

THREE DIPLOMATS PROMINENT IN THE OREGON QUESTION¹

English-speaking people throughout the world are preparing to celebrate the century of peace which was begun on Christmas Eve, 1814, by the signing of the Treaty of Ghent. It is especially appropriate that here, in the Pacific Northwestern part of America, we should join in such a celebration, for it was by the Treaty of Ghent that the Oregon Question first entered the realm of diplomacy. There remained thirty-one years of struggle for sovereignty, during which war seemed imminent on more than one occasion, and yet, at the end of that period, the case was settled by diplomacy.

Many men took part in that struggle, but it is the present purpose to call attention to three eminent American statesmen who were brought into contact with the diplomacy of the case at each important stage of its evolution. As a group, they deserve more credit than is usually accorded to them in Northwestern annals. Their names are John Quincy Adams, Henry Clay and Albert Gallatin.

It is not necessary to trace their early careers, except to point out that they fairly represented the United States in the critical year of 1814. Adams of Massachusetts was a New Englander. Clay, though born in Virginia, removed to Kentucky, at the age of twenty, to begin the practice of law. He thus represented the West as well as the South. Gallatin, born in Geneva, Switzerland, came to America, a boy of nineteen years, and passed through remarkable experiences in Massachusetts, Maine, Pennsylvania and Virginia, settling finally in New York City, a man of fame and wealth.

During the War of 1812, these three men were in public service as follows: John Quincy Adams was United States Minister to Russia; Henry Clay was Speaker of the House of Representatives, and Albert Gallatin was rounding out his twelfth year as Secretary of the Treasury. When Czar Alexander offered to end the war by mediation, President Madison took the proposal very seriously. He appointed Clay and Gallatin as commissioners to join Minister Adams in the negotiations. The two resigned their important positions to accept the new duty. When they arrived at St. Petersburg, it was learned that Great Britain had declined the Czar's offer of mediation.

There followed months of weary waiting. The victories over Napoleon relieved the pressure on Great Britain, but she finally made the proposal for commissioners of the two powers to meet in a neutral port.

¹Presidential address for the special meeting of the Pacific Coast Branch of the American Historical Association, Seattle, 22 May, 1914.

Ghent was chosen and the United States added James A. Bayard and Jonathan Russell to their commission.

The long and tedious record of the negotiation reveals many a discord between the two sides but, much more unfortunate, it also reveals many clashes between Adams and Clay within the American commission. Adams insisted on protecting the fishing rights off British American shores and Clay wanted to deprive England from the use of the Mississippi River. Clay even tried to stop negotiations at the last moment. Adams says: "Gallatin and Bayard, who appeared not to know where it was that Clay's shoe pinched him, were astonished at what they heard, and Gallatin showed some impatience at what he thought mere unseasonable trifling."¹ Yet Gallatin surely did know where the shoe pinched and he was determined that the larger interests should not be jeopardized. His biographer says: "Far more than contemporaries ever supposed, or than is now imagined, the Treaty of Ghent was the special work and the peculiar triumph of Mr. Gallatin."² The biographer of Clay also refers to Gallatin's resources as a peacemaker, adding: "At the very last, just before separating, Adams and Clay quarreled about the custody of the papers, in language bordering upon the unparliamentary. But for the consummate tact and the authority of Gallatin the commission would not seldom have been in danger of breaking up in heated controversy."³

These quarrels of the pinching shoes had little to do with the Oregon Question. They reveal, however, some of the qualities of the men destined to cling to the question for many years. Oregon is not mentioned in the completed treaty. In general terms it is included in the following language of Article 1: "All territory, places and possessions whatsoever, taken by either party from the other during the war, or which may be taken after the signing of this treaty, excepting only the islands hereinafter mentiond, shall be restored without delay, and without causing any destruction or carrying away any of the artillery or other public property originally captured in the said forts or places, and which shall remain therein upon the exchange of ratifications of this treaty, or any slaves or other private property."⁴ The islands mentioned were those in Passamaquoddy Bay and Gallatin suspected that the British commissioners desired to pave the way for securing in the future a part of Maine "in order to connect New Brunswick and Quebec."⁵

¹Charles Francis Adams: *Memoirs of John Quincy Adams*, III., 121, 22 Dec., 1814.

²Henry Adams: *Life of Albert Gallatin*, 546. Quoted by John Austin Stevens: *Albert Gallatin*, 335.

³Carl Schurz: *Henry Clay*, I., 113.

⁴William M. Malloy: *Treaties, Conventions, International Acts, Protocols and Agreements between the United States of America and Other Powers, 1776-1909*, I., 613.

⁵American State Papers, *Foreign Relations*, IV., 811. (Mr. Gallatin to the Secretary of State, 25 December, 1815.)

That Oregon was included in the treaty's general terms is shown by the instructions from Secretary of State Monroe to the American commissioners under date of March 22, 1814: "Should a treaty be concluded with Great Britain, and a reciprocal restitution of territory be agreed on, you will have it in recollection that the United States had in their possession, at the commencement of the war, a post at the mouth of the river Columbia, which commanded the river, which ought to be comprised in the stipulation, should the possession have been wrested from us during the war. On no pretext can the British Government set up a claim to territory south of the northern boundary of the United States. It is not believed that they have any claim whatever to territory on the Pacific Ocean. You will, however, be careful, should a definition of boundary be attempted, not to countenance, in any manner, or in any quarter, a pretension in the British Government to territory south of that line."⁶

The American commissioners were therefore informed as to the determined attitude of the United States as to Oregon and Adams declares that the British understood that Oregon was included in the provisions of Article 1 of the Treaty of Ghent. He says that Anthony St. John Baker, Secretary of the British Commission, was to go to America with the ratification of the treaty and, later, he says that Baker showed in a letter to Secretary of State Monroe that the British understood that Astoria was included in the terms of Article 1 of the Treaty of Ghent.⁷ Subsequently (21 February, 1822) it was revealed by the publication of the report of the American commissioners, dated at Ghent, 25 December, 1814, the day after the treaty was signed, that an attempt had been made to settle the boundary from the Lake of the Woods westward along the forty-ninth parallel of latitude. That would have settled the Oregon controversy then. It was rejected because it was involved with "a formal abandonment on our part, of our claim to the liberty as to the fisheries, recognized by the treaty of 1783."⁸

That Oregon was included in the provisions of the Treaty of Ghent was recognized in 1818 by the formal transfer of Astoria (Fort George of the British) to J. B. Prevost, representing the United States for the purpose of that transfer.

In the same year, 1818, was signed by Great Britain and the United States an agreement that has since been known in the Oregon country as

⁶American State Papers, Foreign Relations, III., p. 731. The copy of this document was submitted to Congress in response to the Senate's request of 15 February, 1815. The statement was made that it was one of only two documents that had been withheld from Congress. In a former document under date of 21 March, 1814, there appears the line: "(Confidential paragraph omitted.)," which may be the same as that given above, though the date is one day later.

⁷John Quincy Adams: *Memoirs*, IV., 93-94; (15 May, 1818).

⁸American State Papers, Foreign Relations, IV., 808-811.

the Treaty or Convention of Joint Occupancy. The official title is Convention Respecting Fisheries, Boundary and the Restoration of Slaves. Article III of this convention provided that "any country that may be claimed by either party on the northwest coast of America, westward of the Stony Mountains" should for the term of ten years be free and open to "the vessels, citizens and subjects of the two Powers."⁹ There were no American settlers in Oregon then. The Northwest Company of Montreal had a number of trading posts. The convention was a mutual confession that the future would have to solve the question of actual sovereignty. When that convention was signed, John Quincy Adams was Secretary of State, Henry Clay was Speaker of the House of Representatives, and Albert Gallatin was United States Minister to France. But he was directed to go from Paris to London to join United States Minister Richard Rush in the negotiations and Gallatin's name is the first signature on the completed document.

On 22 February, 1819, John Quincy Adams, as Secretary of State, signed with Luis de Onís, Spanish Minister to the United States, an agreement known as the Treaty of Friendship, Cession of the Floridas, and Boundaries. Just exactly two years elapsed before the treaty was ratified and proclaimed. The delay was caused by Spain's fear that the United States was about to recognize the independence of the revolted Spanish American colonies. Article III of this treaty affects the Oregon case in two ways. It fixes the southern boundary of the Oregon country along the forty-second parallel of latitude and it passes to the United States a quitclaim to any title that Spain may have in lands lying north of that boundary.¹⁰ Adams surely sensed the importance of this item at the time. It was frequently cited and urged in subsequent negotiations.

In 1821, the Czar of Russia claimed the coast of America from the frozen seas in the North to the fifty-first parallel of latitude. On 17 July, 1823, Secretary of State Adams told Baron Tuyl, Russian Minister to the United States, that the time had passed for further colonization by European powers in the lands of America. On the first Monday of the following December, President Monroe gave to Congress the famous message that embodies the Monroe Doctrine. Russia's claim to part of Oregon provoked a part of that Doctrine. Henry Middleton, United States Minister to Russia, was directed to begin negotiations which resulted in the convention as to the Pacific Ocean and Northwest Coast of America, bearing the date of 17 April, 1824. Article III of this convention fixes the northern boundary of the Oregon country at fifty-four degrees and forty

⁹Malloy: *Treaties*, I., 632.

¹⁰Malloy: *Treaties*, II., 1652-1653.

minutes of north latitude. At this juncture, Gallatin had returned to private life, but Clay was still Speaker of the House and Adams was Secretary of State.

When the ten-year limit of the joint occupancy feature of the Convention of 1818 was about to expire, our three diplomats were sharply confronted with the Oregon Question once more. John Quincy Adams had become President, Henry Clay was his Secretary of State, and Albert Gallatin, who had refused a cabinet position and a nomination for vice president, now consented to serve as United States Minister to Great Britain. In sending Minister Gallatin instructions under date of 19 June, 1826, Secretary of State Clay said: "You are then authorized to propose the annulment of the third article of the Convention of 1818, and the extension of the line on the parallel of 49, from the eastern side of the Stony Mountains, where it now terminates, to the Pacific Ocean, as the permanent boundary between the territories of the two powers in that quarter. This is our ultimatum, and you may so announce it."

There still were no American settlers in the region. The fixing of the boundary was apparently impossible, but Gallatin succeeded in concluding on 6 August, 1827, a convention to continue indefinitely the joint occupancy feature and providing that either side could terminate the agreement by giving the other side twelve months' notice. President Adams felt that it was a compromise, but a good one. Said he to Congress: "Our conventions with Great Britain are founded upon the principles of reciprocity."¹¹ In the course of the negotiations there was submitted a declaration prohibiting both sides from "exercising, or assuming to themselves the right to exercise, any exclusive sovereignty or jurisdiction over the said territory, during the continuance in force of the present convention."¹² That declaration was not made a formal part of the convention except so far as it is covered by Article 111, which provides that nothing in the convention shall impair the claims of either party "to any part of the country westward of the Stony or Rocky Mountains."¹³

Oregon was projected into the struggles of joint occupancy. It remains to follow the interest of the three diplomats. Clay could not have forgotten Oregon wholly during his campaigns for the presidency or during his great fight for the Compromise of 1850, including the free constitution of California. He did not, however, come into definite contact with the Oregon case after his term as Secretary of State. Gallatin entered permanently upon private life in 1831. For about eight years he was a

¹¹James D. Richardson: *Messages and Papers of the Presidents*, II., 380.

¹²Public Documents, Serial No. 173; 20 Congress, 1st Session, House of Representatives, Documents 199, p. 77.

¹³Malloy: *Treaties*, I., 644.

banker and then devoted himself to literature. There is abundant evidence that he remembered Oregon. He wrote in the field of ethnology about Indians of the west and, in 1846, when Oregon was reaching toward a final struggle in diplomacy, he wrote his well known pamphlet on *The Oregon Question*, beginning: "I had been a pioneer in collecting facts and stating the case."¹⁴ When he wrote that pamphlet he was eighty-five years old and within three years of his death.

Adams continued longest in the public service; indeed, his wish to die in the harness was gratified. The ex-President entered Congress in 1831 and represented the same district in the House of Representatives until his death in 1848. He knew the Oregon Question from end to end. He knew how Doctor Floyd and others had tried, in 1821, to persuade Congress to establish a settlement on the Columbia. He knew about William A. Slacum's investigation and report, in 1837, as well as the report of the Wilkes Expedition, in 1841. On returning from church on 24 July, 1842, he called on Lord Ashburton and spent an hour with him learning about the negotiations with Secretary Webster for a treaty in which, as he found, the "Oregon Territory and Columbia River question remains open."¹⁵ The Webster-Ashburton Treaty was concluded on 9 August, 1842, but there were further negotiations, for in March, 1843, after an illness of eight days, Adams got to the State Department and had a three hours' talk with Secretary of State Daniel Webster. He was displeased. Webster seemed frank enough with him about some points, but he admitted with apparent reluctance that Great Britain would not object to the United States extending southward from the Columbia River to San Francisco, at the expense of Mexico, if Great Britain was given a free hand north of the Columbia. Remembering the Puget Sound region as a part of such a sacrifice, Adams wrote in his diary: "What an abime of duplicity!"

On 16 February, 1843, as Chairman of the Committee on Foreign Affairs, he reported unfavorably Senator Linn's bill for the occupation of Oregon Territory. For this he has been criticized, but no one knew so well as he what lay behind that Article 111 in the Convention of 1827.

After the election of 1844, with its successful battle-cry of "Fifty-four, Forty, or Fight!" Congressman Adams watched the Oregon Question closely. He got through the House a call on the President for papers in the case and his diary of 14 December, 1845, says: "My chief occupation was to read the discussion between the successive Secretaries of State, Daniel Webster, Abel P. Upshur, John C. Calhoun, and James

¹⁴Albert Gallatin: *The Oregon Question* (New York, Bartlett & Wel-ford, 1846); reprinted by Henry Adams: *Writings of Gallatin*, III., 489-553.

¹⁵John Quincy Adams: *Memoirs*, XI., 219.

Buchanan, with the British Ministers Henry S. Fox and Ricard Pakenham, concerning the contest of title between the United States and Great Britain to the Oregon Territory. The most remarkable reflection to which this correspondence gives rise in my mind is that, notwithstanding the positive declaration of Mr. Polk in his inaugural speech of the unquestionable title of the United States to the whole Oregon country to latitude 54,40, notwithstanding a repetition of the same declaration in his recent message to Congress, and notwithstanding the constant professed inflexibility of his official newspaper in support of this claim, he has actually repeated the offer heretofore made by Mr. Monroe, and repeated by me, of continuing the boundary-line between the British possessions and the United States in the latitude of 49 from the Mississippi to the Pacific Ocean, and that it has again been rejected by Great Britain."¹⁶ He was of opinion that the offer ought not to be repeated or accepted if made by Great Britain, but he felt that Mr. Polk "will finish by accepting it."

He was right, Mr. Polk did accept it. The treaty was concluded on 15 June, 1846, and it is a great blessing that the end came through diplomacy without an appeal to arms. Few realized at the time how close we had come to war. The cry of "Fifty-four, Forty, or Fight!" was looked upon as mainly bluster for campaign purposes. But what of the other side? Within the last five years were published for the first time the Warre and Vavasour papers,¹⁷ by which it is revealed that the British Government had sent the two secret agents into the Oregon country and they had shown how feasible would have been a war of conquest in that region. Instead of war, Great Britain renewed the offer of the forty-ninth parallel as a compromise boundary and it was accepted.

Each of our three diplomats lived beyond the Biblical allotment of years. Adams died in 1848 at eighty-one years of age, Gallatin in 1849 at eighty-eight, and Clay in 1852 at seventy-five. Grand old men, all of them! The public annals of their day are shot through and through with the records of their thoughts and deeds. Inadequate collections of their works have been saved, the greatest of which is the monumental diary of John Quincy Adams. He, himself, has written of that diary: "There has perhaps not been another individual of the human race, of whose daily existence from early childhood to fourscore years has been noted down with his own hand so minutely as mine."¹⁸

It has not been possible to search every document for this occasion, but enough has been gleaned to show something of the debt of gratitude

¹⁶John Quincy Adams: *Memoirs*, XII., 220-221.

¹⁷The Quarterly of the Oregon Historical Society, X., 1-99 (March, 1909); also the Washington Historical Quarterly, III., 131-153 (April, 1912).

¹⁸John Quincy Adams: *Memoirs*, XII., 276-277. (31 October, 1846.)

which the Oregon country owes to the diplomatic triumphs achieved by the brains and hands of these three great men.

When the century of peace shall be rounded out on next Christmas eve, it would be well to send to Quincy, Lexington, and Trinity churchyard in New York wreaths of evergreens from the Oregon hills,—memorial tributes to Adams, Clay and Gallatin.

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