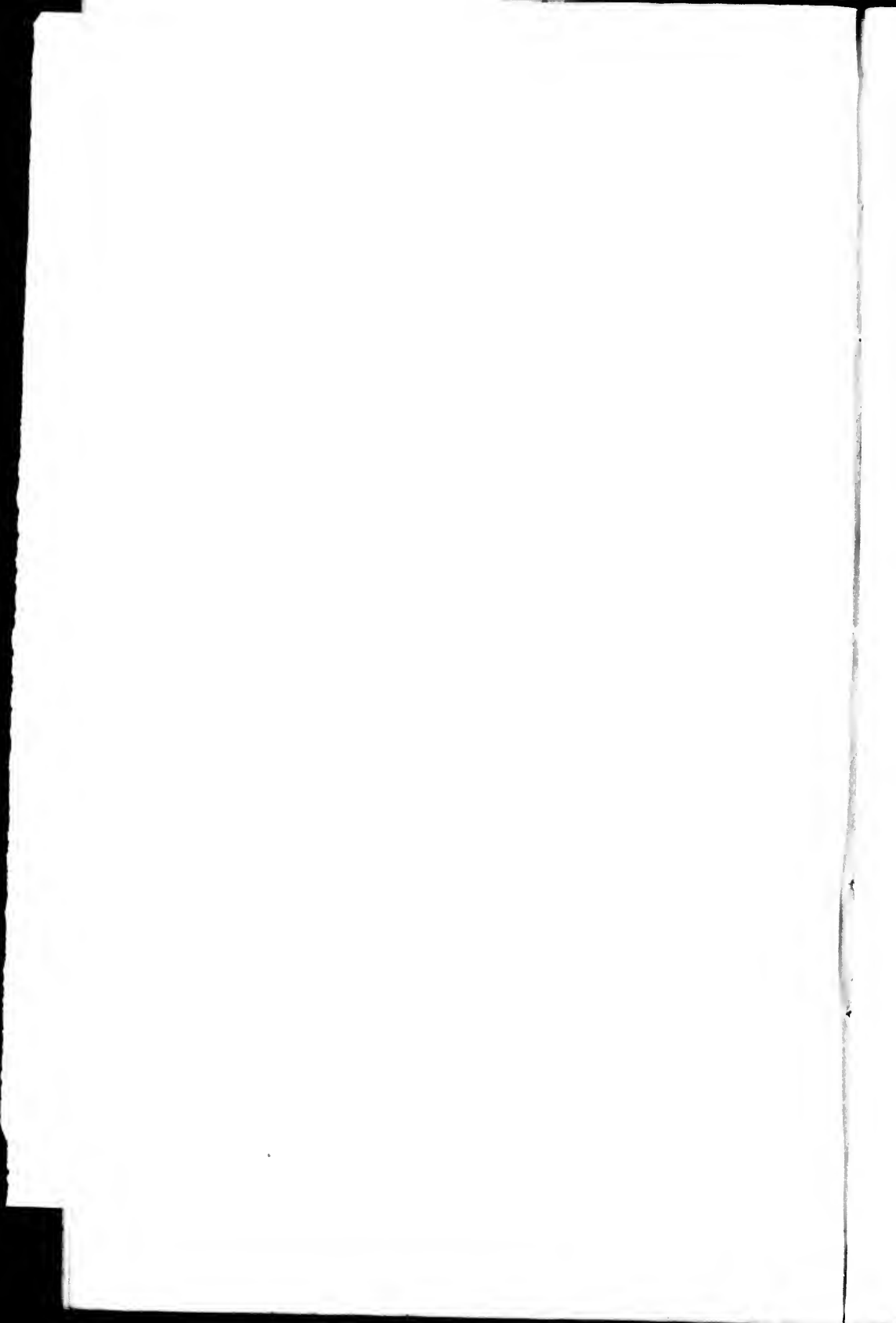
It will be unnecessary to pursue farther, the evidence of Mr. Falconer's

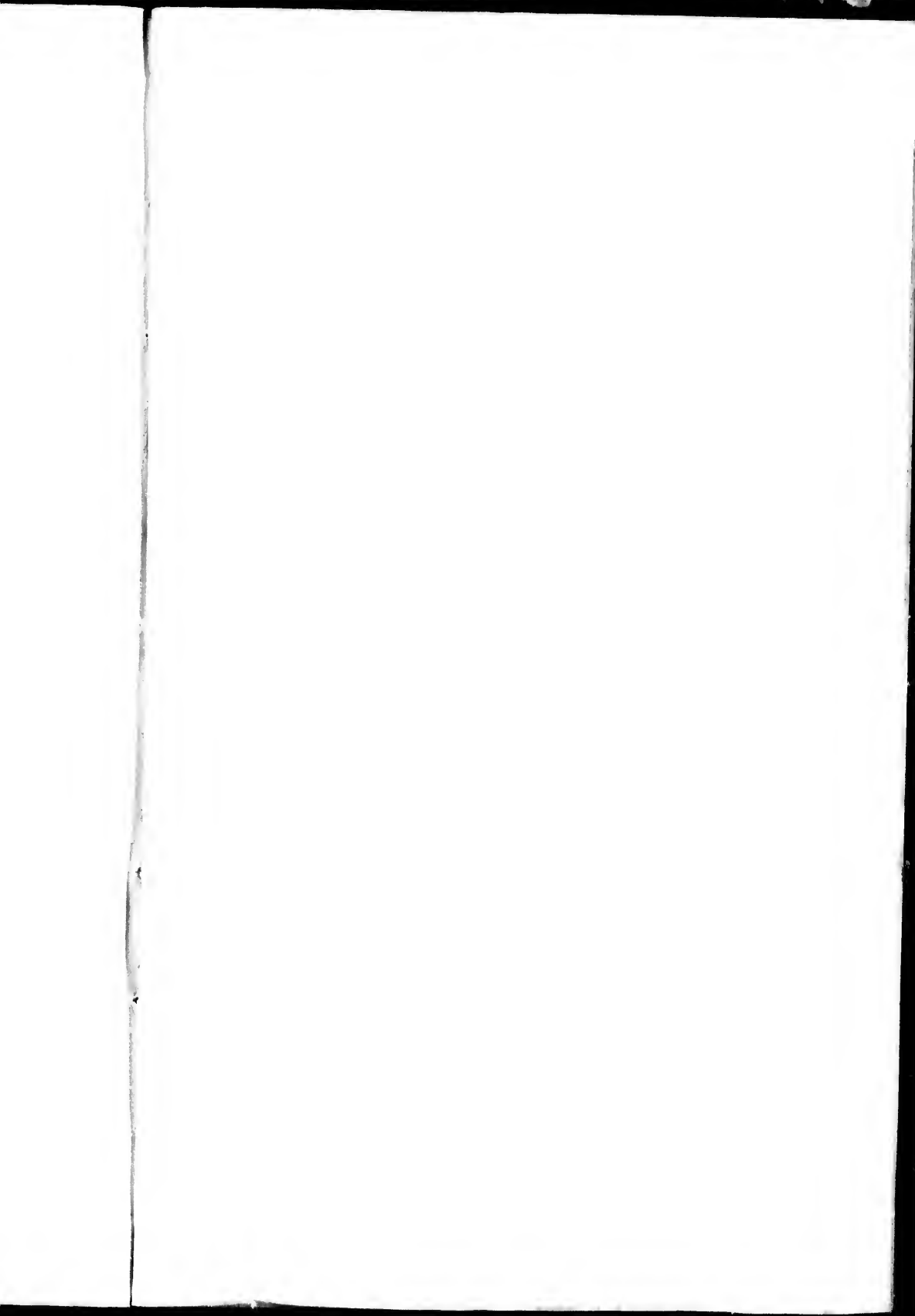
* "Enfin, dans une carte gravée en 1757, et annexée aux Mémoires des Commissaires des Rois de France et d'Angleterre en Amérique, on peut constater, que la Nouvelle France s'étendait jusque à la mer Pacifique; et l'on y trouve, à la côte ouest de l'Amérique, sous le 46° degré, une grande rivière, tracée dans une direction exactement conforme à celle du Rio Columbia."

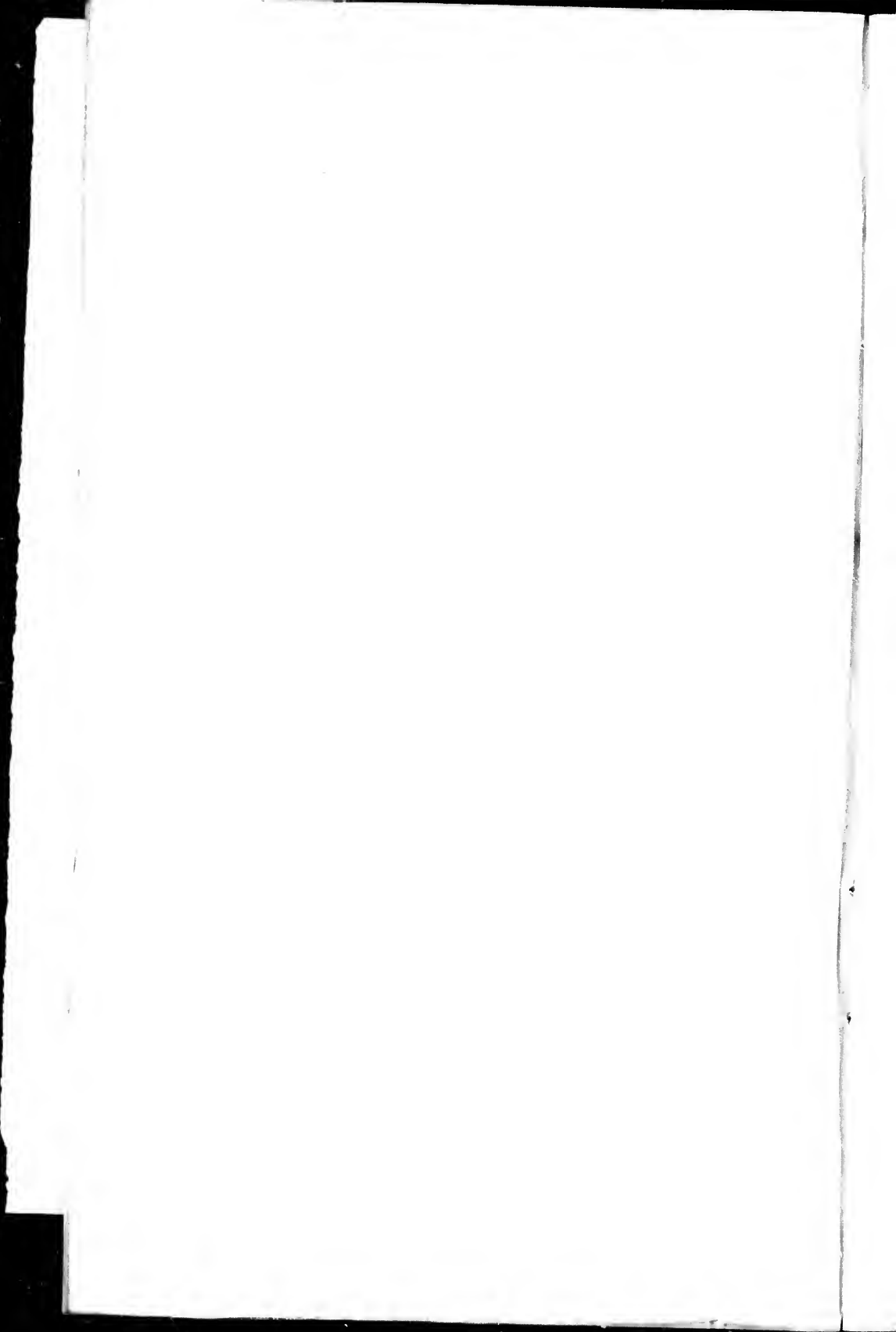
incompetency to treat the important matters to which he has devoted his attention in this volume ; or to expose his mistakes, misquotations, and misrepresentations of all kinds. In his concluding page, he declares that "It is not honorable, while the title to the territory of Oregon is undetermined between the respective governments, to urge measures to *populate* it with American citizens, in order to give facilities for its occupation at a future period." On this point, I will simply refer him to the letters addressed by Messrs. Pelly and Simpson, the governors of the Hudson's Bay Company, to the Colonial Department, in 1837, soliciting a renewal of their charter, as published by order of parliament in 1840, where he will find, that those gentlemen *claimed and received the aid and consideration of government for their energy and success in expelling the Americans from the Columbia regions, and forming settlements there, by means of which they were rapidly converting Oregon into a British colony.* Since that period things have changed ; and nothing but prudence is required, on the part of the American government, to convert Oregon, ere long, into a State of the Federal Union.

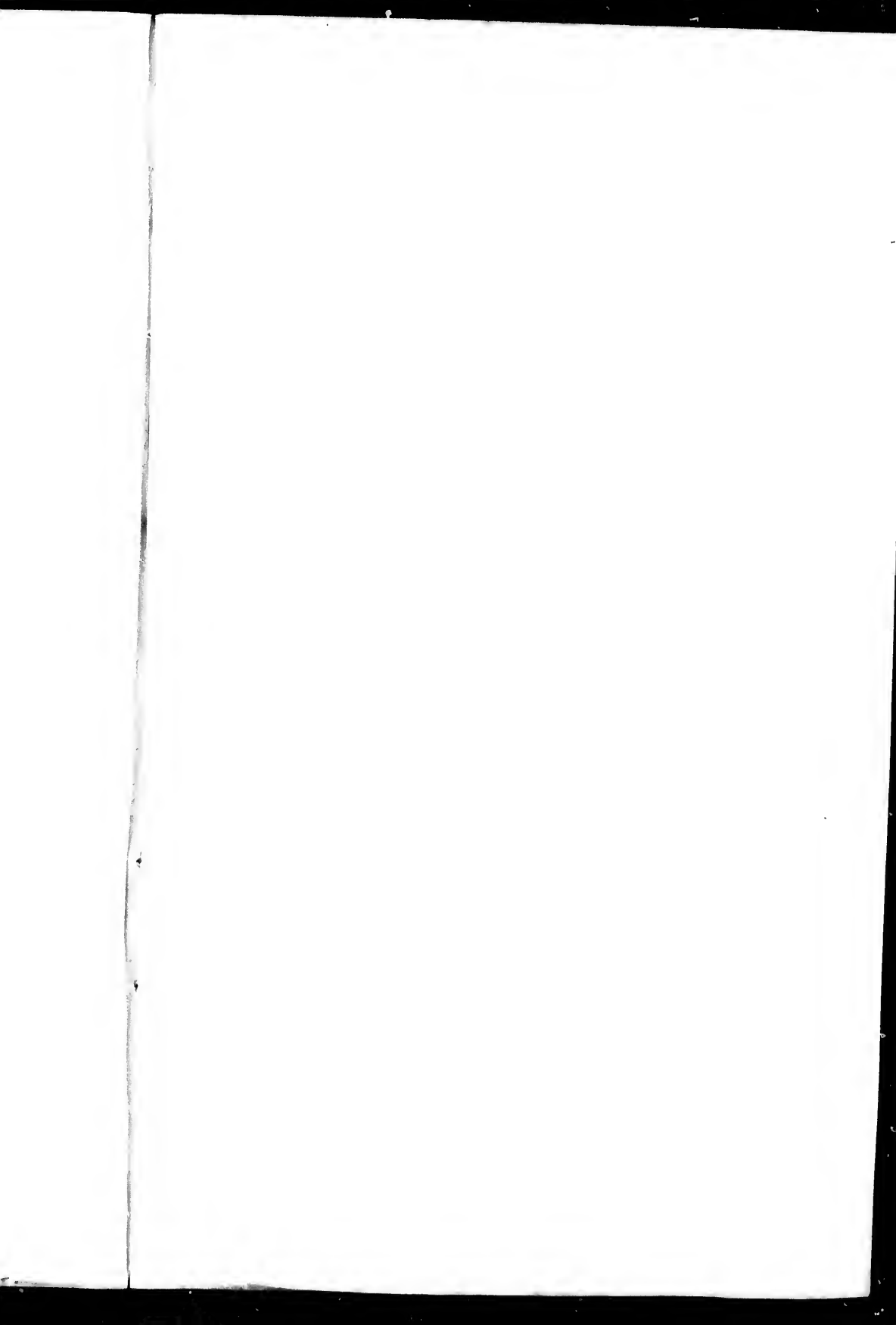
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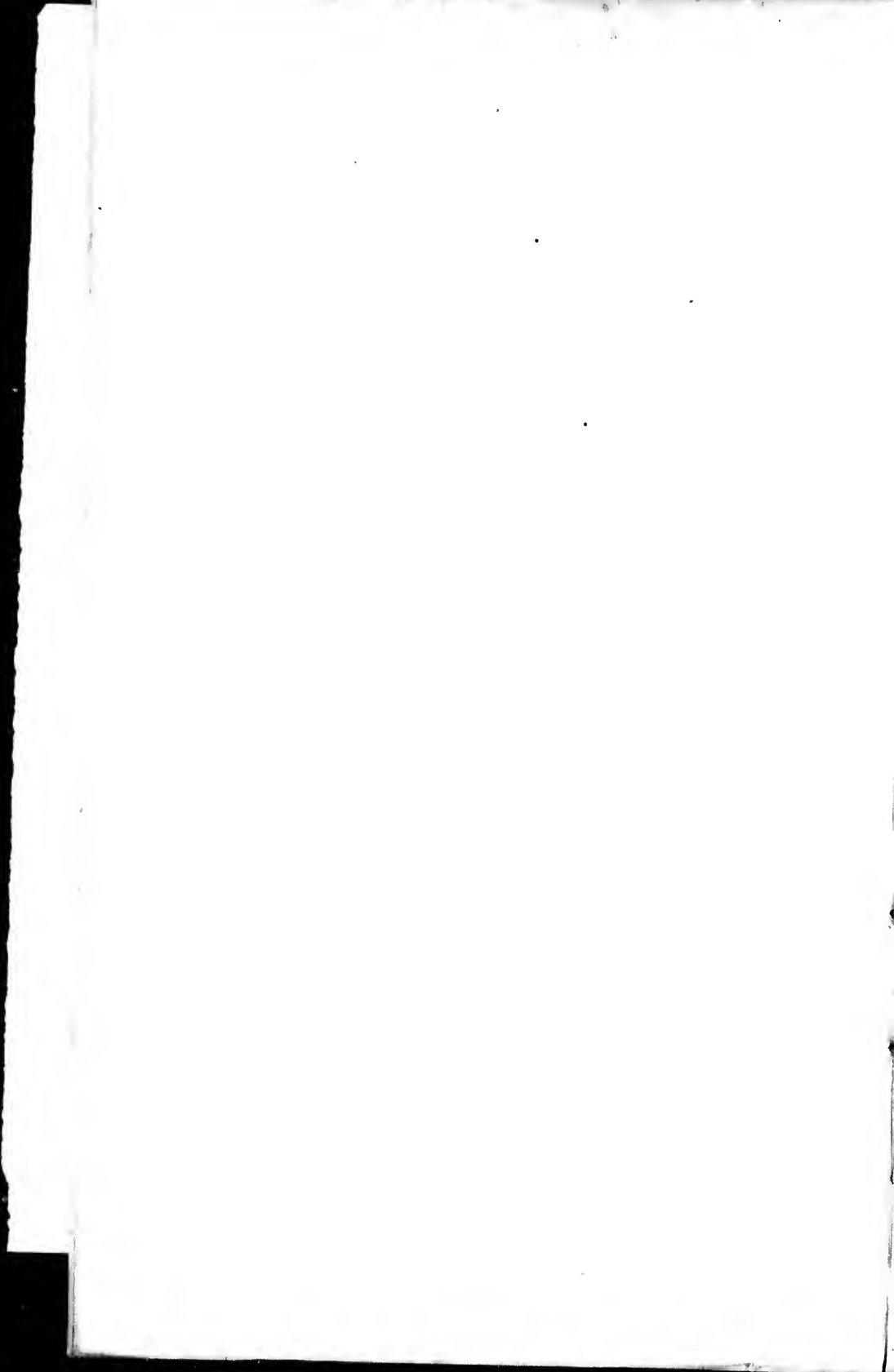
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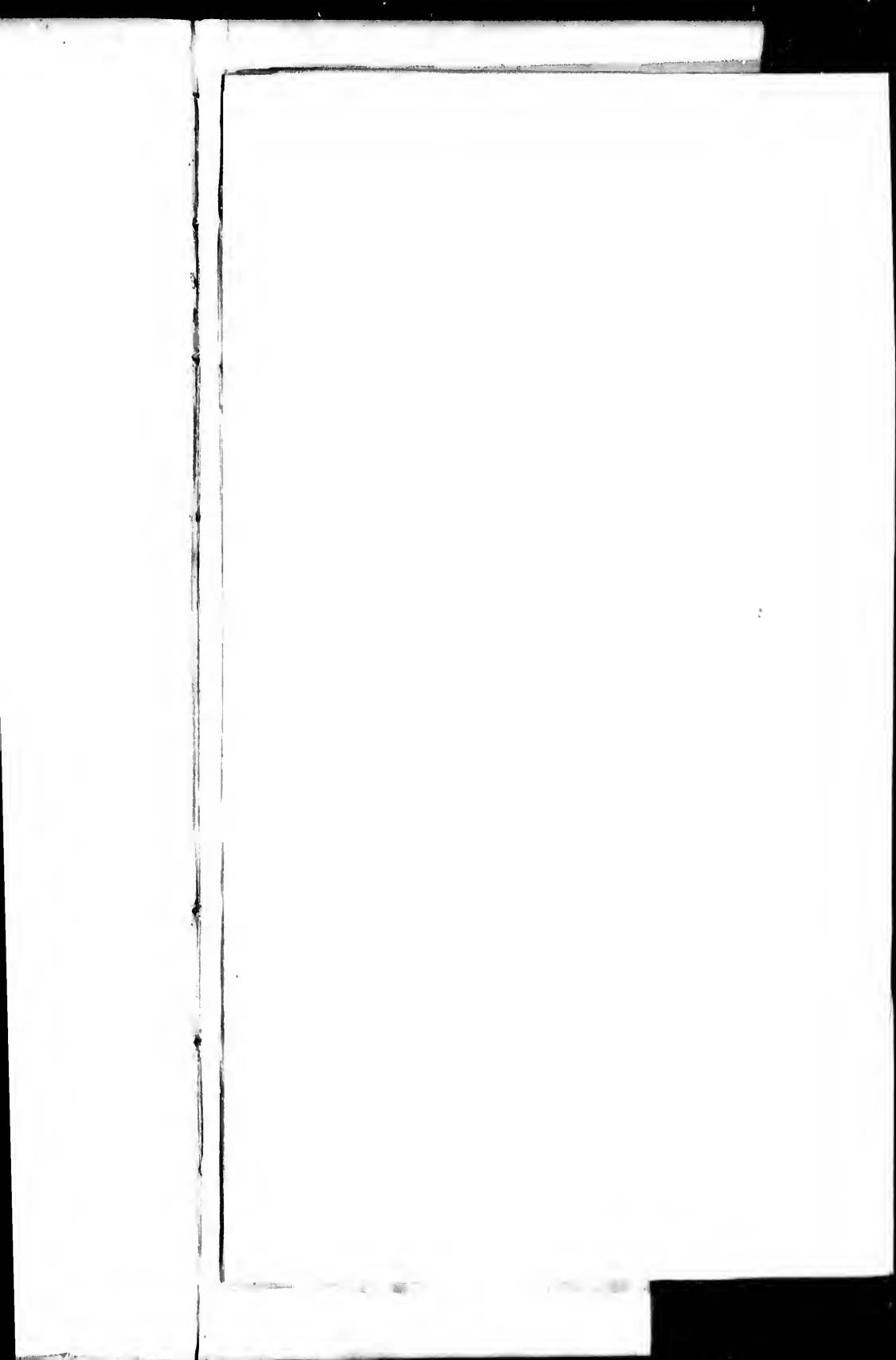


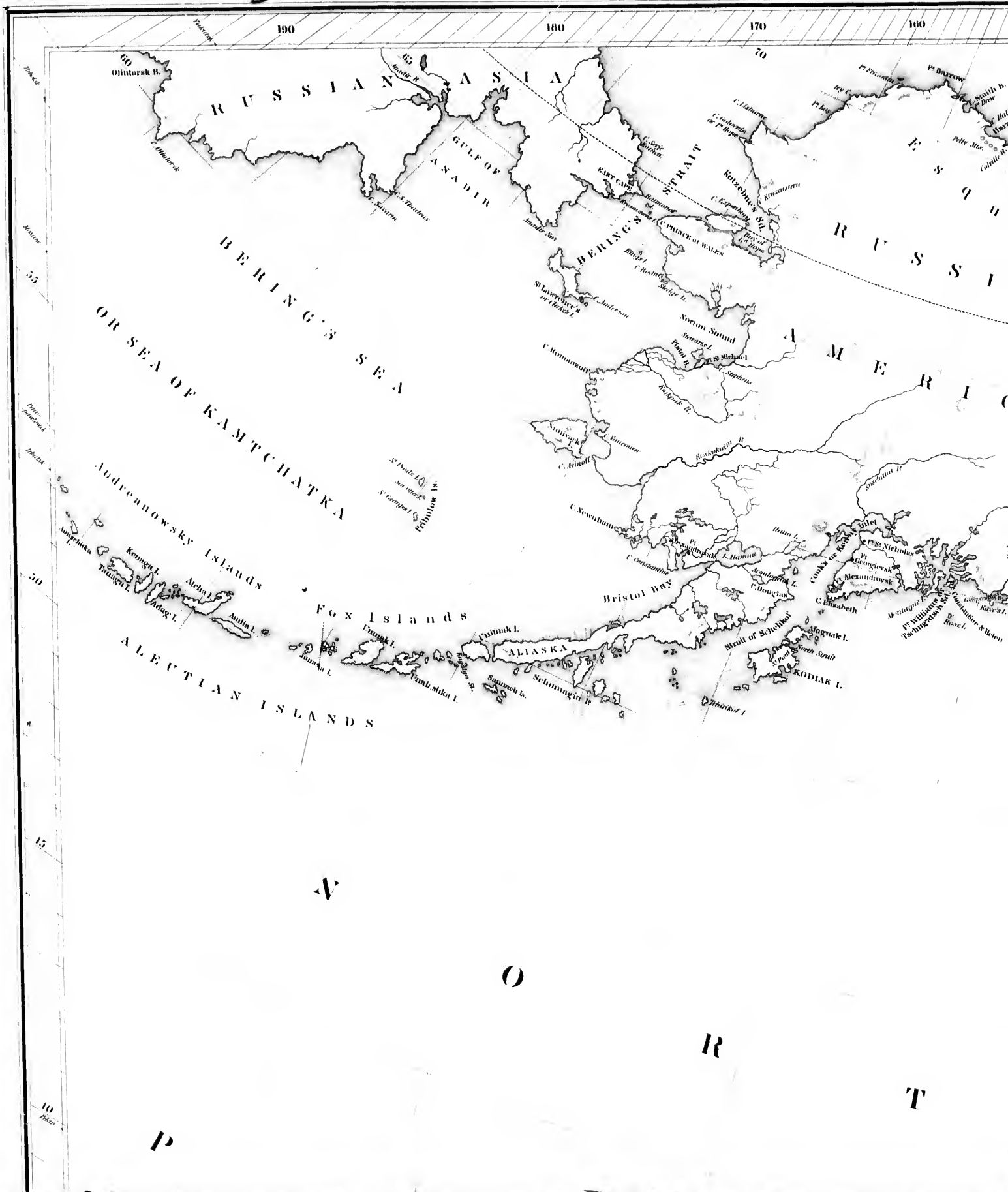










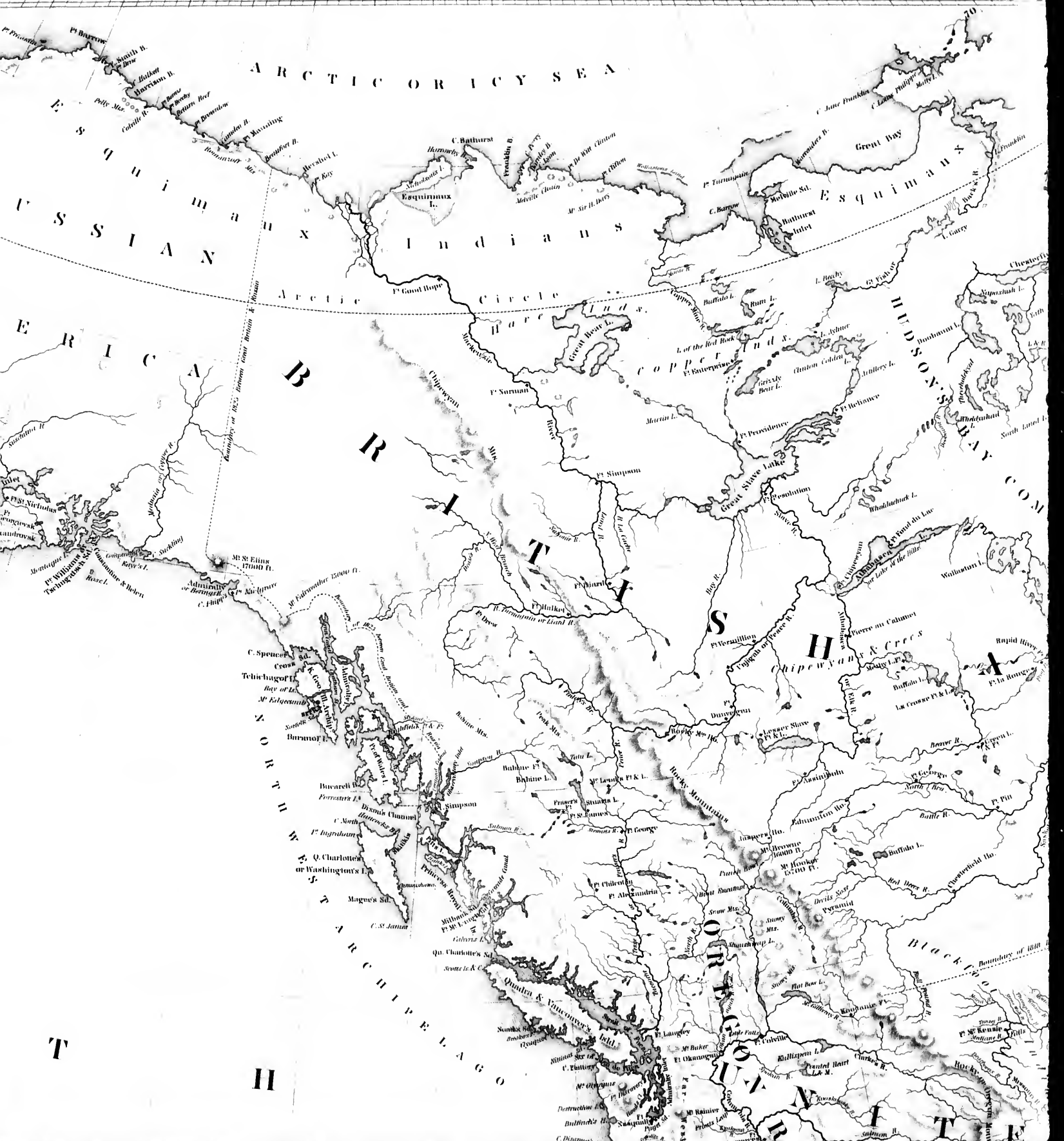


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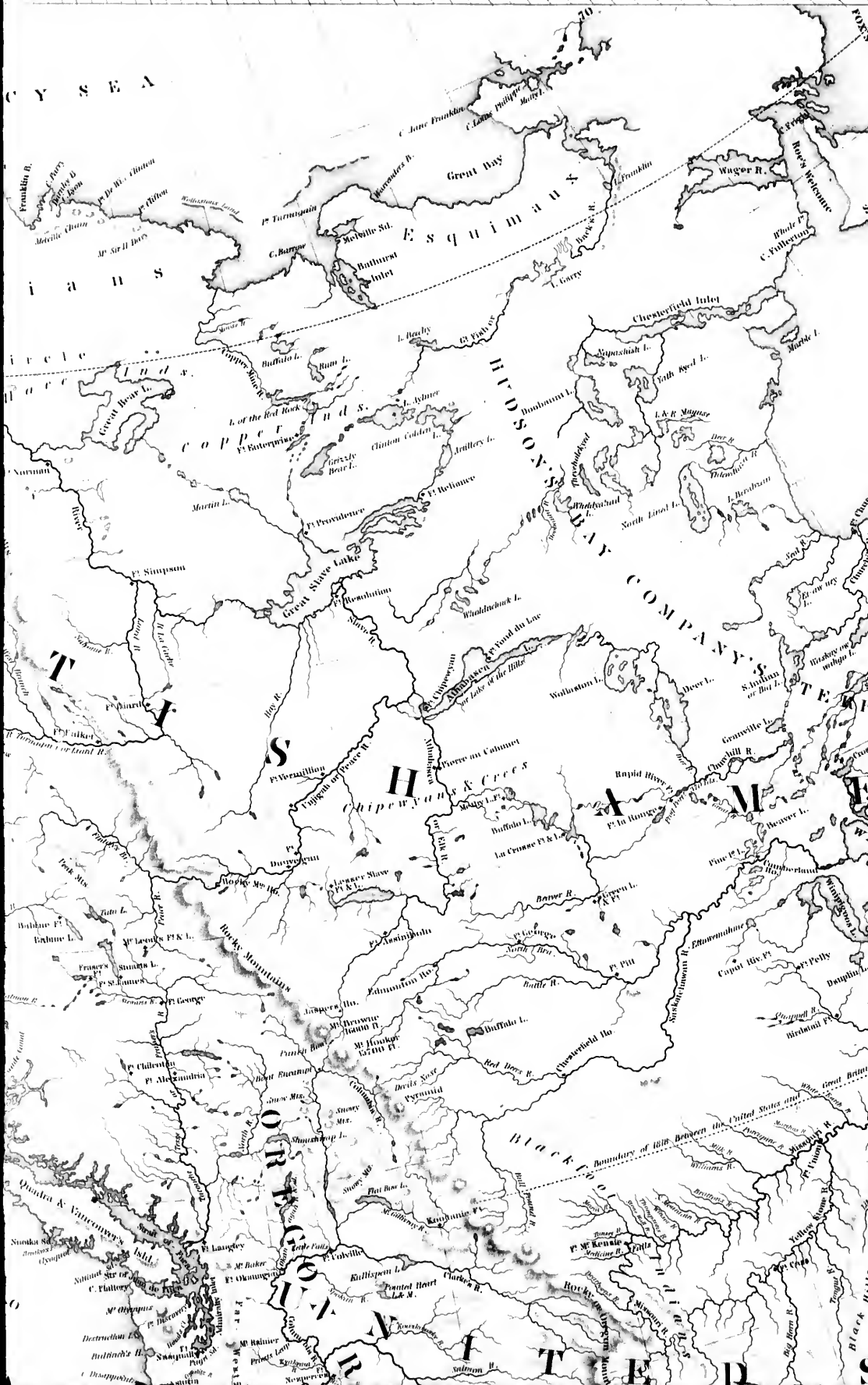
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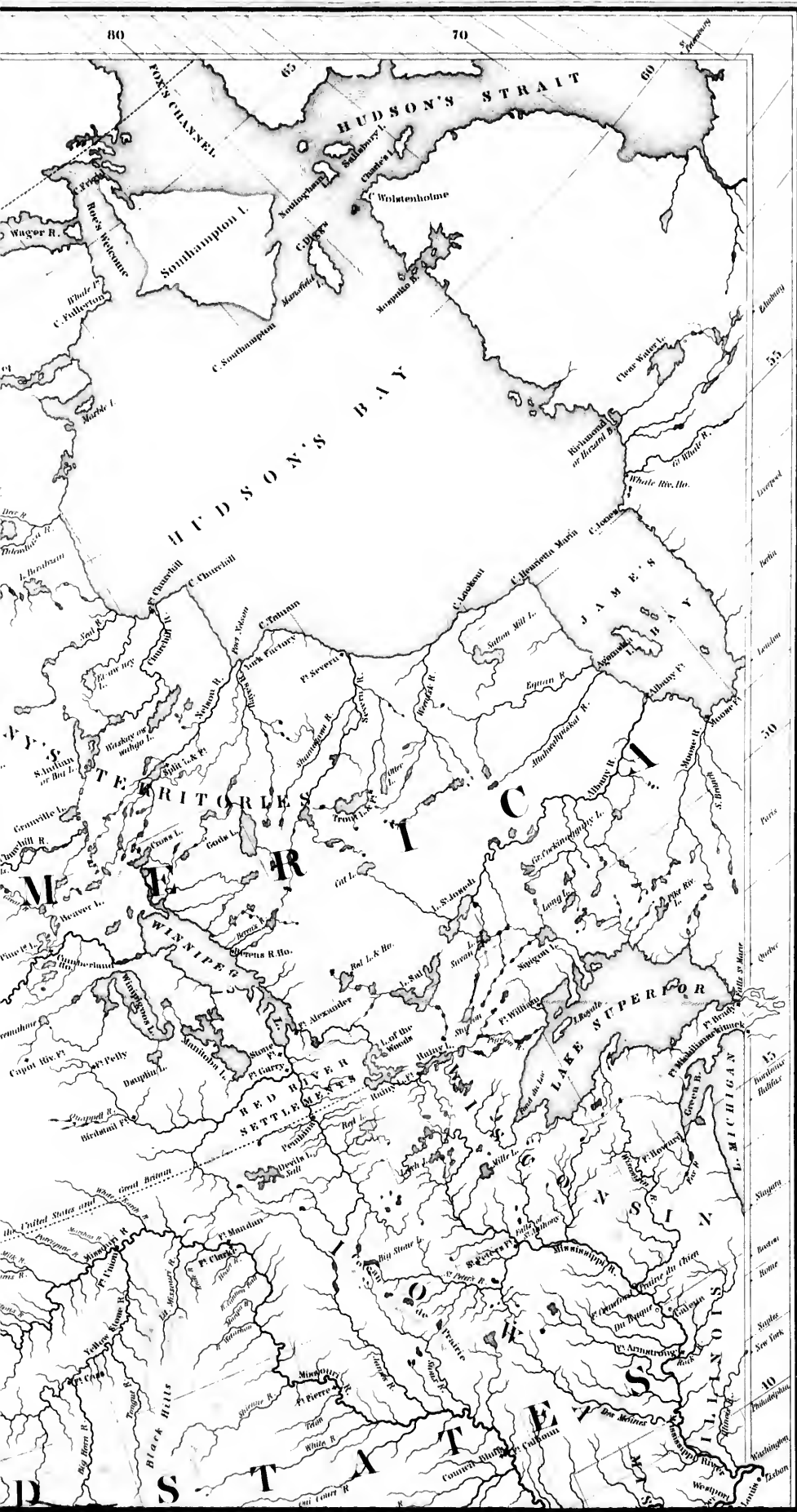
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BLACK HILLS

Boundary of 1818 Between the United States and Canada

BLACK HILLS



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SANDWICH ISLANDS

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Zakai
Tahoumou
or Kilauea

Mouree
or Lanai

Oahu
Koolau

Kauai
1820-1821
1822-1823

63

78

73

68

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F

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C

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N



MAP OF THE
 WESTERN & MIDDLE PORTIONS OF
 NORTH AMERICA
 TO ILLUSTRATE
 the History of California, Oregon, & other Countries
 on the
 NORTH-WEST COAST OF AMERICA



ROBERT GREENHOW.

Compiled from the best Authorities by Charles Preussler

Drawn by George H. Ringgold. Engraved by E. F. Woodman's Process.

Note: The scale of this map is not uniform throughout the whole of the Northwest Coast, but is uniform for each of the several parts of it.

64

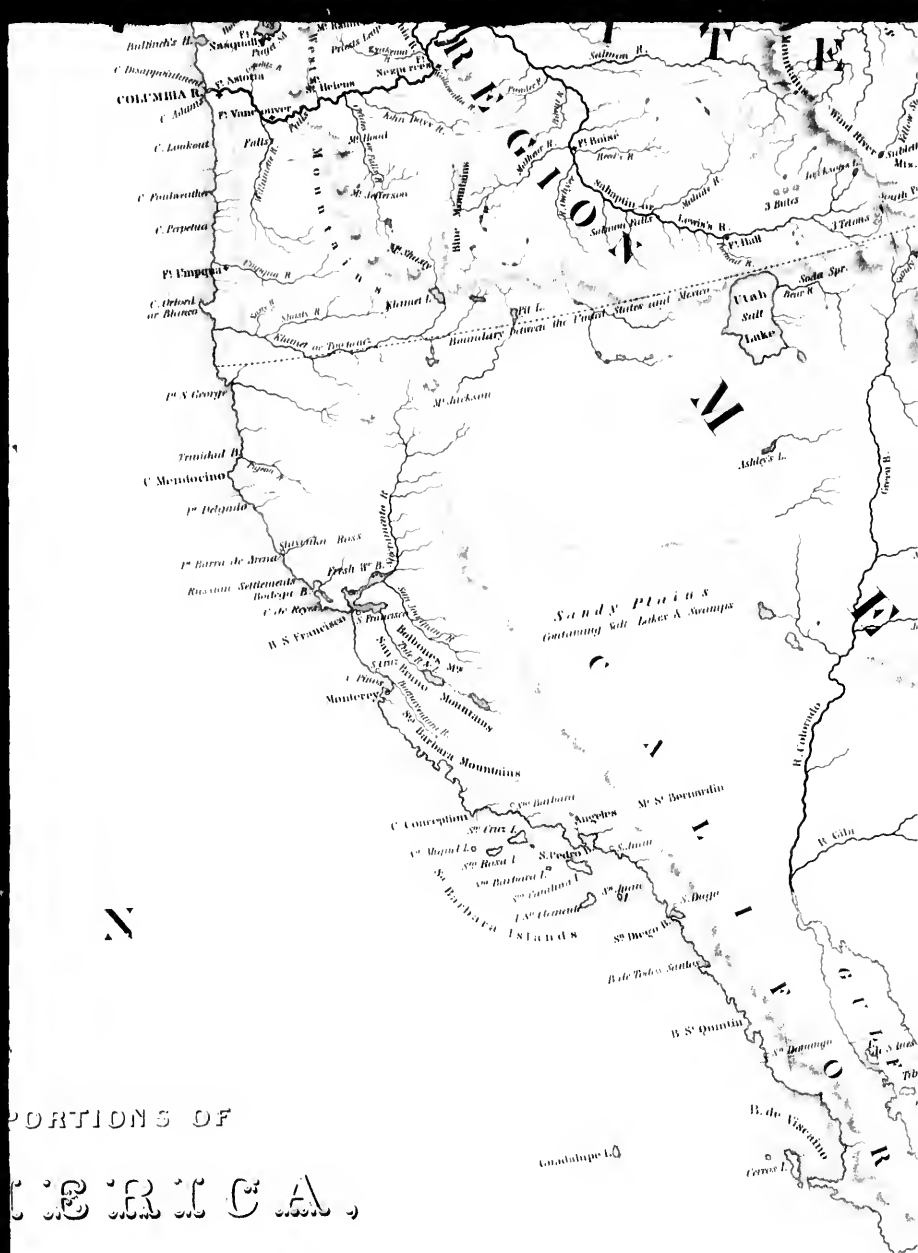
63

58

Longitude West 53 from Washington

18

Maps right around according to Law



PORTIONS OF
AMERICA,

region of other Countries

OF AMERICA

BY HOW.

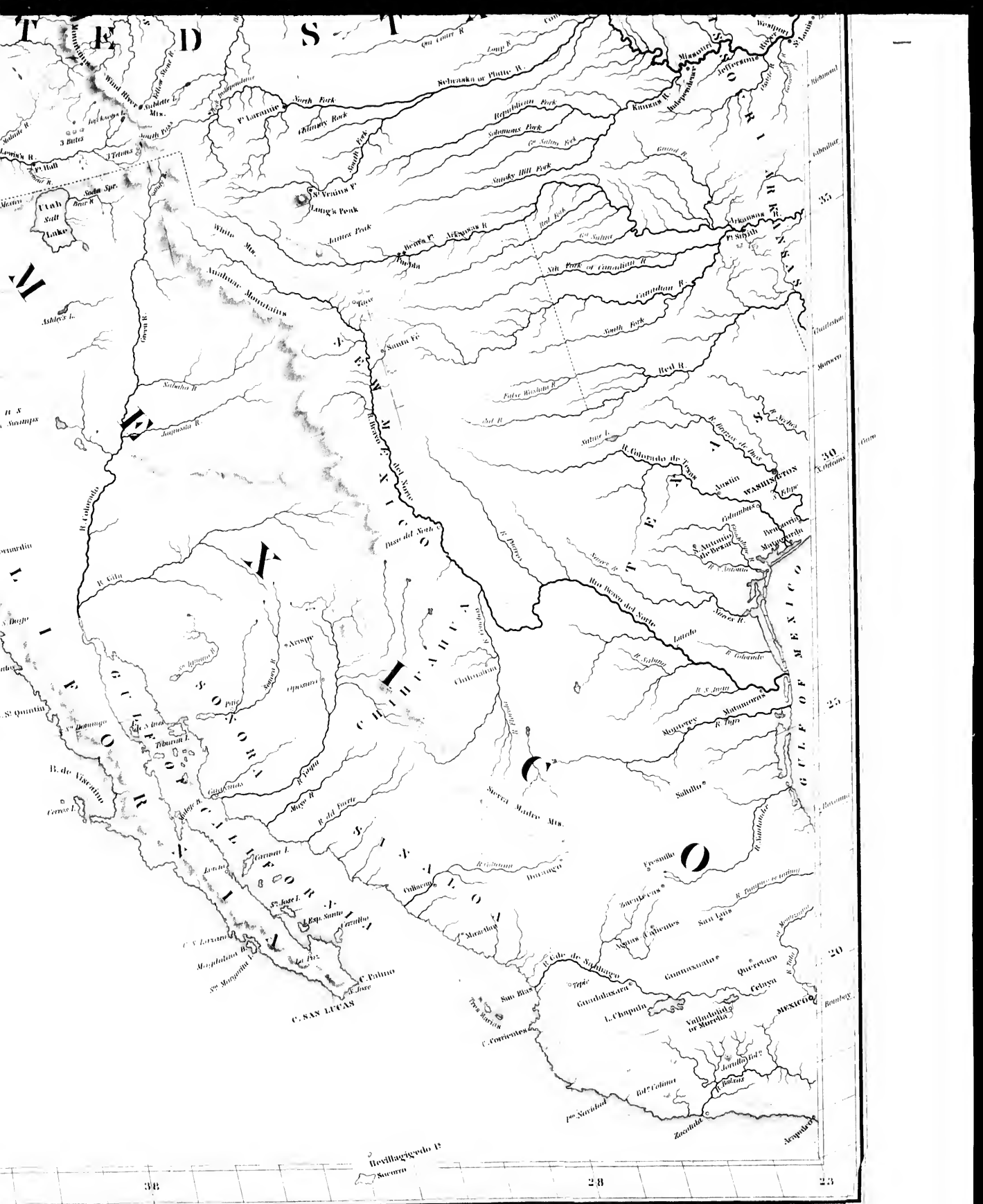
to Charles Brockden
"E. F. Washburn, President"

Washington

18

13

342



TERRITORIES

MOUNTAINS

RIVERS

CITIES

28 29 30 31

35
30
25
20

98
100
102
104

