

THE SIGNIFICANCE OF 1846 TO THE PACIFIC COAST

The year 1846 was a year of utmost significance for the Pacific Coast—for at the beginning of that year the coast from 54°-40' to 26°, at least, was in the balance, and war seemed imminent with one nation and a certainty with another, before the fate of this western coast would be determined. The Oregon country, as we know, comprising the territory between 42° North Latitude and 54°-40' North, the southern boundary of Russian possessions, and from the Rocky Mountains to the Pacific, was held by United States and Great Britain under the Joint Occupancy Treaty of 1818, renewed in 1827 for an indefinite period, but subject to termination by either country on a year's notice. South of that territory lay the Mexican provinces of the Californias, in which conditions were very much disturbed. The fate of this whole stretch of coast with its hinterland lay in the hands of the administration of James K. Polk and the Congress of the United States, of the British Ministry, and the transitory governments of the Republic of Mexico. To understand, then, the significance of the year 1846 to the Pacific Coast it is necessary to find out the policy of each of the above in regard to it, and to what extent the policy of each was carried out in this year. Naturally the policy of the United States—due to its being the most powerful of the three on this continent, and to its geographical position—would determine to a great extent, at least, the course of events.

It is well known that the Democratic Platform of 1844, drawn up at the Convention at Baltimore and on which Polk was elected President, ended with the resolution: "Resolved, that our title to the whole of the Territory of Oregon is clear and unquestionable; that no portion of the same ought to be ceded to England or any other power, and that the re-occupation of Oregon and the re-annexation of Texas at the earliest practicable period, are great American measures which this convention recommends to the cordial support of the Democracy of the Union."¹

In conformity with this platform the President in his inaugural address,² March 4, 1845, said: "I shall on the broad principle which formed the basis and produced the adoption of our Constitution and not in any narrow spirit of sectional policy endeavor by all constitu-

¹ *National Party Platforms*, compiled by Kirk H. Porter.

² Richardson, J. D., *Messages and Papers of the Presidents*, Vol. IV, p. 381.

tional, honorable and appropriate means to consummate the expressed will of the people and government of the United States by the 're-annexation of Texas' to our Union 'at the earliest practicable period.' Nor will it become in a less degree my duty to assert and maintain by all constitutional means the right of the United States to that portion of our territory which lies beyond the Rocky Mountains. Our title to the country of Oregon is 'clear and unquestionable' and already are our people preparing to perfect that title by occupying it with their wives and children. . . . To us belongs the duty of protecting them adequately wherever they may be upon our soil. The jurisdiction of our laws and the benefits of our republican institutions should be extended over them in the distant regions which they have selected for their homes. . . . In the meantime every obligation imposed by treaty or conventional stipulation should be sacredly respected."

Senator Thomas H. Benton says the return voice from London was equally positive on the other side and the inevitability of war became the immediate cry.³ While in this country "54°-40 or fight" became the cry of those who supported the President's pronouncements. In August of 1845 the President said to James Buchanan, Secretary of State, "Let the argument of our title to the whole of the country be full, let the proposition to compromise at the latitude of 49° be withdrawn, and there let matters rest, unless the British minister chooses to continue negotiations."⁴ The President objected to Mr. Buchanan's suggestion that a paragraph be inserted in the reply to the British Minister to the effect that any further proposition which the British Ministry might make should be deliberately considered by the United States on the grounds that our proposal for 49° had been rejected flatly by the British Minister, Mr. Richard Pakenham, without even referring it to Her Majesty's Government, and that the British Minister had said "in substance" that the "British Government will not even consider your proposition and you must make another more consistent with fairness and equity." The offer referred to had been made by the Secretary of State on July 12, 1845, when he had offered the line of 49° as the boundary between the two countries, but without free navigation of the Columbia River. This, as stated, was rejected. The "inevitable and irresistible inference" of the British Government, if Buchanan's suggestions were followed, the president claimed, would be that "we

3 Benton, *Thirty Years View*, Vol. II, p. 650.

4 *Diary of James K. Polk*, 1845-1849. Edited and annotated by Milton Quaife, 26th August, 1845.

are prepared to accept terms less favorable to the United States than 49°, for it cannot be expected under such invitation terms less favor[able] to Great Britain than 49° which she has already [rejected] will be proposed by her.”⁵ Any proposition less favorable than 49° the President said he would promptly reject; that if the British Minister chose to close negotiations he could, if he chose to make a proposal he could do it as well without this country’s invitation as with it, and he continued: “the United States will stand in the right in the eyes of the world and if war was the consequence, England would be in the wrong.” The Secretary was strongly of the opinion that the carrying out of the President’s views would bring war, and he thought the People of the United States would not be willing to sustain war for the country north of 49°; that in view of our difficulties with Mexico the reply ought to be postponed until we could know whether we would have actual war with that country or not. The President “saw no necessary connection between the two questions,” that the settling of one was not dependent on the other that “we should do our duty towards both Mexico and Great Britain and firmly maintain our rights and leave the rest to God and the Country.” Mr. Buchanan said he thought God would not have much to do in justifying us in a war for the Country north of 49°. In spite of Buchanan’s protest the reply was delivered to the Secretary of the British Legation on August 30, after which Mr. Buchanan said: “Well, the deed is done,” but he did not think it the part of wise statesmanship to deliver such a paper in the existing state of our relations with Mexico.⁶ A dispatch under date of October 3d from Mr. Lane, United States Minister at London, gave an account of his interview with Lord Aberdeen, at the Foreign Office, regarding the Oregon Question in which Lord Aberdeen expressed his regrets that Mr. Pakenham had rejected the American proposal of compromise, condemned his course and intimated a willingness on the part of the British government to agree to a modified proposition, and desired to be informed whether the President would negotiate further on the subject after withdrawing the American Proposition.⁷

The President did not agree with Mr. Buchanan that any intimation should be given to Mr. Pakenham of the views or intentions of the administration, but that he should be left “to take his own course,” that if the “same proposition (49°) were now made

⁵ *Diary*, 26th August, 1845.

⁶ *Diary*, 30 August, 1845, p. 12 (Vol. I)

⁷ *Diary*, 21 October, 1845, (Vol. I).

by the British Minister he would not accept it and was sure the Minister would not make any that he could accept; that when his proposition was received (if he made one) he would either reject it, or submit it to the Senate for their advice before he acted on [it] according to its character." Notice that the President had said that he would not accept anything less than 49°; that, now, he would not accept that if proposed by the British Minister, but, that if such a proposition were made, what his course of action would be—this was all in 1845—but paves the way for the results of this stand in the next year.

The President also stated to his Secretary at this time that in his first message to Congress he "would maintain our rights, take a bold and strong ground, and re-affirm Mr. Monroe's ground against permitting any European power to plant or establish any new colony in the North American Continent." Three days later he repeated the statement of his attitude on the boundary to Senator Benton and they agreed to the following: 1. Twelve months' notice of abrogation of the Treaty of 1827; 2. Our laws and jurisdiction should be extended over our citizens of Oregon to the same extent that British laws had been extended over British subjects by the act of Parliament of 1821; 3. Block houses or stockade-forts should be erected on the route from the United States to Oregon and that two or three regiments of mounted riflemen should be raised for the protection of emigrants on the route to Oregon; 4. Our Indian policy should be extended to Oregon. All this was to be done without violating the Covenant of 1827, and without giving Great Britain just cause of offense. He told Colonel Benton also of his intention of "re-affirming the Monroe Doctrine . . . as far as this continent was concerned." Colonel Benton stated to the President that Great Britain possessed the same kind of title to the Fraser River by discovery, exploration and settlement that the United States did to the Columbia River. Polk's reply included: "Great Britain had her eye on California and intended to possess the country if she could, but that the people of the United States would not willingly permit California to be colonized by Great Britain or any foreign monarchy and that in re-asserting Mr. Monroe's Doctrine I had California and the fine bay of San Francisco as much in view as Oregon." Thus in October, 1845, the President announced his policy regarding the Pacific Coast from 54°-40' down through California. The year 1846 was to determine to what extent he could carry out his program.

Buchanan throughout November maintained his stand on 49° and his fear that the President's bold attitude would result in war.

In his first annual message,⁸ December 2, 1845, the President reviewed the three unsuccessful attempts made by the United States to settle the Oregon question on the principle of Compromise: the parallel of 49° having been offered by the United States; the parallel of 49° from the Rocky Mountains to its intersection with the north branch of the Columbia and from thence down the channel of the river to the sea having been offered by Great Britain with the addition of small detached territory north of the Columbia, to which was added by the British plenipotentiary's offer on August 26, 1844, free navigation of the river by both countries, and freedom of ports south of latitude 49°. He then explained his offer of 49° already referred to "as made in deference to what had been done by my predecessors," and especially in consideration of the fact that propositions of compromise had thrice been made by two preceding administrations to adjust on the 49° parallel, and that pending negotiations had been commenced on the basis of compromise, although he entertained "the settled conviction that British pretensions of title could not be maintained to any portion of the Oregon Territory upon any principle of public law recognized by nations." He continued: "The rejection of the offer and the extraordinary and wholly inadmissible demands of the British government afford satisfactory evidence that no compromise which United States ought to accept can be effected." It was on these grounds, he stated, that the proposition of compromise was withdrawn, and "our title to the whole of Oregon Territory asserted, and, as is believed, maintained by irrefragable facts and arguments."

He then proposed to give the year's notice referred to and recommended that provisions be made by law for giving it. He recommended to Congress the several things upon which he and Benton had agreed earlier, and added for the consideration of Congress an overland mail once a month to the Territory. According to his previously announced purpose, he re-stated the Monroe Doctrine,⁹ being the first of our Presidents to do so. In regard to a balance of power on this continent to check our advance, he stated: "The United States, sincerely desirous of preserving relations of understanding with all nations, cannot in silence permit any European influences on North American continent and should any such interference be attempted will be ready to resist it at any and all

⁸ Richardson, Vol. IV, pp. 385-416.

⁹ Richardson, Vol. IV, pp. 385-416.

hazards. . . . The people of the United States cannot, therefore, view with indifference the attempts of European powers to interfere with the independent action of nations on this continent. . . . We must ever maintain the principle that the people of this continent alone have the right to decide their own destiny. Should any portion, thus constituted as an independent state, propose to unite themselves with our Confederacy, that will be a question for them and us to determine without any foreign interposition. . . . It was a quarter of a century ago that this principle was distinctly announced to the world in the annual message of one of my predecessors: 'The American continents by free and independent conditions which they have assumed and maintained are hence forth not to be considered as subjects for future colonization by any European powers'. . . . In existing circumstances of the work, the present is deemed the proper occasion to reiterate and reaffirm the principle announced by Mr. Monroe and to state my cordial concurrence in its wisdom, and sound policy. . . . And that it is distinctly announced to the world as our settled policy that no future European colony or domination shall, with our consent, be planted or established on any part of the North American continent."

As before stated by the President he had California as much in mind here as Oregon; and certainly he had Texas. The English were making encroachments, also, on the Mosquito coast, but I do not find anything that would suggest that this was in his mind at this time, although Buchanan later made pointed declarations respecting the paramount interest of the United States in the Isthmus of Panama, which tended to broaden the application of the Monroe Doctrine.¹⁰

The President's proposition to deliver the Notice to abrogate the Joint Occupancy Treaty brought out a full expression of opinions of Congress upon the whole question and took the management of the question into the hands of the Senate and House of Representatives.¹¹ The extreme party was against 49° and intended to force the President to repulse the British offer of 49° if it now should be made. Of these "54°-40's," Benton said: "The notion of the '54-40's' is—That we go jam up up to 54°-40' and Russia comes jam down to the same, leaving no place for the British lion to put down his paw, although that paw should be no bigger than the sole of the dove's foot which sought a resting place from Noah's ark. . . . This must seem a little strange to British statesmen who do

¹⁰ Foster, F. W., *A Century of Diplomacy*, p. 324.

¹¹ Benton, *Thirty Year's View*, Vol. II, p. 662.

not grow so fast as to leave all knowledge behind them." Warm speeches were made in Congress during the early months of 1846.

The leaders of the "54°-40's" were Cass of Michigan and Allen of Ohio who was Chairman of the Committee on Foreign Affairs. Benton, to whom, Senator Reverdy Johnson said, the whole question "is as familiar as a household term,"¹² and who said of himself: "I have been fighting the battle of Oregon for thirty years and when it had but few friends, though now entirely eclipsed by new converts."¹³ Benton led those who stood for 49°. Senator Calhoun was on this side of the question and, as already stated, this was the Secretary of State's position at this time.

In a dispatch which was sent to Mr. McLane, United States Minister at London, the President directed this paragraph to be inserted:¹⁴ "Should that Government (Great Britain) take any further step with a view to settle the Controversy, the President would judge of the character of any new proposition when made and if in his opinion it was such as to justify it would feel inclined to submit it to the Senate for their previous advice before he would take any action upon it. As the determination on any new proposition which might be made might involve the question of peace or war between the two countries, he would feel it to be his duty to consult his constitutional advisers before final decision." The Cabinet agreed with the President that if Great Britain should make any proposition for arbitration it should be rejected. This proposition was made in a dispatch presented to Mr. Polk on December 27, 1845, and was rejected, and the reply to Mr. Pakenham was transmitted to the British Government on the third of January.

In a conversation between Mr. Pakenham and Mr. Buchanan, and also, from information communicated by Mr. McLane, it appeared that Sir Robert Peel (Prime Minister) and Lord Aberdeen would be adverse to going to war.¹⁵ A second proposal to arbitrate the Oregon question was made by Mr. Pakenham, 16th January, 1846, which was also rejected. Polk's *Diary* makes references to correspondence between Mr. Buchanan and Mr. McLane which related to military and naval preparations in England, including an official conversation between Mr. McLane and Lord Aberdeen as to the object of these preparations. Polk was assured by McLane they began before the existence of difficulties between the two countries had assumed the present serious aspect and had no connection

¹² *Ibid.*, p. 666.

¹³ Benton, Speeches in the Senate of the United States, May 22, 25, 28, 1846.

¹⁴ *Diary*, 13th December, 1845 (Vol. I.)

¹⁵ *Ibid.*, 3rd January, 1846 (Vol. I.)

with the Oregon question.¹⁶ Polk wrote in his *Diary* (4th March, 1846) that due to the feverish excitement of members of the Senate on the question of the Notice, that the Democrats had split into factions and that he was left without any certain or reliable support in Congress and especially in the Senate. He also wrote: "I am fortunately no candidate for re-election and will appeal to the people for support. If the Notice is defeated it will be war between the factions." A curious change of position was that of Mr. Buchanan at this time who, the President says, "manifested a disposition to be warlike."¹⁷

It was at this time that Mexican affairs reached out to the Pacific Coast. The government of General Paredes being overthrown by that of Herrera—a military government which needed money, Polk's idea was that if our Minister could be authorized upon signing a treaty to pay down a half million or a million of dollars to furnish money for the Mexican army and to maintain the government in power until the treaty could be ratified, that this might induce the President to make a treaty which he would otherwise not venture to make. The object of this move would be to adjust the boundary so as to secure the cession of Latitude 32° from El Paso on the Del Norte and west to the Pacific Ocean, or if that precise boundary could not be obtained the next best which might be practicable, so as at all events to include all the country east of Del Norte and Bay of San Francisco and he desired that Congress appropriate a certain sum of money for the purpose. Polk consulted Benton and Calhoun on the subject, who, especially the latter, seemed to agree with him. Calhoun thought the matter of appropriation should not be made public "as it would embarrass the settlement of the Oregon question."¹⁸ The matter of the appropriation was left in the hands of the Senators with whom the President talked.¹⁹ Benton's advice in regard to the Oregon question was, when a proposition should be made, to refer it to the Senate. Polk regretted the delay in Congress in giving the Notice, as he felt Great Britain would not make any proposition until Congress passed it; and hence there could be no prospect of settlement until that time. He also regretted that Great Britain had been able to keep so closely in touch with the debate in Congress which revealed our hand, while

16 Senate Documents—489, 29th Congress, First Session. (Executive proceedings, correspondence and documents relating to Oregon from which the injunction of secrecy has been removed). Mr. Buchanan to Mr. McLane, 1 Dec., 1845, p. 36.

17 *Diary*, March 22, 1846.

18 *Diary*, 30th March, 1846, Vol. I, p. 311.

19 *Ibid*, 31 March.

she kept hers concealed.²⁰ In his frequent discussions with Senator Benton regarding both the Oregon question and the Mexican situation, the subject frequently was what steps would be proper to take if the principal powers of Europe should attempt to force a foreign prince on the throne of Mexico. A dispatch to Polk from McLane (Jan. 17, 1846) stated: "It need not surprise you to discover at no distant day that the favorite scheme with leading powers of Europe is to compose the Mexican trouble by giving her a monarchical form of government, and supplying the monarch from one of her own families."²¹

Slidell added weight to this. After Slidell's return from his unsuccessful mission to Mexico, the President felt there was "no alternative but strong measures toward Mexico."²² Polk had reason to believe the British Minister in Mexico exerted his influence to prevent Slidell's being received by the Government. Calhoun's advice was not to send a message on Mexican affairs to Congress until the Oregon question was settled. The President thought that whatever the settlement in the Oregon question, it was his duty "to lay the Mexican question before Congress with his opinions on the subject in time for them to act at that session." McLane's dispatch stated his opinion that there would be no steps by the British Government until the Senate had decided on the question of the Notice.²³ He wrote in his *Diary*: "The speeches of Mr. Webster, Mr. Calhoun and others in the Senate advocating peace and the British title to a large portion of the country have made the British Government and people more arrogant in tone and more grasping in their demands. If war should be the result, these peace gentlemen and advocates of British pretensions over those of their own country will have done more to produce it than any others."

The Joint Resolution introduced in the House on January 5, 1846, was finally passed on April 23, by a vote of 42 to 10, in the Senate; the House, 142 to 46, and authorized the President "in his discretion" to give the British government Notice to abrogate the Convention of 6th August, 1827, concerning Oregon Territory. The resolution was dispatched to Mr. McLane on May first, and in the dispatch it was stated to Mr. McLane that any further proposal to adjust the Oregon question must proceed from Great Britain.²⁴ And at the same time the President again announced his decision to

²⁰ *Ibid.*

²¹ Cleland, Robert Glose, *The Early Sentiment for Annexation in California* (Thesis), quoting McLane to Polk (Polk MSS) p. 91.

²² *Diary*, 18th April, 1846 (Vol. I.)

²³ *Ibid.*, p. 344.

²⁴ *Diary*, 27th April, 1846.

take a bold and firm course with Mexico. There surely does not seem to be any wavering in the President's policy regarding either Mexican or English affairs in this two-fold, simultaneous movement.

News of the broken off negotiations were received with regret in Great Britain. "Sir Robert Peel with frankness and integrity which constitute the patriotic statesman, openly expressed his regret in Parliament that the offer of 49° when made by the American government had not been accepted by the British Government and it was evident that negotiations would be renewed," so Benton tells us.²⁵ Benton, who was averse to war with Mexico, advised Polk to delay movement in Mexican affairs until the English question were either settled or brought to a crisis. The President while "anxious to avoid war, if it could be done honorably and consistently with the interests of our injured citizens," was determined to bring the subject before Congress in its present session.²⁶

The President at this time desired that the Bill of the House to extend our laws and jurisdiction over our citizens in Oregon should be taken up speedily and acted on by the Senate. Senator Benton was asked to take charge of the Bill. His reply was that he would go as far as 49°. The President stated again that his views, as he expressed them in his December 2nd message, were unchanged. At the Cabinet Meeting on May 9th it was agreed that if the Mexican forces at Matamoras committed any act of hostility on General Taylor's forces, the President should immediately issue a declaration of war.²⁷ On the same day dispatches from General Taylor stated that part of the Mexican army had crossed the Del Norte and attacked and killed and captured two companies of dragoons of General Taylor's army, and at twelve o'clock on May 11, the well-known message declaring war on Mexico was sent to Congress.²⁸ The President asked Congress to act promptly in recognizing the existence of war and to place at his disposal the means of prosecuting it with vigor. The House passed the bill carrying out the recommendations of the President by a vote of 173 to 14. The Senate adjourned after a debate without coming to a decision. Benton in regard to the Senate's action told the President that in the 19th Century war should not be declared without a full discussion and much more consideration than had been given it in the House which had passed the Bill in two hours declaring war, and that one and a half hours had been occupied in reading documents accom-

²⁵ *Thirty Years View*, Vol. II, p. 674.

²⁶ *Diary*, 25th April, 1846.

²⁷ *Diary*, 9th May 1846, Vol. I.

²⁸ Richardson, *Messages and Papers*, Vol. IV, pp. 442-443.

panying the President's message. On the 12th of May the Senate passed the Bill 42 to 2 with some amendments in which the House concurred and it was signed by the President on May 13th.²⁹ The President's proclamation was issued at once.³⁰

On the same day orders were issued to Colonel Kearney to proceed with his dragoons to protect caravans of traders who, it was understood, had recently left Missouri for Sante Fe.

In the dispatch prepared by Buchanan to be sent to the United States Ministers at London, Paris and other foreign courts, the declaration of war was announced with statements of causes and objects of the war. Among other things the Secretary had stated that our object was not to dismember Mexico nor to make any conquests and that the Del Norte was the boundary to which we claimed, or rather that in going to war we did not do so with a view to acquiring either California or New Mexico, or any other portion of Mexican territory. The President told Mr. Buchanan such a declaration to foreign governments was unnecessary and improper; that the causes of the war had been set forth to Congress. "I told him that we had not gone to war for conquest, yet it was clear that in making peace we would if procurable obtain California and such other portions of Mexican territory as would be sufficient to indemnify our claims on Mexico, and to defray expenses of war, . . . that it was well known the Mexican government had no other means of indemnifying us."³¹ Here we have the President's policy regarding California definitely stated. Mr. Buchanan's opinion was that, if we could give Lord Ashburton, (should he ask Mr. McLane for it at the time announcement was made of existence of war) no statement regarding our intentions to acquire California or any part of Mexican territory, it would be almost certain that both England and France would join with Mexico in a war against us. Polk considered the war with Mexico an affair with which no other country had any concern and that such an inquiry would be an insult to our government, and that he "would not answer it, even if the consequences should be war with all of them;" nor would he tie his hands in any way as to what terms of peace would be made. Before he would make such a pledge, "I would meet in war with England or France or all Powers of Christendom, . . . and that I would stand and fight until the last man among us fell in the conflict," that neither as a citizen nor as President would he permit nor tolerate any intermeddling of

29 *Diary*, 13th May, 1846, Vol. I.

30 Richardson, Vol. IV, p. 470.

31 *Diary*, 13th May, 1846, Vol. I.

any European powers on this continent, and that sooner than pledge himself that we would not, if we could, fairly and honorably, acquire California, or any other part of Mexican territory, which we desired, "I would let war with England come and take the whole responsibility." The significance of this stand of the President for the future of California admits of no misunderstanding and his stand on the question of the Monroe Doctrine is also equally clear, and how he applied it to this situation. The dispatches to the ministers abroad were revised and written according to the President's instructions.³² On the 29th of May at the meeting of the Cabinet, when expressing his views regarding the ordering of an expedition to California in case war was protracted for any length of time, the President stated: "It would be very important that the United States should hold military possession of California at the time peace was made, and I declared my purpose to be to acquire for the United States, California, New Mexico, and perhaps some other of the Northern Provinces of Mexico whenever peace was made."³³

In the secret instructions to Mr. Slidell the autumn before these objects had been included. One is impressed by the steady progress the President made in the announcement of his determination to acquire California, as well as the other Mexican provinces, which he had in mind at least as early as the year before. The crisis in the affairs of the United States with both England and Mexico regarding the Pacific Coast came at practically the same time— May, 1846, The Notice having been sent May first, the declaration war, and notice of its existence to foreign governments within the next few weeks—all before the end of May of this year. War with Mexico was being waged; war with England, it was believed by many in the United States, was imminent. Certainly a good opportunity was offered England to take advantage of existing conditions in effecting a settlement of the Oregon controversy in her favor. The statements of the President are convincing that California and other Mexican provinces were the prizes he sought as a result of the Mexican war and for which he was willing to go to the utmost lengths.

The expedition of Colonel Kearney to New Mexico was to culminate in the taking of Sante Fé; after which he was to proceed to California, leaving Sante Fé in charge of his Lieutenant-colonel. The President's proposition was favorably acted upon by the Cabinet and orders according thereto were sent to Colonel Kearney. It was agreed, also, that Colonel Kearney should be authorized to take

³² *Diary*, 13th May, p. 398.

³³ *Ibid.*, 30th May.

into his service any emigrants (American citizens) he might find in California or who might go out there. He was, also, "authorized to take into his service a few hundred Mormons now on their way to California with a view to conciliate them, attach them to our country, and prevent them from taking part against us."³⁴ The number of Mormons was afterwards stated to be about 500 or not more than one-fourth of Kearney's whole force.³⁵

On the third of June a dispatch from Mr. McLane, dated May tenth, was received which communicated in substance the proposition he had learned from Lord Aberdeen would be made by the British Government through their Minister at Washington for settlement of the Oregon question. Regarding the contents of this message the President wrote: "If Mr. McLane is right in the character of the proposition, I am certain I cannot accept it, and it is a matter of doubt if it be such as I ought to submit to the Senate for their previous advice before acting upon it. If I reject it absolutely and make no other proposition, the probable result will be war. If I submit it to the Senate and they should advise its acceptance, I should be bound by their advice and yet I should do so reluctantly."³⁶

The proposition of the British Government for the settlement of the Oregon question was submitted to the President by Mr. Buchanan on 6th June, having been just delivered to Mr. Pakenham. The proposition which was in favor of a convention was read and, also, the protocol of the conference which had taken place on the delivery of the proposition. Polk asked the advice of his Cabinet regarding the action he should take: reject, or submit it to the Senate for their previous advice. There was a division in opinion. Polk says that the Cabinet "was much excited," that he was "anxious to prevent excitement or division in the Cabinet."³⁷ All agreed that if the proposition were rejected without submitting it to the Senate that in the present position of the question, "I could offer no modification of it, or any other proposition, and that in such case war was almost inevitable." The President stated that in case it were sent to the Senate, "he would reiterate his opinions of December second, accompanying it with the distinct statement that if the Senate advised acceptance with or without modifications, I should conform to their advice; but, if they declined to express an opinion or by the constitutional majority to give advice, I should reject the proposition. The vice-president approved of sending the proposi-

³⁴ *Diary*, p. 439.

³⁵ *Ibid.*, 5th June, 1846 (Vol. I).

³⁶ *Ibid.*, p. 445.

³⁷ *Diary*, 6th June, p. 453.

tion to the Senate; Cass thought the President was bound to do so, "although he would be compelled to vote against me to accept the proposition;" Allen advised rejection without consulting the Senate.³⁸

The Cabinet finally agreed the message should be sent to the Senate; and it was submitted on June 10th. In his message³⁹ the President referred to the "practice of Washington in consulting the Senate branch of the treaty making power," whereby "the President secured harmony of action between that body and himself, . . . the Senate, moreover, was a branch of the war making power and it may be eminently proper for the Executive to take opinions and advice of that body in advance upon any great question which may involve in its decision the issue of peace and war, . . . that desire is increased by recent debates and proceedings in Congress which render it, in my judgment, not only respectful to the Senate, but necessary and proper, if not indispensable to insure harmonious action between that body and the Executive."

The Senate passed the resolution advising the President to accept the proposal of the British Government on June 12, by a vote of 38 to 12.⁴⁰ On the action of that body Senator Benton said: "It was clear that the fact of Treaty or no Treaty depended upon the Senate; the whole responsibility was placed upon it—the issue of peace or war depended upon that body. Far from shunning this responsibility that body was glad to take it, and gave the President faithful support against himself, his Cabinet, and his peculiar friends."⁴¹

On June 15th, Buchanan and Pakenham concluded and signed the Covenant for the Settlement of the Oregon question, "being the same submitted by letter, 6th June."⁴² Allen resigned his place as Chairman of the Committee of Foreign Affairs of Senate. (Senator McDuffie was later elected Chairman.) The Senate, June 18, ratified the Convention by a vote of 41 to 14.

The great fear of the Americans in Oregon, as well as of the country generally had been that England would not be willing to give up any of the territory north of the Columbia River on which she had insisted for three decades. Joseph Schafer says: It is certain that Canning's attitude (1824), which was the policy of the Government from that time on, "would infallibly have brought on

38 *Ibid.*, p. 462.

39 *Miscellaneous Pamphlets Vol. IV. Senate Document 489, 29th Congress, 1st session, etc.*, p. 1; Richardson, Vol. IV, p. 448.

40 *Diary*, 12 June, Vol. I, p. 467.

41 *Thirty Years' View*, Vol. II, pp. 675-676.

42 *Diary*, 15th June, 1846, Vol. I, p. 468.

war with the United States had not such calamity been averted by the more temperate statesmanship of Sir Robert Peel and Lord Aberdeen."⁴³ Edward Everett, Minister at London, when Peel's administration began and who remained there till the summer of 1845, expressed in a series of dispatches during that time his conviction that the British Government was disposed to a friendly settlement of the Oregon question on reasonable terms. Everett's idea of what would be reasonable is almost exactly expressed by the treaty as finally concluded.⁴⁴ It is now known that the British Government did send a secret military expedition to Oregon under Lieutenants Warre and Vavasour in 1845-1846 for the purpose of giving a report on the conditions of the country, "to examine and report on all existing British posts then available for defensive purposes or the means of making them available, also to examine as an engineering expert (Vavasour) all the places Sir George Simpson might point out as naturally suited to the erection of defenses for the whole country."⁴⁵ The reports of these men were such as to make the defense of the country look at least exceedingly difficult. The interest of both countries in their new policy of free trade which, if persisted in, would cement their destinies, stimulated the friendly feeling of Aberdeen and Peel for the United States.⁴⁶ It was further the well known attitude of England, moreover, at this period to be averse to Colonial enterprises.⁴⁷ Dr. William Fraser Tolmie in a letter written in 1884, which was the response to the invitation of the President of the Oregon Pioneer Association, Hon. James Nesmith, to contribute a paper to their proceedings, makes this statement: "It must be remembered that between 1834 and 1846, the United Kingdom had besides several fighting and other troubles in various parts of the world, great embarrassment in regard to Canada which during 1837-1838 was in a state of open rebellion."⁴⁸ He then asks this question: "What seems more natural in such a case than that apathy as to further acquisitions of territory in North America should have prevailed in British councils?"

Hence, in spite of considerable opposition in the British Parliament, Lord Aberdeen instructed Pakenham to present a project of a treaty which was concluded in the exact form in which the pro-

43 "The British Attitude toward the Oregon Question 1815-1846." (Reprinted from the *American Historical Review*, Vol. XVI. No. 2, Jan., 1911) p. 392, also, Benton, *Speeches on Oregon Question in United States Senate*, May 22, 25, 28, 1846.

44 Fish, "American Diplomacy," pp. 270-271.

45 "Documents Relative to the Warre and Vavasour Military Reconnaissance in Oregon, 1845-46" edited by Joseph Schafer (*Quarterly Oregon Historical Association*, Vol. X, No. 1, 1909).

46 Fish, *American Diplomacy*, p. 270.

47 *Twelfth Annual Reunion of Oregon Pioneer Association*, 1884, p. 29; also, Muir, *Short History British Commonwealth*, Vol. II, pp. 420-421; Adams, E. D., p. 240.

48 "Twelfth Annual Re-union of Oregon Pioneer Association," 1884, p. 29.

posal came from Aberdeen's hand (Schafer: "*British Attitude Oregon Question*"—p. 299) and was in substance pretty much what the United States had previously offered Great Britain. It was, moreover, McLane's opinion that this offer of the boundary settlement "is not submitted as an ultimatum and is not intended as such, though I have reason to know that Mr. Pakenham will not be authorized to accept or reject any modifications that may be proposed on our part, but that he will in such case be instructed to refer the modifications to his government."⁴⁹ The terms of the "Treaty Establishing the Boundary West of the Rocky Mountains," or the "Oregon Treaty" are in the nature of "amicable compromise," and are stated in five articles: Article I, Establishing the boundary continuing along the 49th parallel from the Rocky Mountains westward to the middle of the channel which separates the Continent from Vancouver's Island and thence southerly through the middle of said channel, and of Fuca's straits to the Pacific Ocean; and providing that navigation of the whole of said Channel and Straits south of 49° remain free and open to both parties; Article II, Provides that the navigation of the Columbia River should be free and open to Hudson's Bay Company and to all British subjects trading with the same, but that the Government of the United States should make any regulations respecting navigation of said river or rivers, consistent with the Treaty; Article III, Protected the possessory rights of the Hudson's Bay Company, and all British subjects who may be already in occupation of the land or other property lawfully acquired; Article IV, Confirmed the farms, lands and other property belonging to the Puget's Sound Agricultural Company on the north side of the Columbia River to said Company, but allowed the United States Government to obtain possession of the whole or any part of such lands in case of public or political importance at a proper valuation agreed upon between the parties, Article V Provided for the ratification of the Treaty.⁵⁰

Senator Benton, referring to "54-40," said of the Treaty: "And this is the end of the great Line! All gone—vanished—evaporated into thin air—and the peace when it was not to be found. Oh mountain that was delivered of a mouse, thy name hence forth shall be '54-40'."⁵¹

The significance of this act of 1846 to the Pacific Coast as far as the United States was concerned was that the country acquired

49 Senate Document, 489, p. 19.

50 Malloy, *Treaties, Conventions, International Act, Protocols and Agreements between United States and Other Powers, 1776-1909*, Vol. I, pp. 656-658.

51 Foster, *A Century of American Diplomacy*, p. 313.

a domain imperial in extent—more than two and one-third times Great Britain and Ireland, more than one third larger than either France, the German or Austrian Empire (1910), more than two and one half times New York, New Jersey, Pennsylvania, Delaware, and Maryland combined. But its greatest importance was that it secured to our nation a foothold on the shores of the Pacific Ocean. And that it secured to Great Britain the Fraser River and the country she rightfully claimed.

J. H. Brown says: It is an interesting fact that the first news of the Oregon Treaty received in the Territory was contained in a letter from James Douglas, Chief Factor of Hudson's Bay Company to Governor Abernethy, which read as follows:

Fort Vancouver,
November 3, 1846.

George Abernethy, Esq.
Dear Sir:

News very important for all parties in Oregon has just been received by the barque *Toulon* from the Sandwich Islands. It appears that the boundary question is finally and fully settled. This intelligence rests on the authority of Sir George Seymour, the British commander-in-chief in the Pacific, and I think may be relied on. I forward a copy of Sir George's communication on the subject to our agent at Sandwich Islands.

The British government has surrendered more than strict justice required, but John Bull is generous, and was bound to be something more than just to his promising son Jonathan, who will do doubt make good use of the gift. At all events, I am glad to see the vexing question settled so quietly. The Hudson's Bay Company is fully protected in all its interests.

Yours truly,

James Douglas.⁵²

An extract from a private letter of A. Forbes, Esq., consul at Tepic, to Sir George Seymour says: "I send you an American newspaper which Mr. Beckhead has requested to be forwarded to you and which shows the Oregon question is entirely settled; the 49° is to run on to the Straits of Fuca the whole of Island of Vancouver being left in possession of England and said Straits of Fuca, Puget Sound, etc, remaining free to both parties," etc.

Returning to the California question, the President stated at a Cabinet meeting on June 30, that the boundary he preferred when the Treaty of Peace should be made was 26°, but that it was found

⁵² *Political History of Oregon*, Vol. I, p. 291.

that boundary could not be obtained, "I was willing to take 32°, but that in any event we must obtain upper California and New Mexico in any treaty of peace we should make."⁵³ It was still feared that plans of conquest into Upper California, if made public, would defeat the Government's objects as the jealousies of England and France would be excited and the countries might interfere to prevent the accomplishment of the Government's plans. It must be remembered that the Government's agent, Larkin, kept Polk well informed of events in California, and that he was much impressed by the activities of the French and English agents in the province.⁵⁴ In July the President stated that if Congress would pass an appropriation of ten million dollars he had but little doubt that sum on hand at the signature of a treaty might enable the United States to procure California and such boundary as we wished; due to Mexico's impoverished condition, she might be induced to treat where otherwise she might not do so. Senator McDuffie and Cass agreed with him.⁵⁵ Such a message asking for appropriations was sent to Congress with the ratified Oregon Treaty on 5th August, at which time he also recommended the establishment of a Territorial Government in Oregon.⁵⁶

The House passed the appropriation bill but with the "mischievous and foolish amendment to the effect that no territory" acquired from Mexico should ever be slave holding country. (Wilmot Proviso) The President held that slavery was a domestic question and should not be inserted in a treaty with a foreign power. The Senate passed the resolution approving the views of the President (43 to 2) and the resolution approving the appropriation (33 to 9). But Senator Davis spoke against time to defeat the measure which he was unable to defeat by his vote. The President felt sure had this appropriation been passed he "could have made an honorable peace by which I should have acquired California and such other territory as we desired before the end of October."⁵⁷ Congress adjourned without the President's having been acquainted with the fact that it was ready to do so.

The first news of Commodore Sloat's taking of Monterey on July 6th and his hoisting of the American flag there was received by a special messenger from the City of Mexico on 1st September. Commodore Sloat had at the same time issued a proclamation de-

53 *Diary*, p. 496, Vol. I.

54 Cleland, Robert Glass, *Early Sentiment for Annexation in California*, p. 72.

55 *Diary*, 7th July, p. 16; also, 16th July.

56 *Diary*, p. 67, Richardson, Vol. IV. p. 456.

57 *Diary*, 10th August, 1846, Vol. II, p. 77.

claring California to be a possession of the United States of America.

News of Colonel Frémont's engagement with Castro, the Commanding General of Mexico in California, and the retreat of the latter was sent to the President by the "courtesy of the British Legation."⁵⁸ Mediation was suggested by Great Britain through the British Minister, who was asked to sound this Government on the possibility of its acceptance (on September 10th). This suggestion was rejected. Word was received on October 2nd of General Kearney's taking possession of Sante Fé "without firing a gun or shedding blood," and of his proclamation that New Mexico was a conquered province and a part of the United States.⁵⁹ The House of Representatives, on December 15, passed a resolution asking for information relative to the governments established by the military and naval commanders in the conquered provinces. In one of Kearney's documents it was found among other things that he had declared the territory to be a part of the United States and had provided for the election of a Delegate to Congress. In this and some other respects the President considered he had exceeded his power of military commander, but credited him with acting from patriotic motives.⁶⁰ The President in this same month, December, 1846, stated the boundary he proposed to obtain, if possible, would cede to the United States the provinces of New Mexico and Upper and Lower California.⁶¹ This was the extreme limit he had placed thus far to his Pacific Coast territorial aspirations. Dispatches were sent by the Secretary of the Navy early in January to Commodore Stockton (who took Commodore Sloat's place) defining his rights and powers over the provinces of California as well as the laws of nations on the subject of conquered territory; similar communications were also sent by the Secretary of War to General Kearney as applicable to the Province of New Mexico.⁶² These had been expressed in the President's second annual message to Congress, 8th December, 1846,⁶³ at which time he also stated that in the provinces of New Mexico and California "little, if any further resistance was apprehended from the inhabitants to the temporary governments" which had "from the necessity of the case been established." He also again stated the importance of establishing a Territorial Government in Oregon and repeated that recommendation he had made

58 *Diary*, 1st Sept. p. 108.

59 *Diary*, p. 108, Vol. II.

60 *Ibid*, 19th Dec., 1846.

61 *Ibid*, p. 283.

62 *Diary*, 11 Jan., 1847.

63 Richardson, Vol. IV. pp. 471-506.

in his message of the year before, adding his purpose to establish a Surveyor General's Office in the Territory, and recommending the making of necessary provisions for the survey of public lands and bringing them into the market. He advised further liberal grants of lands to be made to those occupying land in the Territory and that similar rights of preemption be made to all emigrating there within a limited period to be prescribed by law.

The President was surely the friend of Oregon and, had Congress carried out his recommendations, much trouble and vexation would have been spared the people of the Territory during the critical period of 1843 to 1849.⁶⁴ The significance of the President's policy regarding the Territory is that it indicated what would ultimately be done for Oregon.

The significance of this eventful year is not complete without seeing how much foundation there was for American fear of British intention regarding California.

In 1845, the British foreign office tendered its advice to Mexico with regard to the safety of California. Great Britain desired California to remain Mexican; she feared France might secure it and more that it might fall to the United States.⁶⁵ British interest in California began about 1840 with the desire of Pakenham, British Minister to Mexico, and Barron, Representative of the British Government in California, for increase of naval strength in the Pacific.⁶⁶ Barron soon after began to write of the great value of Upper California. Pakenham also learned of the journey through California of the Frenchman, Duplat Du Mofras, and apparently became suspicious of the French designs upon the Pacific Coast. The result was a dispatch to Palmerston⁶⁷ advocating the plan to ultimately secure California to Great Britain in place of the repayment in cash to British bond holders, that they be permitted to locate on lands there, colonize them and receive revenues from them. (Terms of agreement, concluded 1837 between the Mexican Government and the English Bond holders.) Aberdeen became Foreign Minister before a reply was given, and his reply put an end to Pakenham's dream of British Colonization in California. The reply of Stanley from the Colonial Office to Aberdeen which was transmitted to Pakenham without comment from the Foreign Office was: (Foreign Office Mexico, 143, No. 13 Aberdeen to Pakenham, 15th Dec. 1841)

64 Meany, *History of Washington*, p. 145-149.

65 Fish, *American Diplomacy*, p. 254.

66 Adams, Ephriam Douglas, *British Interests and Activities in Texas, 1838-1846*; Addendum: *English Interests in the Annexation of California*, p. 236, citing Foreign Office of Mexico.

67 *Ibid*, Foreign Office Mexico, 146, No. 91, Pakenham to Palmerston, p. 237.

(Adams, p. 240) "Not anxious for the formation of new and distant colonies, all of which involve heavy direct and still heavier indirect expenditures besides multiplying the liabilities of misunderstanding and collisions with foreign powers." The British representatives in Mexico and California were confident it would require little activity on the part of the British Government to secure California, and displayed considerable activity and brought pressure to bear on the home Government. They thought arrangements might be made by which British interests in Oregon could be exchanged for a position in California.⁶⁸ This report by Forbes to Barron was transmitted to the British Government and is an "incident of greatest importance, . . . because the reply brought out the most direct and positive instruction given by the British Government in regard to California from 1838-1846." Aberdeen's reply to Barron⁶⁹ (31 December, 1844) was: "Her Majesty's Government can have nothing to do with any insurrectionary movement which may occur in California, nor do they desire their agents in that part of the world should encourage such movements. They desire, on the contrary, that their agents should remain entirely passive. . . . It is, therefore, entirely out of the question that Her Majesty's Government should give any countenance to the notion which seems to have been agitated of Great Britain being invited to take California under her protection. . . . It is, however, of importance to Great Britain, while declining to interfere herself in California if it should throw off the Mexican yoke that it should not assume any other which might prove inimical to British interests."

This following was also written to Barron: "On the other hand you will keep your attention vigilantly alive to every creditable report, . . . of occurrences in California, especially with respect to proceedings of United States citizens settling in the Province whose numbers are daily increasing and who are likely to play a prominent part in any proceeding which may take place there having for its object to free the Province from the yoke of Mexico."⁷⁰

British agents in California remained inactive there until the arrival of Frémont in the winter of 1845-1846. This, Forbes thought, was sufficient evidence something was about to be undertaken by the United States to secure California, so, on January 28, he addressed a protest to Olivaria against Frémont's presence with soldiers in California.⁷¹ Before the reply of the Foreign Office could

⁶⁸ Adams, (Forbes to Barron, p. 244).

⁶⁹ *Ibid*, Foreign Office Mexico, 179.

⁷⁰ Adams, Foreign Office of Mexico 172, No. 53, p. 250.

⁷¹ *Ibid*, Foreign Office of Mexico, 196, Forbes to Barron, Jan. 30, 1846.

reach him, Sloat had seized Monterey. The Foreign Office was ignorant of this and Forbes' act was the subject of the following instructions from Bankhead: "That while Her Majesty's Government would no doubt view with dissatisfaction the presence of Frémont in California. . . . do not approve of the British vice-consul taking upon himself without instructions from his superiors to address authorities of the Province in which he is residing a formal diplomatic note like that under consideration. I have accordingly to desire that you will signify to Mr. Forbes that Her Majesty's Government do not approve of his late proceeding and wish that he should in the future be more courteous in his conduct."⁷² Adams says that the proposal of Pakenham and the report of Forbes are the only two communications carefully considered or officially met by the British Government regarding California.⁷³ The American suspicions of the actions of the British Admiral of the Pacific Fleet, Seymour, are not borne out by investigation.⁷⁴ Seymour had the same idea regarding California that the British agents had; in the spring of 1846 he requested additional forces in the Pacific, based on the belief that war with the United States was probable, and specified the interests to be guarded in this order: 1st, defense of Oregon; 2nd, observe proceedings of United States relative to Mexico; 3rd, protect British commerce on coast of South America; 4th, attack commerce of United States. The official reply to his request was prepared and forwarded at the time almost identical with the seizures by United States—but, of course, Great Britain was not aware of this. The Admiralty transmitted Seymour's request to the Foreign Office, accompanying it with the statement that in case Aberdeen really wished to have a larger force in the Pacific, the ships necessary for such increase would have to be taken from the home force, and in that event the home force would be reduced below the power of France.⁷⁵ On this ground the Admiralty objected to granting Seymour's request unless the government was willing to find money for the increase of the home force. The Pacific Fleet was to occupy at least two points on the Pacific: "one selected with reference to the French at Tahiti; the other with reference to the position . . . the Americans were taking on the Northwest coast of North America."

Perides, the Mexican President, officially proposed the transfer of California, to England as security for a loan, May, 1846.⁷⁶ Palm-

⁷² *Ibid.*, Foreign Office of Mexico, 194, No. 161, June 1, 1846.

⁷³ Adams, p. 253.

⁷⁴ *Ibid.*, Admiralty—Sec'y in Letters, No. 5561, Seymour to Carry, p. 258.

⁷⁵ *Ibid.*, Admiralty—Sec'y, Out letters No. 1696, June 10, 1846.

erston's letter of August 15, shows the new Minister's policy was the same as that of his predecessor in the affair: "If the Mexican President should revert to the above proposition, you will state to his excellency that Her Majesty's Government would not at present feel disposed to enter into any treaty for the acquisition of California, and, more so, because it seems, according to recent accounts that the Mexican Government may by this time have lost its authority and command over that Province, and would, therefore, be unable to carry into effect its share of any arrangements which might become to regarding it."⁷⁷

The conclusion one must draw is that the only ground the American Government and people had for their suspicions regarding Great Britain's intentions in California was the activities of the British agents there who were anxious to secure the country for England, if possible, but who were not acting upon instructions, for their government, "and were ultimately either checked or reproved for such slight openings as they effected. . . . The theory of active British Governmental design upon California is wholly without foundation."⁷⁸ Bancroft says there is no single word or utterance to indicate the English Government had the slightest intention of obtaining California by conquest or purchase or gave any encouragement to colonization plans of her bond-holding subjects.

A commercial treaty of special significance to a part of the Pacific Coast farther south was that concluded on December 12, 1846, with New Granada, or Colombia.⁷⁹ Its 35th Article contains the stipulation whereby United States agrees to "guarantee positively and efficaciously. . . . the perfect neutrality of the Isthmus [of Panama] and the right of sovereignty and property which New Granada has and possesses over said Territory." This was the nearest approach to an alliance or guarantee of sovereignty made by the United States since its release from the obligation of the Treaty of 1778 with France. The acquisition of California and the construction by American citizens of a railroad across the isthmus made this guarantee an important one.⁸⁰

The significance of the year 1846 to the Pacific Coast was, thus, that in this year: the Oregon question was settled, giving England possession of the Coast from 54°-40' to 49°, including Vancouver Island; the remainder of the territory from 49° to 42° be-

⁷⁶ Adams, Foreign Office of Mexico, 197, No. 73, Bankhead to Aberdeen, 31 May, 1846.

⁷⁷ *Ibid.*, Foreign Office of Mexico, 194, No. 4.

⁷⁸ Adams, p. 246; Cleland, p. 82.

⁷⁹ Malloy, Vol. I, p. 302.

⁸⁰ Foster, *Century of Diplomacy*, p. 324.

came a Territory of the United States; California was held by conquest and it was clear that this province of Mexico, with as long a coast line as procurable, would become a permanent possession of the United States when the Treaty of peace between the United States and Mexico should be made, already a complete change in the government of the province was being effected; the right was given by the Treaty with Colombia to interfere in the affairs of that country by force of arms to preserve peace and secure freedom of transit—the beginning of United States' plans in the Caribbean countries; Polk's re-statement of the Monroe Doctrine warned all European nations not to interfere with the coast, as well as any other part of the American continent. In this year the fate of the Pacific Coast of North America, at least from 54°-40' south, was practically determined and the nature of its future development could be foreseen. The most amazing thing is, that, audacious as Polk's policies seemed, and fearful as the American people were of the consequences, there was in reality so little that stood in the way of the President's accomplishing his purposes.

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