

REPRINT DEPARTMENT

In this section of the magazine will be reproduced a few of the rarest out-of-print books bearing on the history of the Northwest. The one selected as the first to be reprinted here is "The History of Oregon, Geographical and Political," by George Wilkes, published by William H. Colyer, New York, 1845. It is one of the rarest and least known books of that period just before the treaty with Great Britain in 1846, during which many books and pamphlets were published. The book includes a proposition for a national railroad and a series of letters from an Oregon immigrant of 1843.

THE HISTORY OF OREGON, GEOGRAPHICAL AND POLITICAL.

By George Wilkes.

PREFACE.

The deep interest taken in the Oregon question at the present moment; its paramount importance as a feature of our national policy, and the prevailing inacquaintance with its particular merits, have, together, induced the author to prepare the following pages, in the absence of the requisite work for the reference of the public.

There appears to be a peculiar necessity for a publication of this kind at present, for recent events have shown it is no extravagance to suppose that a period may arrive when it will be necessary for us to be assured, whether we are to buckle on our armor, and to draw our swords in a righteous cause or no.

In a monarchy, where the sovereign has a direct and absorbing personal interest in every war, he pays pamphleteers to make it popular with The People. In a Government like ours, this duty, when just, devolves upon its citizens, and such of them as perform it, are rewarded with consciousness of having acquitted themselves of a natural obligation, and in the additional gratification of lending another impulse to a righteous cause.

To accomplish his object in the best manner, the following pages have been arranged in two distinct parts; the first embracing the features of title, geography, and natural advantages; and the second, the descriptions of a traveller of the characteristics and capabilities of the country in dispute.

In the preparation of the first, care has been taken to furnish a clear, concise and straightforward relation of events, and to avoid the technicalities and pedantries which usually confuse the mind in the attempted consideration of such subjects. For the data of this portion of the work, the author has availed himself freely of the best authorities on the subject, and he takes this opportunity of acknowledging his indebtedness to the work of Robert Greenhow, published for the use of Congress in 1840, and also to the more recent journal of Lieutenant Wilkes.

It will be observed by those already conversant with the Oregon Question, that the author has left what is called "the French Title" from the category of our claims. He did this because he esteemed it of but little weight; but those who are curious on the subject, will find a careful deduction of it in the Appendix, as prepared by a Committee of Congress, in 1843.

The project of a National Rail Road across the continent, though generally denounced as visionary and impracticable, has long been the author's favorite idea, and he claims for it that attention which every scheme deserves from its opposers. It was not his intention to advance it as early as the present time, but the rapid progress of events has precipitated his design, and a similar proposal from another source, has induced him to bring it forward now, principally from an apprehension that the grandest scheme the world ever entertained, may be prostituted to the selfish interests of a private corporation.

The second part of the work, consists of a journal, prepared from a series of letters, written by a gentleman now in Oregon, who himself accompanied the celebrated emigrating expedition of 1843.

They make no pretensions in their style, but are merely simple, conversational epistles, which, in their familiar, off-hand way, furnish a large amount of useful practical information to the emigrant, and much interesting matter to the general reader. The author has done scarcely more to this portion than to throw it into chapters, and to strike from it such historical and geographical statistics as had been drawn from other sources, and arranged in the preceding portions of the work. These letters

fell into his hands after the adoption and commencement of his original design; and adapting them to his purpose, by linking them with his own MSS., a deal of research was saved him by the valuable and peculiar information they contributed.

In conclusion, though much of his labor has been performed in haste, the author thinks it hardly necessary to offer an apology for the manner in which it has been accomplished. Instead of fishing for credit, he has desired only to be useful, and he would much prefer confirming the just determination of a single man, than to pleasing the fancies of a thousand critics. He has therefore been content to be correct, and he will feel over-paid if he have opposed a single obstacle to the manifold deceptions and misstatements of the calculating monarchists who unhappily form a portion of the Citizens of this Republic, or have contributed a mite to the great movement that will advance the destiny of his country more rapidly than all other influences combined.

HISTORY OF OREGON.

PART I.

Historical Account of the Discovery and Settlement of Oregon Territory, Comprising an examination of the old Spanish Claims, the British Pretensions, and a deduction of the United States Title.

Oregon is a vast stretch of territory, lying on the northwest coast of North America. It is bounded on the west by the Pacific Ocean; on the north by latitude $54^{\circ} 40'$; on the east by the Rocky mountains, and on the south by the forty-second parallel. This geographical arrangement separates the coast into three grand divisions; first, that below the forty-second parallel belonging to Mexico; second, the section lying between 42° , and $54^{\circ} 40'$ to the United States; and third, all above the last named limit, to the Russian crown—thus shutting Great Britain out from any inch of seaboard territory.

The whole of this immense region (Oregon) is nine hundred and sixty miles in length; its breadth along its northern boundary is about five hundred miles, and widening gradually with the south-easterly course of the Rocky mountains, it stretches to about seven hundred miles along its southern line. Its whole surface may, therefore, be estimated at **four hundred thousand square miles.**

Previous to entering into a description of its general characteristics, it is necessary first to analyze with accuracy the nature of our claims, for the purpose of ascertaining the degree of in-

terest we are warranted in bestowing on it. This course will be found the more important, as we shall see that Great Britain, with characteristic modesty, lays claim to it for herself.

There are four modes by which nations may obtain possession and sovereignty over countries; and these are by **discovery**; by **settlement**; by **conquest**, and by **purchase**—the latter, including all subordinate modes of cession arising out of political arrangement.

These rules, or principles, are laid down and governed by a general system called **international law**, the nature and qualities of which it will be necessary for us to exactly understand, before we can proceed satisfactorily with our inquiry.

International Law is simply **no law at all**, for the first idea of law implies a superior power prescribing and dictating to an inferior one—a notion that is perfectly incompatible with the equality of nations. International law is, therefore, merely a collection of moral maxims put forth by certain ethical writers named Grotius, Puffendorf, Baron Wolfius and Vattel, which, being founded in the main on accurate bases, have been generally used by diplomatists as ready elucidations of the principles that should govern the general course and policy of nations. The adoption of this course saves them the special trouble of elaborating an argument on a natural right, by producing one ready made to their hand. The custom of resorting to these writers by diplomatists in the arrangement of their disputes, has given them a sort of authority, which has been confounded with the notion of an imperative rule. As, however, all nations are equal, there can be no international law but the great principle of **right**. Wherever the maxims of these writers square with this, they are doubtless as obligatory as any law can be; for all powers are subject alike to the rules of everlasting justice, which are the type and essence of the only supremacy to which the nations of the earth must bow. But, whenever on the contrary, they do not agree with this divine principle, it is equally obligatory on all to reject them.

There is another view in which a government like ours has a special and peculiar right to deny the obligatory nature of this collection of essays, and that is embraced in the fact of their being drawn from monarchial theories. **We**, therefore, who are working upon a new and antagonistic principle, are not bound by any scheme which conflicts with our own grand designs; for it would be absurd in the extreme for a State which achieved its existence through the denunciation of an arbitrary and unjust system, to admit the binding force of its inconsistent parts. **We** want no such system of international law! The prevailing sentiment of national honour, common to every free people, is the best conservator of the rights of nations; for while it imperatively exacts immediate redress for every wrong, it rejects every unworthy policy with unqualified disdain. The principles of justice, eternal and invariable, are understood by all without the

elaborate filterings of an artificial code, and they have the advantage moreover, of applying equally to Monarchies and to Republics. The just do right without a written rule; the bad outrage it in opposition to a thousand—the first find their reward in the approbation of the world; the last their punishment in the alternative of war. No written code can alter these tendencies, nor affect their results. No nation will obey a rule which runs in derogation of its rights. What need then of a system which offers no additional inducements and enforces no additional penalties?

We do not introduce these views of international law here, because any of its principles makes against our claims to Oregon, but for the opposite reason that they substantiate them; for we wish to be understood, that while we have a right to accept a proposition waged against us, and turn its premises to our own account, we do not thereby bind ourselves irrevocably to the whole system of which it is a part.

Great Britain, in support of her pretensions to the sovereignty of Oregon, produces two principles from this code which relate to the rights drawn from discovery and occupation. We accept the challenge, because it happens to be founded on correct principles, and because it enables us to beat her on her own ground. The following are the rules alluded to. They are extracted from Vattel, who is considered the standard authority on international law:

“All mankind have an equal right to things that have not fallen into the hands of any one; and these things belong to the person who first takes possession of them. When, therefore, a nation finds a country uninhabited and without an owner, it may lawfully take possession of it; and after it has sufficiently made known its intention or will in this respect, it cannot be deprived of it by another nation. Thus navigators going on voyages of discovery, **furnished with a commission from their sovereign**, and meeting with islands or other lands in a desert state, have taken possession of them in the name of their nation; and this title has been usually respected, provided it was soon after followed by a real possession.”—Book 1, Chap. 18, Sec. 207.

“When a nation takes possession of a country that never yet belonged to another, it is considered as possessing there the empire or sovereignty at the same time with the domain.”—Book 1, Chap. 18, Sec. 205.

The correctness of these propositions cannot be denied; they are consistent with reason and natural rights, and though they derive no additional force from being written down by Monsieur Vattel, they are properly admitted by nations as principles which cannot be assailed to the injury of the party enjoying the rights of the affirmative, without aggression. Indeed, they would have been much better and more correctly understood if Vattel had never said a word about them. It is obvious enough that no claim can exist to a country which has never been discovered,

and it is equally obvious that it must naturally fall into the possession of the first nation who redeems it to the world; but it is not so apparent why a navigator should be armed with a **commission** before his nation can derive a title to his discoveries. Here we see at once the pedantry of the lawyer; the main proposition is founded upon reasonable principles, but the latter condition is the offspring of a quirk. It will be hereafter seen that England discards this feature from the rule, in her assertion of the discoveries of Meares; and it was against such absurdities as this, that our protest against international law was intended to guard.

There is one other principle of international law which has been introduced into this controversy, that is of equal natural force and validity with the foregoing ones. This is the well known and established rule that "he who first discovers the mouth of a river draining a country in a state of nature, and makes known his discovery; and the nation whom he represents takes possession in a reasonable time, becomes the owner of all the territory drained by such river."

This proposition, like the former ones, recommends itself at once to our reason and common sense. It is clear that such river should belong of right to the nation first discovering it, and it is equally clear, that to be of any use or benefit to them, they should have possession of the whole country drained by it, so that its sources and its current may not be at the mercy of inimical hands, who could render it useless at pleasure by cutting off the first, or perverting the second in a different channel.

[To be continued.]