The Relation of Polk to the Acquisition of Oregon

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THE RELATION OF POLK TO THE
ACQUISITION OF OREGON

BY

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INTRODUCTION

The Democratic Convention of 1844 used for its slogan "fifty-four forty, or fight!" for the Oregon Territory. This Oregon country was a magnificent expanse of territory embracing approximately a half million square miles. It lay west of the Rockies, north of the forty-second parallel and south of latitude fifty-four degrees, forty minutes. It included approximately half of British Columbia, all of the states of Washington, Oregon and Idaho, and substantial portions of Montana and Wyoming.

In spite of the bold statements of the Democratic Convention which nominated Polk that "our title to the country of the Oregon is clear and unquestionable," it had long been questioned and involved in a tangle of historical complications which left it far from clear. Spain, France, Russia, and the United States had at one time or another, asserted to the Oregon region claims based upon priority of discovery, exploration and settlement. It is the purpose of my paper to show what these claims were and how they affected the claims of Great Britain and the United States; also the part the diplomats played in


2 James D. Richardson, Messages and Papers of the Presidents, Washington, 1897, IV, 381
trying to settle this vexing question and especially that of President Polk in extending our territorial rights and giving us the Pacific Ocean as a part of our western boundary, thus fulfilling the cry, "Manifest Destiny."
CHAPTER ONE

DISCOVERIES, EXPLORATIONS AND CLAIMS ON THE OREGON TERRITORY

The most ancient of these claims was that of Spain which dates back to May, 1493, to the line of demarcation of Pope Alexander VI. The other claim was based on the Treaty of Tordesillas of 1494\(^1\) to which all the lands west of this famous line belonged exclusively to Spain. The line was drawn 370 leagues west of the Cape Verde Islands. To this claim which lost its force during the sixteenth century, Spain added that of priority of discovery in the Oregon region itself. The Spanish government was not interested in furnishing the rest of the world with information about the northwest coast of America, which they claimed as their own, and it was not until Vancouver appeared on the scene with the obvious purpose of preparing a work for publication that the Spanish awoke to the necessity of bringing their discoveries to light. The troubles into which the Spanish government was plunged prevented them from carrying out their plans.

The Spaniards had carried on explorations in the north intermittently. Sebastian Vizcaíno surveyed the coast from Aca-

\(^1\) American State Papers, Foreign Relations, V, 450
pulco to forty-three degrees north latitude in 1603. The Spaniards Gabrillo and Ferrelo explored as far north as the forty-third parallel in 1543. The highest observation made on their first voyage was forty-three degrees which has been corrected to forty-one degrees because of high latitudes.

In the year 1592 Juan de Fuca, a Greek in Spanish service, discovered and sailed through the strait now bearing his name. The voyage of Fuca was considered fabulous, because repeated efforts were made without success to find the straits which he described but it was afterward ascertained that his account corresponded with the geographical features of the adjacent country as settled by the explorations and examinations of subsequent navigators. In July 1787 Captain William Barkley could hardly have missed seeing the entrance to the strait when he departed from Nitinant, now known as Barkley Sound. The diary written some time afterward by Mrs. Barkley has disappeared. Captain Meares inadvertently acknowledged that Barkley had discovered it, considering that he had a copy of Barkley's chart

2 Thomas C. Russell, Mourelle, Voyage of the Senora in the Second Bucareli Expedition, Reproduction of the Spanish chart of de la Bodega, 1734 Nineteenth Avenue, San Francisco, Calif., 1920, Foreward XI
3 Henry R. Wagner, "Spanish Voyages to the Northwest Coast of America in the 16th Century" California Historical Society, San Francisco, Calif. 1929, 74
4 Henry R. Wagner, The Cartography of the Northwest Coast of America to the Year 1800, University of California Press, Berkeley, Calif., 1937. I, 159
5 Ibid.
6 Ibid., 3
and had probably obtained information in Macao from Barkley himself. Meares claimed that his longboat had been there in July, 1788, but as he said the strait was fifteen leagues wide, we would be justified in saying that neither he nor his men had ever seen it. Captain Duncan in the Princess Royal was at the entrance in August, 1788 and drew a view of it which was published by Alexander Dalrymple, January 14, 1790. 7 Martinez narrates in his journal that Narvaez found the strait July 5, 1789: "The middle he said was in forty-eight degrees thirty minutes of latitude and nineteen degrees, twenty-eight minutes of longitude west of San Blas; — it measured twenty one miles." 8 Cook did not see the straits because he could not get close enough to land as the wind would not permit. Cook therefore said that the straits of Fuca and Fonte were imaginary. 9 Martinez asserts: "I am therefore of the opinion that the two straits exist, that of Juan de Fuca and that of Fonte because of the information acquired and because in 1774 I saw one of its mouths to which I gave the name "Entrada de Juan Perez." 10

In the year 1640 Admiral Fonte went as far as the fifty-fifth degree north latitude. Fonte was supposed to have discovered a river which he called "Los Reyes" in fifty-three degrees north latitude, and a vast archipelago which he named St.

7 Ibid.
8 Ibid., 9
9 Ibid., 8
10 Ibid., 9
Lazarus. The Fonte narrative seems to have received some recognition because of the assertion in it about the archipelago which he discovered and the various inland passages. The fact is that this archipelago and other passages were discovered by Captain Colnett, Dixon and Duncan in the latter part of the eighteenth century which corroborate Fonte's account.

There were also innumerable later voyages which served this claim, chief among which was that of Ensign Juan Perez who landed for the first time on the northwest coast of Queen Charlotte's Island, near latitude fifty-four degrees; he then coasted along the shore of that island, and the great island of Quadra and Vancouver. He also anchored in the neighborhood of Nootka for a short time in August, 1774 and named the bay San Lorenzo. There is no evidence he ever entered Nootka Sound or what afterwards became known as the Port of Nootka. In 1775 Bruno de Hezeta discovered and named a number of points on the coasts of Washington, Oregon, and upper California, especially Trinidad Bay and the mouth of the Columbia, which he called Entrada de Hecta. Quadra and Mourelle in a small schooner, which became separated from Hezeta's vessel, reached the coast of Alaska and followed it to Mount Edgecumbe. Possession of the country had been taken in 1775 by Bodega as far north as

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11 Ibid., 162
12 Wagner, Spanish Explorations in the straits of Juan de Fuca, Fine Arts Press, Santa Ana, Calif., 1933, I
13 Russel, XI
14 Wagner, Spanish Explorations, I
fifty-seven degrees twenty minutes in present Sea Lion Bay, and by Arteaga in a port now known as Port Etches on the west side of Hinchinbrook Island, but named Santiago by Arteaga.\textsuperscript{15} A week or so later Arteaga took possession of a bay at the end of Kenai Peninsula in fifty-nine degrees eight minutes.\textsuperscript{16} This bay he named Regla.

To these Spanish claims, from whatever sources derived, the United States succeeded when the Florida Treaty of 1819 was finally signed. That treaty provided that a line be drawn along the forty second parallel from the Rockies to the Pacific, to serve as the northern limits of Spain's Pacific Coast territory, his Catholic majesty ceding to the United States, "all his rights, and claims and pretensions to any territory east and north of said line."\textsuperscript{17}

Our title, however, was not undisputed for England had specifically refused to admit it, taking the ground that, by the Nootka Treaty of 1790, Spain had freely acknowledged the former's rights in the Oregon region as on a par with her own.\textsuperscript{18} The obvious reply to this argument was promptly made, namely, that treaties between nations lapse with the outbreak of war, and that England had lost her rights under the Nootka Convention by declaring war against Spain in 1796. England's

\textsuperscript{15} \textit{Ibid.}, 2
\textsuperscript{16} \textit{Ibid.}
\textsuperscript{17} \textit{American State Papers, Foreign Relations}, IV, 623, 624
\textsuperscript{18} Robert Greenhow, \textit{Memoir, Historical and Political on Northwest Coast of America}, Wiley & Putnam, N. Y. 1840, 173
reply to this was as follows:

The United States maintains that the treaty of 1790 ceased because of the war in 1796, and was not mentioned in the peace treaty of Ghent, 1814. England says it was not thought necessary to revive and enact all over again the provisions of the Treaty of 1783. Certain fishing rights were secured to us by the Treaty of 1783, which the English held to be annulled by the War of 1812, while American negotiators maintained that they revived on the conclusion of the Treaty of Ghent. Both parties asserted doctrines directly opposed to what they now hold respecting the Nootka Convention. 19

Here then on a capital point in the titles of either party, we find a doubt which cannot be removed. This was fatal to the assertion of a perfect title on either side.

France's claim to the Oregon Territory, if it could be considered a claim, was based on the Louisiana Territory, the extent of which was never definitely stated. By the treaty of 1803 France had ceded to the United States the whole province of Louisiana "with all its rights and appurtenances as fully and in the same manner as they have been acquired by the French Republic." 20 Marbois while engaged in drawing up the treaty of 1803, had complained to Napoleon that he was unable to determine with any precision the proper boundaries of the province.


20 Barbe Marbois, The History of Louisana of the Cession of that Colony to the United States of America, Philadelphia, Carey and Lea, 1830, 287
The First Consul was known to have replied, "If an obscurity did not already exist, it would perhaps be good policy to put one in the treaty." 21

The earliest attempt to define the boundaries were made by Louis XIV when he granted by royal charter to Crozat in 1712, exclusive trade of a vast region:

... bounded by New Mexico and by (the territories) of the English in Carolina, all the establishments, ports, harbors, rivers, especially the port and harbor of Dauphin Island, formerly called Massacre Island, the river St. Louis, formerly called the Mississippi from the seashore to the Illinois, together with the river St. Philip formerly called the Missouri, and the St. Jerome formerly called the Wabash, i.e. the Ohio with all the countries, territories, lakes in the land, and the river emptying directly or indirectly into that part of the river St. Louis. All the said territories, we will to be and remain comprised in the name of the Government of Louisana. 22

Marbois states that the charter given to Crozat included "all the countries watered by the rivers which empty directly or indirectly into the Mississippi." 23

This territory passed back to the crown in 1717. The Illinois country was then annexed to it; and the whole was granted to John Law's Company when it was again reverted back to the crown and remained a French province until 1763. By the Peace of Paris of that year, France ceded to Spain, "all the

21 Ibid., 286
22 Robert Greenhow, History of Oregon and California, Chas. C. Little and James Brown, Boston, 1844, 277-78
23 Marbois, 290
country known under the name of Louisana, as also New Orleans and the island in which that city is located."²⁴

Thus Louisana as held by Spain after 1763, included what Crozat had received in 1712 plus the Illinois country together with the Island of New Orleans. From that date to its purchase in 1803, its boundaries were never defined, and they remained the same when Louisana was receded to France by Spain and when they were ceded to the United States in 1803.

One seeks in vain a justification that the Oregon region was transferred to the United States as a part of the Louisana Purchase. Jefferson explicitly denied that the Oregon Territory was a part of the Louisana Purchase; Marbois denied it, and Spain subsequently, in the boundary negotiations with the United States in 1804 declared that France had never lawfully possessed any territory west of the Mississippi, all of which she insisted had been Spanish since its first discovery. She admitted that France had been allowed to occupy some of this region, but insisted that such occupation was merely tolerated for the sake of peace. Spain insisted that the Louisana which France had given her in the Peace of Paris could not in justice be considered as anything more than New Orleans, with the tract near it east of the Mississippi, and the territory immediately bordering on the west bank of that river.²⁵

The Russian claims upon the northwest coast of America did

²⁴ Greenhow, Oregon and California, 278
²⁵ Ibid., 230
not date back to such early explorations as those of Spain and England. In 1725 Bering entered the Pacific and in 1728 sailed his vessel to the parallel sixty-seven degrees, eighteen minutes north latitude thus winning for Russia the honor of discovering the straits which now bear his name. In 1741 he sighted the lofty peak of Mt. St. Elias in latitude fifty-nine degrees, forty minutes, and gave to Russia a claim, by virtue of priority of discovery, to a portion of the northwestern coast of North America.

The advantages of fur trading which this region offered were soon recognized by Russian merchants, and Russian companies were soon busy exploiting them. In 1799, by a union of existing companies, Rezanoff obtained from the Czar a twenty year charter for the Russian American Fur Company, giving it exclusive monopoly for hunting, trading, and exploring north of fifty-five degrees in the Pacific. Other companies were compelled to withdraw or join. Shareholders of St. Petersburg were to direct affairs and Baranof was made the governor resident in America.

In 1800, the capital of Russia was moved down to modern Sitka, called Archangel Michael. Russia was checking the advance of England, United States, and New Spain.

27 Ibid., 192
23 A. C. Laut, Vikings of the Pacific, Macmillan and Co., New York, 1905, 305
29 Ibid., 306
Russian American Company bought land near San Francisco and settled their famous Ross or California colony. In 1815 the Russians had built a fort on the banks of San Sebastian River named Fort Ross. So effective was the work of the Russian American Company that they boldly claimed the whole coast of America on the Pacific down beyond the mouth of the Columbia.

The edict of Emperor Alexander in 1820 made perfectly evident the Russian design by declaring:

... that the pursuits of commerce, fishing etc. on all islands, ports, including the whole of the Northwestern Coast of America beginning from the Bering Strait to the fifty-first degree of north latitude are exclusively granted to Russian subjects, and warning all foreign vessels to neither land within this reserved region nor to come within one hundred miles of its boundaries.

The advance of the Russians' activities with the evident design of permanent occupation in the California district and the Czar's ukase provoked the opposition of the United States, and was a part of the situation which preceded the pronouncement of the Monroe Doctrine.

The claim of Great Britain dates back to 1578 when according to Hakluyts' account, Drake going along the coast anchored in a bay within thirty-eight degrees and called the region New

30 Ibid., 306
31 T. Holk "The Russians in California" California Historical Society, San Francisco, Calif., Sept. 1933, XII, 1
32 American State Papers, Foreign Relations IV, 857
The notes of Francis Fletcher in "The World Encompassed by Sir Francis Drake" says, "... They were in forty-two degrees on June third. Two days later the contrary winds forced them to shore, where they cast anchor in a bad bay." This was the farthest north and according to Fletcher they were in forty-eight degrees. It hardly seems possible that Drake covered more than 400 miles in two days.

Thus there was a dispute as to the farthest north Drake reached, a dispute which was of international significance down to the final settlement of the treaty in 1846. The British claim was based largely on the contention that Drake had discovered the coast to forty-eight degrees. Now that the dispute has long been settled it has since been possible to investigate the matter objectively. Most historians give Drake credit for sailing the high seas to forty-two degrees. The claim for the higher latitude was based on the accounts of those who made the voyage, together with the comments on the extraordinary cold they experienced and the snow on the mountains. These accounts are very inconsistent in themselves, and the remarks about the cold were applied equally to what all recognized as the California coast.

It was exactly two centuries before another Englishman visited the northwest coast. Captain Cook, on an official voy-

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34 Ibid., 32
age of discovery touched at Nootka Sound in the spring of 1788. He spent the month of April in the Sound which he explored and mapped carefully; he gave it the name King George's Sound. Later he concluded it would be better to call it by the name of Nootka. The natives were friendly and "the inhabitants were not strangers to the use of iron and other metals as could be visible on their first approach." He found among them several articles and two silver spoons, which together with the conduct of the natives indicated that Europeans had been in the neighborhood.

Years passed before it became quite clear that the accounts of a Spanish voyage to the coast in 1774 mentioned in Cook's journal were true and that Perez had claimed it for Spain in 1774. Cook did not take possession at Nootka Sound, nor in fact at any place before he reached the end of Cook's inlet. This would in itself indicate that he was well aware of the discoveries of the Spaniards far north of Nootka Sound.

Spain's most northern settlement was thirty-eight degrees north latitude or San Francisco. Because she had no settlements beyond thirty-eight degrees, England used this as a comeback at Spain, saying that the Northwest coast beyond that was

35 John Ledyard, Journal of Captain Cook's Last Voyage to the Pacific Ocean on Discovery performed in the Years 1776-1779, Printed for E. Newberry at corner of St. Paul's Churchyard, London, 1871, 234
36 Ibid., 241
37 Ibid., 242
39 Wagner, The Cartography of Northwest Coast of America, 185
open and free for the trade and settlement of other nations.

The expedition of Meares is interesting chiefly because it caused the clash between Spain and England over trade rights. In 1786 John Meares was sent out by the East India Company from Macao, India to establish a fur trade between the Pacific Coast of North America and China. They arrived on the Alaskan coast and obtained a cargo of furs and disposed of them in China. On his return in 1788, he had anchored in a friendly cove in King George's Sound, abreast of the village of Nootka, and had made his headquarters at this point, from which the Felice was sent southward to forty-five degrees, and the Iphigenia north to explore the coast to sixty degrees. He had entered the strait of Fuca and had halted near the mouth of the Columbia River in search of an opening. He then turned southward convinced that no opening existed at that point. The name Cape Disappointment was given to the promontory and the Bay obtained the title of Disception Bay.

Thus it is evident that he did not see the Columbia River or know of its existence yet the British Commissioners in the negotiations of 1826, contended that Meares had actually entered the Bay of Columbia. Meares' establishment at Nootka Sound was short-lived and after a few months he left the island with a load of furs, and gave orders to his co-workers to go up

40 John Meares, Authentic Copy of the Memorial to the Right Honorable William Wyndham Grenville, Printed for J. Delbrett opposite Pullington House in Piccadilly, London, 1790, 2
41 Manning, Report, 287
the Alaskan coast and they meet again in the summer of 1789.

In the meantime the Viceroy of Mexico had heard the rumors of England's and Russia's plans to make settlements there for the purpose of carrying on a vigorous commerce in the North Pacific. Both England and Spain had sent men to establish a colony at Nootka, neither being aware that the other was doing the same thing.

When the Spanish captain, Martinez, arrived in 1789, the *Iphigenia* was already there, but he took possession of the land for Spain. There was nothing to indicate that it had been occupied by the English as they claimed. The *Iphigenia* had the appearance of a Portuguese ship and it wasn't until later that Martinez became suspicious. Because of the double identity of Meares' ships sailing under the Portuguese flag and the obnoxious clause of piracy in the ship's papers, he seized both the *Iphigenia* and the *Northwest America*. He made the crew prisoners, but later restored the former.

When the English Captain Colnett arrived July 2, 1789, at Nootka to establish a settlement for England, he found the Spanish already in possession. He asked permission to go ashore and build a ship with the materials he had brought with him. Martinez interpreted that Colnett wanted to build a fort and establish a settlement for England. Because of the misinterpretation of Colnett's request he had him taken as prisoner for alleged fraction of colonial laws of Spain. Martinez later states...

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42 Ibid., 322
"That he imprisoned Colnett because the latter would likely have gone elsewhere on the coast and established a post from which it would have been impossible to dislodge the English without force of arms." 43

This imprudent step on the part of the Spanish officer led to very important consequences. The younger Pitt who was at the head of the English government demanded not merely satisfaction for the arrest of Captain Colnett, but also cession of the disputed settlement to England. The two nations were nearly plunged into a war over a settlement of comparatively little value. War was averted, however, by the convention of 1790 by which Spain agreed to compensate Meares who received $210,000.00 though the actual damage would have been compensated by a tenth of that sum. 44 The most important feature of this convention was the third article upon which Great Britain has based her claim to equal rights with the United States on Oregon. It was stipulated that:

The respective subjects of the contracting parties should not be molested in navigating or carrying on their fisheries in the Pacific Ocean or in the South Seas, in places not already occupied, for the purpose of carrying on their commerce with the natives of the country or of making settlements there. 45

It does not appear in this treaty that England claimed any more

43 Ibid., 335
44 William Sturgis, The Oregon Question, Jordan Swift Wiley and Co., Boston, 1845, 8
45 Falconer, North American Review, 237
than a right to navigate, trade, and establish or hold fur trading posts on the coast. Nor does it appear that Spain relinquished her claim to the sole proprietorship of the entire coast. By a subsequent convention signed in 1794, the governments of the two nations agreed that neither should claim exclusive sovereignty at Nootka, and that they should join in resisting the attempt of any other power to do so. The principal aim of Great Britain at that time was evidently to keep the country open to trade. England took advantage of Spain's weakness as a military power and wrested these concessions from her through the Nootka Convention. This is a clear statement that, in England's opinion, all pretensions by either England or Spain upon whatever ground they may have rested prior to the Nootka Convention of 1790, were definitely set at rest by that convention. By this she struck at the American claim to Oregon as derived from Spain, but there were left unimpaired all claims based on priority of discovery, priority of occupation and contiguity. England's interpretation of the Nootka Convention greatly strengthened the position of America leaving the two nations exactly equal in so far as America had received the region from Spain in 1819 by the Florida Purchase, but leaving America free to advance her claims derived from other sources, a resource which England had definitely abrogated for herself. This abdication of all claims except those embodied in the text and stipulations of the Nootka Convention was not made by

46 Ibid., 237
England until 1826.

Immediately after the conclusion of the Nootka Convention, Captain Vancouver was dispatched by the British government to receive the surrender of the buildings and tracts of lands of which Meares and his companions had been dispossessed. He received orders to survey the northwest coast of America. He sailed up the straits of Fuca and into Puget Sound and then back around Vancouver Island. While Vancouver was on the coast he encountered Captain Gray, an American trader, on April 29, 1792, who informed him that he had discovered the mouth of a large river, to which he had given the name of his vessel, the Columbia, but was unable to enter it. Gray returned to the river and entered it. Vancouver had obtained copies of Gray’s charts at Nootka Sound by which he was able to find the mouth of the Columbia and sent Lieutenant Broughton to explore it, who went up the rapids about one hundred miles. There is one important fact connected with the discoveries on the northwest coast of America which shows England’s cleverness in adding to her claims. Wherever they found a Spanish name had been given to a place, they were extremely careful to substitute an English one.

British voyages were followed by daring overland expeditions from Canada. The Northwest Company, a most enterprising

48 Ibid., II, 64, 65
group of fur traders from Montreal, was very active here. One of their pathfinders in 1793, Alexander McKenzie, discovered Frazer River, and descended it two hundred and fifty miles; he then struck off to the west, and reached the Pacific Ocean in latitude fifty-two degrees, twenty minutes. McKenzie was looking for favorable points at which to open a trade with the Indians. 49

McKenzie saw clearly the significance to Great Britain of a hold on the Columbia. Writing in 1801 about his scheme to consolidate the Hudson's Bay and Northwest Companies in order to monopolize the fur trade from the parallel forty-five degrees to the North Pole, using preferably the Nelson and the Saskatchewan as the line of communication from the sea to the Rockies, he says:

Whatever course may be taken from the Atlantic, the Columbia is the line of communication from the Pacific Ocean, pointed out by nature, as it is the only navigable river in the whole extent of Vancouver's minute survey of that coast ... and consequently the most northern situation fit for colonization, and suitable to the residence of a civilized people. 50

McKenzie had mistaken the identity of the Tacoutchee Tesse for the Columbia. He had followed this stream for some distance west of the Rockies. This fact did not alter the argument con-

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tained in the words quoted, for it was the Columbia and not the Tacoutchee Tasse which in its upper course approached the headwaters of the Saskatchewan, by which McKenzie proposed to reach the Rocky Mountains.

Thus Great Britain, if once established on the coast, could gather furs at all the ports and inlets as far north as Alaska. The profitable use of this right depended upon the control of the continental trade which would supply the bulk of the shipping, and for this the Columbia was indispensable.

In 1806, Simon Fraser, a partner of the Northwest Company established a trading post on a small lake, called Fraser's Lake near the fifty-fourth parallel, but he never approached the branches of the Columbia River. Fraser's post was the first permanent establishment ever made by the Northwest Company.

David Thompson penetrated the mountain passes to the source of the Columbia River and established in 1807-1810 a chain of trading posts on its tributaries, and on Kootenai. These were all on the western slope of the divide and with one exception well south of the late international boundary of forty-nine degrees. Thompson had orders to follow the plans of McKenzie and Frazer, to erect a chain of trading posts connecting the mouth of the Columbia with the upper waters of the great prairie rivers of Canada.

51 Sturgis, 8
52 T. C. Elliot, "The Fur Trade in the Columbia River Basin Prior to 1811", Oregon Historical Quarterly XV, Dec., 1814, 244
Thompson built Kootenai House near Windemere Lake, British Columbia where he had his headquarters in 1807 and 1808. In 1808, 1809 he established Fort Kootenay on the north bank of Kootenay River just above Kootenay Falls. In 1809 Kully spell House on Lake Pend Oreille, Idaho and Saleesh House at Thompson's prairie, on Clark's Fork Rivers, Montana were used as trading posts by Thompson's men. In 1810 Spokane House at the junction of Spokane River was used as the headquarters of the Northwest Company and later by the Hudson Bay Company. It was abandoned in 1826 for a new post at Kettle Falls (Fort Colvile) on the direct route of travel up and down the Columbia. By the official voyages of Cook, and Vancouver, and by the exploring and trading expeditions of McKenzie, Frazer and Thompson, Great Britain had rapidly extended trade into the region north of the Columbia as well as the western slope of the Rockies to some distance east and south of that river, and in that way established a claim to its basin.

The first Americans to appear on the Northwest coast were two sailors in Captain Cook's crew. One of them, John Ledyard of Connecticut, spread the news of the profits of the fur trade between the coast and China. It was he who originally inspired the interest of Jefferson, then minister to Paris, in that distant part of the world, a fateful and persistent interest for later American diplomacy. The first American flags to sail there

53 Ibid., 243
54 Ibid., 248
fluttered from the mastheads of two Boston trading craft, the *Columbia* Captain John Kendrick, and the *Lady Washington*, Captain Robert Gray in 1788-1789 who traded at Nootka Sound, at Queen Charlotte Island, and along the coast. They witnessed the Spanish seizure of British ships at Nootka in 1790, which produced the famous diplomatic controversy between Spain and England.

In the summer of 1791 Kendrick purchased from the native chiefs, for clothing, copper, knives and chisels, several extensive tracts of land situated on the coast between the forty-seventh and fifty-first parallel of north latitude. The particulars of the purchase were communicated to certain land agents in London who in 1796 advertised these lands for sale. Both Meares and Vancouver being at Macao with Kendrick at the same time must have been acquainted with all the circumstances of these Indian conveyances. Yet neither questioned the validity of the titles or disputed the right of American citizens to buy lands with the consent of Spain from the Indians on the northwest coast. It was probably feared that a public discussion might remind the government of the United States of her paramount right to extend jurisdiction over the northern territory which England had just attempted to force from Spain.

Captain Gray took the *Columbia* back to the Oregon coast.

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55 26th Congress, 1st Session, Sen. Doc. No. 43 Memorial of Charles Bulfinch. Referred to committee of Foreign Affairs, Jan. 13, 1840
56 Ibid., 3
57 Ibid., 4
and on May 11, 1792, sailed her into the river that has since borne her name, only sixty days before the appearance of the first British trading ship on that river. There is no evidence that the trader, Gray, nor the British trader who came so soon after him, took formal possession of the Columbia River country. When the Oregon Question assumed international prominence, someone took John Boit's log and introduced over a caret in different ink and handwriting the words, "to take possession for the United States." Vancouver honored the American trader, Gray, by putting on his chart the name Columbia River, and by so doing indubitably recognized the earlier presence of the American flag there.

The first official expedition to the disputed territory was that of Lewis and Clark in command of a party of men, sent across the continent by President Jefferson January 19, 1803.

The month of May 1804, found these adventurers beginning the ascent of the Missouri and at the end of October saw them in winter quarters among the Mandan Indians where they remained until the following April. They then resumed their journey, following the Missouri past its junction with the Yellowstone, till they had crossed the Rocky Mountains, July 19, 1805.

58 Ibid., 2
59 T. C. Elliott, Oregon Historical Society Quarterly XXII, Dec. 1921, 310
60 Sturgis, The Oregon, 3
62 Ibid., I, 283
63 Ibid., II, 248
Here they found a river leading westward, and following its course arrived at the mouth of the Columbia River on November 15, 1805, having traversed more than four thousand miles of wilderness since leaving the mouth of the Missouri. 64

John Jacob Astor of New York formed the Pacific Fur Company and in 1810 fitted out the ship Tonnanc for the purpose of establishing fur trading posts along the mouth of the Columbia River and the Pacific Coast. In the spring of 1811, a little station called Astoria was built on the south side of the Columbia River, but before it was fairly completed it was visited by a body of men under Mr. Thompson who had been sent to forestall the Pacific Company from occupying the mouth of the river. 65

While descending the Columbia they had laid claim to various points by constructing rude huts or erecting flagstaffs flying the British colors. It was these establishments which served as the basis of the claim advanced by British Commissioners in 1826, "That the Northwest Trading Company had by means of their agent, Mr. Thompson, ... established their posts ... on the headwaters of the northern or main branch of the Columbia at least as early as the Lewis and Clark expedition." 66 The fact is, says Greenhow:

That Lewis and Clark descended the Columbia and reached its mouth before the middle of November, 1805, and

64 Ibid., III, 226
65 Gabriel Franchere, Voyage to the Northwest Coast of America, Redfield, 110 Nassau Street, New York, 1845, 122
66 American State Papers, Foreign Relations VI, 662, 663
that the Northwest Company made their first establishment beyond the Rocky Mountains at some distance north of any part of the Columbia, in 1806 ... that the American establishments were formed on the Columbia in 1809, 1810, and 1811, and finally Thompson did not arrive on the main branch of the Columbia until July 15, 1811 after the foundation of Astoria.67

Mr. Astor had dispatched another party overland under the command of Mr. Wilson P. Hunt. They reached Astoria in the spring of 1812. The Astorians decided on a great forward movement to the interior. They proposed to go into the neighborhood of every northwest post and begin a rival establishment. Thus they planned a fort on the Spokane, with branch trading houses on the Flathead, Clark's Fork, Kootenai Rivers, and another in the Shekups region. A third venture by McKenzie was to be made on the Snake River while Stuart was to continue the trade at Okanogan where in 1811 he had established the first up river fort and had carried on a successful winter's trade.68

The Spokane project was in charge of Mr. Clark; Stuart with their clerks and assistants at the branch stations, succeeded admirably in the trade of this second winter.69 McKenzie did nothing on the Snake River and was back at Astoria January 15, 1813, with the news that the United States and England were at war, and that a British squadron was on its way to take and destroy everything American on the Northwest coast.70 Those in

67 Greenhow, Oregon and California, 298
69 Ibid., 208
70 Ibid., 219
charge of the establishment sold their whole stock of furs and
merchandise to the agents of the British Northwest Company for
$35,000. The goods purchased were worth at least $100,000. At
Astor, in writing to John Quincy Adams, January 4, 1823, stated
the value at nearly $200,000. 71

When the British sloop of war Racoon appeared on the Colu-
bia, there was no necessity for fighting as the property was re-
owned in British hands. Captain Black was disappointed as he antici-
pated prize money from its capture. He is admitted to have
said, "It was a Yankee trick!" 72 He contented himself with tak-
ing possession of it and rechristened it Fort George. He said
that the mere fact that he took possession of it changed the
character from that of a mere sale from one company to another
to that of a military conquest. The question of possession be-
fore the war was one of fact, and this, the United States was
not slow to raise.

Monroe drew the attention of Baker, the British Charge to
the fact that an expedition had been sent by the British govern-
ment against a post of the United States, established on the
Columbia River and had succeeded in taking possession of it. 73
Baker was then informed that as the United States would be en-
titled to the possession of this post under the treaty, meaus
would be taken to reoccupy it without delay. In September, 18
the sloop of war, Ontario, was dispatched to the mouth of the

71 Greenhow, History of Oregon and California, 439
72 Sturgis, 11
73 American State Papers, Foreign Relations, IV, 852, Monroe
to Baker
Columbia River in accordance with the notice peremptorily given Baker. Captain Biddle, commanding the vessel and J. B. Prevost were jointly commissioned to restore the American flag over Astoria and "... to assert the claim of the United States to the sovereignty of the adjacent country in a friendly and peaceable manner and without the employment of force." No attempt was made to conceal the purpose of this mission although no communication was made to Bagot, the British minister, concerning it. Bagot asked for an explanation of the action of the United States in reference to the settlement upon the Columbia. He insisted that while Astoria had been captured during the war, the Americans had previously abandoned it under an agreement with the Northwest Company who had purchased it and that possession had been taken of the entire Columbia valley long prior to the coming of Astor's men, by Lieutenant Broughton in 1792. The Astoria matter Rush declined to discuss further than to mention the cases of Nootka Sound and Falkland Islands. In these Great Britain under circumstances far less strong, had asserted the principle of which we claimed the benefit.

In his interview with Adams, Bagot suggested that Great Britain had claims on the northwest coast that would conflict with American occupation of the Columbia. This was the formal opening of the dispute which lasted for a generation. The British government chose to permit the transfer of Astoria under the

74 Ibid., 853
75 Ibid.
treaty, giving notice at the same time that it did not concede American ownership of the Columbia region.
CHAPTER TWO

DEVELOPMENTS IN THE CONTROVERSY

BETWEEN 1818 - 1827

In reviewing both nations' claims in regard to discovery and explorations as well as treaty rights, neither had a clear title to the Oregon territory. The claims of each nation offset those of the other and under these circumstances we opened the Northwest boundary dispute in 1818.

Our diplomats, Gallatin and Rush, went to London to discuss this northwest boundary from the Lake of the Woods to the Rocky Mountains, but Robinson and Goulbourn, the English diplomats, refused to discuss this boundary unless some arrangement was made to the territory west of the Rocky Mountains. Rush and Gallatin thereupon proposed the continuance of that line of forty-nine degrees to the Pacific Ocean. "We did not assert that the United States had a perfect right to the country, but that our claim was at least good as against Great Britain."¹

We believed that the line of forty-nine degrees had been fixed under the Treaty of Utrecht in 1713 between the British and French possessions; there was no reason why it should not be extended to the Pacific.

Rush and Gallatin based our claims on that of Captain

¹ American State Papers, Foreign Relations, IV, 378
Gray's discovery of the Columbia, followed by the expeditions of Lewis and Clark which gave to the United States a claim that was indisputable. Robinson and Goulburn answered that the discoveries of Cook forestalled any rights claimed under Gray's voyage, and also alluded to purchases made with the natives prior to the American Revolution. They would not agree to any boundary which did not at least leave the mouth of the Columbia in common with the United States. To this the American representatives said that rather than concede such right they would prefer to leave open the whole question of possession and sovereignty west of the Rocky Mountains.

A most extraordinary proposition was made by Robinson and Goulbourn:

In order to prevent any disputes as to the territorial rights of either nation, the territory lying between the forty-fifth and forty-ninth parallels, embracing the mouth and nearly the whole course of the Columbia River, should be free and open to the subjects and citizens of the two states respectively for the purpose of commerce, reserving the claims of the respective parties, not to the whole territory, but to this section only.2

Gallatin and Rush rejected the proposed article. They would not throw into common stock that part only of the country to which the United States denied claims of Great Britain which lay south of the forty-ninth degree. Provided no limits were placed upon the territory to the west of the mountains, Gallatin and Rush

2 Ibid., Article B, annexed to Protocol of the Fifth Conference Oct. 6, 1818, IV, 391
were willing to accept the principle of joint occupation for a limited term of years as "modus vivendi", and to this, though with reluctance, Goulburn and Robinson agreed. 3

The negotiation resulted in the third article of the convention, October 20, 1818:

... that the whole territory belonging to, or claimed by either party or any such country as may be claimed by either party westward of the Stony Mountains shall together with its harbors, bays, and creeks ... be free and open to the vessels, subjects or citizens of the two powers respectively for the purpose of carrying on commerce. It being understood that nothing contained in this article shall be taken to affect the claims of any other power or state to the said country.4

The British position was intended, of course, to secure the fur trade of the West. Joint occupation would in no way interfere with the only sort of commerce then afforded. The idea that the vast territory beyond the Rockies and along the Pacific Coast was susceptible of settlement had not yet arisen.

The acceptance by the United States of the program of joint occupation had in no sense the character of permanence. It was agreed to only as an object to prevent disputes and differences between the two nations. It was perhaps the wisest measure which could have been adopted at that time, considering that neither party pretended to possess a perfect title to the sovereignty of any of those territories. There was every rea-

3 Ibid., 392
4 Ibid., 395
son for supposing that the post at the mouth of the Columbia would be reoccupied by its founders, and moreover it was evident that our people had superior facilities of access to it, especially since the introduction of steam vessels on the Mississippi and its branches.

The claims of the United States were greatly strengthened when Spain ceded all her territory north of the forty-second degree to us by the Florida treaty of 1819. As the successor of Spain upon the Pacific coast, the United States began the negotiations by which John Quincy Adams hoped to delimit the territorial claims of Russia and Great Britain:

The right of the United States from the forty-second to the forty-ninth parallel of latitude on the Pacific Ocean we consider as unquestionable, "and the firmest basis of that right Adams stated to be the cession from Spain under the Florida Treaty." This territory is to the United States of an importance which no possession in North America can be to any European nation, not only as it is, but the continuity of their possessions from the Atlantic to Pacific Ocean, but it offers their inhabitants the means of establishing hereafter communications from one to the other.5

This was part of the instructions sent to Middleton at St. Petersburg and those to Rush at London. As Great Britain had also protested against the ukase of 1821, Adams believed the proper time had come for Great Britain and the United States to come to a mutual understanding with respect to their

respective pretensions as well as upon their joint views with those of Russia.

In Adams' position were elements of strength and weakness. He proposed a tripartite agreement by which Russia, Great Britain, and the United States were to be secured each in its own possessions. He emphasized the rights that the United States had acquired from Spain. He brought forward the Nootka Sound Convention in support of the claims of the United States under the Florida Treaty, as a fair subsisting agreement. His contention was that the American continent was no longer to be the field for colonial enterprise. This became the rock which shattered any hopes of agreement with Great Britain, either alone or in a tripartite agreement with Russia.

By Adams' interjection of the Nootka convention into the question of the northwest coast in support of the American claims, the United States was stopped from asserting that it was an agreement no longer existing. The introduction of the Nootka convention appears to have been wholly unnecessary and was certainly an unwise policy. No allusion had been made to that agreement in any previous discussions regarding the northwest coast, and it was doubtless considered extinct; but when brought up by the American government an argument was afforded in favor of the subsistence of the convention whereby England would be in a position to combat the claims of the United States to the exclusive ownership of any territory west of the

6 Greenhow, 340
Rockies and north of the forty-second degree.

According to the tripartite agreement the United States would extend to the fifty-first parallel. Canada would extend from the fifty-first to the fifty-fifth, and Alaska would be above the fifty-fifth parallel.

Canning, the British minister, told Rush that he could see a reason why the United States should desire to stop Canadian settlements in the southern area under dispute, but that the boundary between the British and Russian possessions was not a matter in which the United States could be interested. England was stirred up because of the non-colonization principle to which she said she could not agree. Thus, after eight months of negotiations no satisfactory arrangement was made. Rush assumed the responsibility for proceeding with Canning alone, and ably presented our claims to the whole country west of the Rocky Mountains, from the forty-second to the fifty-first parallel. This claim he rested on the first discovery of the Columbia followed up by the settlement of Astoria at its mouth, a settlement formally surrendered to the United States at the return of peace. Lewis and Clark discovered its sources and explored its whole inland course to the Pacific Ocean. Rush asserted that:

... a nation discovering a country, by entering the mouth of its principal river at the sea coast, must necessarily be allowed to claim and hold, as great an extent of the interior country as was described by

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6 American State Papers, Foreign Relations, V. 463
the course of such principle river, and its tributary streams and that the claim to this extent became doubly strong, whereas in the present instance the same river had also been discovered and explored from its mountain springs to the sea.8

In order to prevent collision, Rush proposed an extension for a further term of ten years of the joint occupation agreement of 1818 coupling it with a proviso that Great Britain during that time should make no settlements between the fifty-first and the fifty-fifth degrees, and the United States make none north of latitude fifty-one.9 The British ministers, Huskisson and Canning, promptly declined Rush's proposition.

Great Britain was not prepared to relinquish the principle of colonization on the northwest coast or on any portion of those continents not yet occupied. Neither was she prepared to accede to the exclusive claim of the United States. She considered all the country north of forty-two degrees and west of the Rockies vacant territory to which no nation had a perfect claim. The British minister said, "that England had not by her convention with Spain in 1790, conceded to that power any exclusive rights on that coast, where actual settlements had not been formed. She considered the same principles applicable to it now as then. She could not concede to the United States, who held the Spanish title, claims which she had felt herself obliged to resist, when advanced by Spain."10 She considered

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8 Richard Rush, A Residence at the Court of London, Richard Bentley, New Burlington St., London, 1845, II, 253
9 Ibid., 255
10 Ibid., 257
all the country north of forty-two degrees and west of the Rockies vacant territory to which no nation had a perfect claim.

The British ministers argued the validity of the discovery by Captain Gray. They stated that it had been a private enterprise of a merchant vessel. Least of all did they admit that the discovery of the Columbia River was to be taken to extend a claim along the same coast, above and below that river over latitudes that had been previously discovered and explored by Great Britain herself, in expeditions fitted out under the authority and with the resources of the nation. This had been undertaken by Captain Cook whose voyage was at least prior to that of Captain Gray. They also claimed that purchases of territory had been made south of the Columbia from the natives before the United States had become an independent power. Her subjects had formed settlements coeval with, if not prior to the settlement by American citizens at the mouth of the Columbia, upon that river or rivers that flowed into it west of the Rocky Mountains.

In resuming the subject Rush said that it was unknown that Great Britain had ever even advanced any claim to territory on the northwest coast by right of occupation. By the treaty of 1763, it was clear that her territorial rights in America were bounded westward by the Mississippi. The claims of the United States, under the discovery of Gray were, therefore, at all events, sufficient to overreach, in point of time, any that Great Britain could allege along that coast, on the ground of
prior occupation or settlement. As far as the discovery of the Columbia was not to be limited to the local spot of the first landing place, Rush referred to the claims of the old British charters which had been granted to individuals for settlement of the American continent. Among them those of Elizabeth to Sir Humphrey Gilbert and in 1584 to Sir Walter Raleigh, and finally the Georgia Charter, all of which comprehended a range of country beyond the sources of the rivers emptying into the Atlantic. As to any claim under the voyage of Captain Cook, there were the Spanish expeditions which had superseded any made by Great Britain.

The British ministers referred to Drake's expedition in 1578 as far as forty-eight degrees north latitude, making formal claims for England. In this connection Canning commented upon the observations made by General Jesup in April, particularly respecting the removal of British traders from the territory of the Columbia which they said, "were calculated to put Great Britain on her guard, appearing as they did at a moment when a friendly negotiation was pending between the two powers for the adjustment of their relative and conflicting claims to that entire district of country."12

The discussion terminated without any change of opinion on either side. Huskisson and Canning offered a counter proposition:

11 Ibid., 260
12 Greenhow, 179
... that the joint occupation be terminated and that the boundary line of forty-nine degrees be extended west beyond the Rocky Mountains to the point where it strikes the northeasternmost branch of the Columbia, and thence, down the middle of the Columbia to the Pacific Ocean.13

Rush declared his inability to accept but in accordance with Adams' permission offered forty-nine degrees to the Pacific. They rejected this. At the close of Adams' negotiations the position of the United States was the same as when Polk took up the problem in 1845. As against Russia, Adams claimed to the sixtieth parallel, then to the fifty-fifth. As against Great Britain he claimed to the fifty-first, but as a compromise to accept the line of forty-nine degrees westward from the Rocky Mountains to the Pacific. It was on the right of the Columbia River that the powers disagreed. The exclusive right to the Columbia neither would concede to the other.

In the meantime Middleton concluded a treaty with Russia February, 1825, which limited the boundary of Russia to the fifty-fourth degree, forty minutes.14 The convention that Middleton signed furnished a phrase that afterwards came perilously near becoming a war-cry, but it gave the United States no rights that she could use against Great Britain. As the ten year period of joint occupation under the convention of 1818 was about to expire, Canning suggested in April, 1826, that ne-

13 American State Papers, Foreign Relations, V, 447
14 Ibid., V, 461
Adams and Clay selected Gallatin to reopen the question at London. Clay's instructions to Gallatin were that the line of forty-nine degrees to the Pacific Coast was to be our ultimatum. Later Clay authorized him to concede to Great Britain the free navigation of the Columbia. We considered this a compromise as we felt that our claim extended much farther north.

Gallatin's negotiations which lasted until August, 1827, resulted in the renewal of the agreement for joint occupation for an indefinite period, terminable by either party upon twelve months' notice. The British commissioners rested their case upon the Nootka Sound Convention, and insisted that all of the territory west of the Rocky Mountains and north of forty-two degrees was vacant. Gallatin's able argument presented the claim of the United States to fifty-four degrees, forty minutes, and combated the validity of the Nootka Sound Convention upon the ground that it was abrogated by the War of 1796. In the course of the proceedings Gallatin's views changed. He soon became convinced that there could be no agreement upon the line forty-nine degrees, but he was opposed to the renewal of joint occupation. He considered joint occupation an obstacle in extending our laws over our citizens.

Gallatin states:

15 American State Papers, Foreign Relations, VI, 645, 646
16 Ibid., Clay to Gallatin, June 19, 1826, VI, 644, 645
17 Ibid., VI, 647
The United States government is not authorized to incorporate, as a political body, a commercial company as would give it efficient control over the private citizens residing in that territory. The United States may indeed give to their citizens in Oregon a complete judiciary system, and the laws of an adjacent territory. But an executive local power is wanted in this case, as it is everywhere else, under any form of government whatever, to cause the laws to be executed, and to have general control which is now being exercised throughout the Hudson Bay Company. 18

Such acts as the opening of roads, making bridges, entering block houses for protection against the natives, and providing for the destitute, all of which were performed by the Hudson Bay Company, could not be accomplished by isolated individuals, bound by no legal association or government. Gallatin feared that Great Britain would consolidate actual possession of the whole territory or nearly all of it. Later he came to favor the renewal of joint occupation after the British commissioners declared that they had no exclusive sovereignty upon the disputed territory. In writing to Clay, Gallatin gives his reason for favoring the renewal, namely, the preservation of peace until the whole country was occupied.

National pride prevents any abrupt relinquishment of her pretensions, but Great Britain does not seem disposed to let the country gradually and silently slide into the hands of the United States; and she is anxious that it should not in any case become the cause of a rupture between the

18 Albert Gallatin, The Oregon Question, Bartlett and Wilford, 7 Astor House, New York, 1846, 39, 40
powers. My opinion is that the country must necessarily be settled by the United States, and ultimately fall into their hands, provided the natural course of events is not prevented, and merely by suffering them to take their course.19

Both the accounts of Mr. Rush and those subsequently given by Mr. Gallatin show that the publication of General Jesup's letter and the declaration in President Monroe's message against the establishment of European colonies in America, rendered the British government indisposed to any definite arrangement at this time. Our government was satisfied to let this state of affairs continue. It hoped for a settlement which would not exclude the territory in dispute.

19 American State Papers, Foreign Relations, Aug. 10, 1827, Gallatin to Clay, VI, No. 105, 694, 695
CHAPTER THREE

CONGRESS AND ITS RELATION TO THE OREGON PROBLEM

Before 1820, little, if anything relative to the countries west of the Rocky Mountains had been said in the Congress of the United States. Many people outside governmental circles bestowed passing attention upon the whole topic. Most people were more occupied in the economic questions coming from the financial crisis developing from the War of 1812 than they were with anything connected with the far off wilderness.

Immediately following the ratification of the Florida treaty by Spain, the whole topic of the Oregon question afforded a fruitful source of debate, as well as a medium for some agitation to keep alive the matter of claims to the northwest coast of America, and at one time action went so far as the passage by the House of Representatives of a bill authorizing the President to take formal possession of the region in dispute.

Nevertheless one is forced to believe that, although a small number actually desired action, they were thwarted by two facts. The mass of men in places of authority believed that the time was not ripe for pressing the matter, that the United States stood to gain more by a policy of waiting than by forcing the issue and the public at large refused to become excited
over Oregon, in fact, ignored the whole affair and so failed to bring to bear that popular pressure which was manifest in 1845 and 1846. The precipitancy with which the question sank into oblivion at the beginning of Jackson's administration, not to emerge for nearly ten years, is merely corroborative evidence.

During the period under consideration Dr. John Floyd, a representative from Virginia and later governor of that state, occupied the leading position in the advocacy of settling the Oregon question. Benton ascribes the beginning of Floyd's activity to a meeting with Ramsay Crooks and Russell Farnham in Washington. These men had been members of Astor's party. Floyd had a background of interest in his knowledge of the Lewis and Clark expedition through his personal relations with the Clark family; besides he was strongly imbued with western feelings.

From J. Q. Adams we receive a different impression as to why Dr. Floyd so long led the futile fight for Oregon. Commenting on Floyd's report of January, 1821, Adams, then Secretary of State, remarked that Floyd was a party to a systematic attack upon Calhoun by the supporters of Crawford, Clinton and Clay, and furthermore, that half of the members of congress were seeking some government position, Dr. Floyd being one of them. Apparently there were mingled motives arising from the desire to see that the United States was not checkmated by

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Great Britain combined with those of personal ambition stimulated by a great amount of pioneer spirit.

On December 19, 1820, a resolution was passed, by the House of Representatives in Congress, on the motion of Mr. Floyd of Virginia, "that an inquiry should be made, as to the situations on the Pacific Ocean, as to the expediency of occupying the Columbia River." Floyd was made chairman of the committee which was authorized, and reported to the House on January 25, 1821. The report contained an exhaustive examination of the basis for territorial claims in general, and from which was drawn the conclusion that the whole territory of America bordering on the Pacific from the forty-first degree of latitude to the fifty-third, belonged of right to the United States, in virtue of the purchase of Louisiana from France in 1803, of the acquisition of the titles of Spain by the Florida treaty, and of the discoveries and settlements of American citizens.

"The Columbia River" Floyd told Congress, "offers an easy means of ingress to the country and means of communication to the Atlantic seaboard. A portage of two hundred miles would connect the upper reaches of the Missouri to the Columbia both rivers equally smooth, deep and certain." Thus are two great oceans separated by a portage of two hundred miles. The report was concluded emphasizing the value of the fur trade, which the

2 Annals of Congress, 16th Congress Second Session, XXXVII, 946
3 Ibid., 954
Northwest Company was monopolizing, while other natural resources in timber, fish, and a fertile soil were pictured in attractive terms. An establishment was to be made at the mouth of the Columbia, favoring emigration to the country west of the Rocky Mountains, not only from the United States, but also from China. To this report the committee appended a bill for the occupation of the Columbia and the regulation of trade with the Indians in the territory of the United States. Floyd states:

...Under the strongest belief that by the new organization of the system of Indian trade comprehending a settlement on the Columbia River, great benefits would result to the citizens of the Republic, whilst the aborigines would be better protected and provided for by instructing them in agriculture and the minor branches of the mechanic arts.

So busy was Congress in straightening out the last tangles of the Missouri question that no further attention was given to the bill for that session.

Floyd's suggestion that Chinese immigration be encouraged smites oddly on present day ears. The Virginian ran the risk of not being a hundred per cent American. Undoubtedly it was in his mind that they should form a middle class between the white settlers and the aborigines. Benton's influence on Floyd is plainly seen in his suggestions in regard to the Chinese and in particular his emphasis on the value and the importance of

4 Ibid., 956, 957
5 Ibid., 957
6 Ibid.
Oriental trade. This was Benton's chief motive for pushing the Oregon affair. His was the plan to establish a route up the Missouri and down the Columbia, so as to reach Oriental markets. He believed that Asiatic commerce might be brought into the Mississippi valley along that line.\(^7\)

When Congress reconvened the following December, Floyd lost no time in reverting to the Oregon enterprise. On December 10, he moved that a committee be appointed "to inquire into the expediency of occupying the Columbia River and the territory adjacent thereto, and of regulating Indian trade."\(^8\) Permission carried, and Floyd, Baylies and Scott were made the committee.

More disturbing at this time was the Russian ukase, issued earlier in 1821, which had decided to forestall any possible aggression on the west coast. Alexander's final decree was that "He made the Bering a closed sea as well as the Pacific north of fifty-one degrees fixed as the southern limit of Russia's possessions."\(^9\)

Whether or not the Russian ukase had been caused by Floyd's report and bill in January, it was assuredly the cause of immediate action on the part of Floyd. He introduced a resolution on February 15, 1822 demanding to know what the claims of any country were to the territory of the United

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7 Verne Blue, "The Oregon Question 1818-1828," The Oregon Historical Quarterly, Sept., 1922, XXIII, 199
8 Annals of Congress, 17th Congress, First Session, XXXVIII, 529
9 Niles Weekly Register, Dec. 29, 1821, XXI, 279
States on the Pacific coast. The House accepted his resolution without opposition. In the next session the speaker of the House reported, "that the navy department had estimated the expense of examining the different harbors belonging to the United States, in the Pacific Ocean, and transporting artillery to the mouth of the Columbia at $525,000."\(^{10}\) With this done, however, the Oregon question was allowed to rest almost ten months.

When Floyd's bill was again taken up for consideration December 17, 1822, he defended it in a speech which was mainly a resume and amplification of the report of the committee of occupation. In it he warns fellow congressmen of the inevitable progress westward. The dominating note of his speech was commercial:

> The settlement on the Oregon contemplated by this bill connecting the trade of that river and coast with the Missouri and Mississippi is to open a mine of wealth to shipping interests and the western country surpassing hope of avarice itself. It consists principally of things which will purchase the manufacturers and products of China at a better profit than gold or silver, and if that attention is bestowed upon the country to which its value and position entitle it, it will yield a profit, producing more wealth to the nation than all the shipments which have in one year been made to Canton from the United States.\(^{11}\)

These words seemed based on the laws of probability rather than

\(^{10}\) Annals of Congress, 17th Congress, Second Session, XXXVIII, 598

\(^{11}\) Ibid., XI, 398
actual statistics. The importance of the China trade loomed large in the minds of some men in the first half of the nineteenth century.

Some of Floyd's remaining arguments will indicate the main lines of support and attack. Military protection would be furnished by such a move as that proposed, commerce from American fur trade would be increased, Oregon would be saved from monarchy and finally Oregon was the land of the plough. "... the lands of Oregon are well adapted to the culture of wheat, rye, corn, barley and every species of grain; their position (that of settlers) will enable them to sell the surplus and purchase the manufacturers of China by an exchange of labor."12

Mr. Wright favored the bill on a purely constitutional matter. His position was that the nation was obliged to protect the inhabitants of that region, and that the territory belonged exclusively to the United States. He urged the importance of the fur trade and the fisheries.13 Baylies of Massachusetts foresaw the benefits of colonization:

Some within these walls may before they die witness scenes more wonderful than these; and in aftertimes may cherish delightful recollections of the day when America almost shrinking from the shadows of coming events, first placed her feet upon the untrodden ground scarcely daring to anticipate the grandeur that awaited her.14

12 Ibid., 409
13 Ibid., 411, 412
14 Ibid., 422
He is as one can plainly see an apostle of the manifest national destiny.

Tucker who opposed the bill with a large number of others disliked a colony as uncongenial to republican institutions. They saw only unobstructed emigration followed by political independence, or a long expensive anti-republican system. Tucker says: "The States of the Atlantic seaboard are held together by bonds of commerce and self defense. ... The commerce of the Pacific slope people will be carried on with the Orient. They can have no inducement to trade with us. ... The connection would be an inconvenience and a burden to both."\(^{15}\) It is apparent from these words the vagueness of geographical knowledge both the friends and the enemies of the measure were proceeding. Tucker is a good example. His Oregon is 4,000 miles away.

In January 1823, Mr. Colden of New York proposed that the occupation should depend upon the opinion of the president as to when "it may be consistent with public interest."\(^{16}\) He made a long speech for the bill using as his main argument the Asiatic trade, suggesting the possibility of steamboats on the rivers. He felt that it would be better to take possession then, than after the English or Russians had seized the mouth of the Columbia and then be obliged to do so. With a certain faction no occupation other than a military force was desired. It was felt that there was no necessity yet for a civil government.

Following this debate the House disposed of the bill tem-

15 Ibid., 423
16 Ibid., 583
porarily by laying it on the table, but on January 24, 1823 Floyd offered as a substitute for his original bill the first three of the amendment's six provisions. This change provided that "the president was not only authorized, but required to occupy the country by a military force and fort for which a tract of Indian country not to exceed thirty square miles was to be secured."¹⁷ What Floyd actually gave up was his scheme for the regulation and reorganization of Indian affairs. Much opposition to the original bill was caused by the reconstruction of Indian affairs. The debate continued on the twenty-fifth, but nothing new was added. The House tabled the bill seventy-six to sixty-one.¹⁸

There was no doubt that popular interest along with popular knowledge about Oregon was very slight. Monroe apparently clung to the idea that the Pacific northwest was bound in time to separate from the United States. He advocated the establishment of a military post at the mouth of the Columbia, and explained how such a post would protect every American interest.¹⁹ He made no direct reference to a territorial organization but it could not have been hard for members of Congress to perceive his lack of sympathy with the motion. He had just concluded the treaty with Russia which he was ready to lay before the Senate.

¹⁷ Ibid., 601
¹⁸ Ibid., 695
¹⁹ J. D. Richardson, Messages and Papers of the Presidents, Published by authority of Congress, 1900, II, 262
The president's message did not change Floyd's view and the bill, in the hands of the Committee of the Whole, came up for consideration. It contained the same provisions as those of the 1821 measure, omitting the portion concerning Indian affairs. It would establish a military post, allow a port of entry at the discretion of the president, grant bounty lands to settlers and provide for the erection of territorial organization by the president. Very little opposition was offered in the Committee of the Whole. The bill was reported to the House without amendment. The section directing the president to erect a civil government, and the provision for bounty lands was removed so that in its amended form as it passed the House became practically the recommendations of the president. On December 23, 1824 the bill was passed by a vote of 113 to 47, "authorizing the president to occupy with a military force and to set up a territorial government." 

The cause for change of heart on the part of the House was due to weight of governmental approval. Both J. Q. Adams and Monroe were simply biding their time getting other matters off their hands which to them seemed more important than the Oregon Question. Adams' official letters to Rush furnish conclusive proof as to his real attitude on Oregon. "He would have been lukewarm toward any attempt at heavy emigration but he desired an occupation and there is no doubt Floyd's second bill is an

20 Congressional Register of Debates, 18th Congress, Second Session, I, 35
21 Ibid., 59
accurate expression of Adams' views."22 His agitation at Floyd was due more to his belief that it was a political move to assist Clay in beating Adams for the presidency. 23

Though Floyd's measure went through the House with surprising ease, it met with difficulties in the Senate where from the outset there was apparently no intention of passing it. Neither the strenuous efforts of Benton, nor the support of Barbour of Virginia could insure its success. Dickerson at the head of a politely incredulous Senate disposed of it by a vote of 25 to 14. 24

When President Adams informed Congress of the renewal of the Joint Occupancy agreement with Great Britain, in 1827 there was very little response made. The final efforts of 1828 and 1829 have little new to offer. On December 23, 1828 Floyd's bill was again brought before the House. It authorized the president "to erect forts upon the coast between forty-two degrees and fifty-four minutes and garrison the same, the country should be explored, and criminal laws of the United States were to be extended therein." 25

In the course of the discussion, the original bill was amended so as to confine the application of the laws to citizens of the United States only, thus making it conform with the

22 American State Papers Foreign Relations, Adams to Rush, VI, 790, 791, July 22, 1823
23 C. F. Adams, Memoirs, VI, 58, 59
24 Congressional Register of Debates, 18th Congress, Second Session, I, 713
25 Ibid., 20th Congress, Second Session, V, 125
act of Parliament of 1821 which provided for the extension of British law over British subjects in the disputed area. Those who favored the bill urged the good title of the United States, the value of the fur trade and the necessity of protecting the citizens seeking to profit by that trade from the active competition of the British company. The real cause for action was that the region belonged to the United States, it was bound to be taken some time, and consequently it might as well be done immediately.

To Bates of Missouri the danger of a proprietary government loomed large. "Let the government put forth all its strength and pour out all its treasures, it cannot change the character of the country or the river; the one will remain sterile and inhospitable, the other will be hard to enter and harder still to navigate." He wished "that the Rocky Mountains were a deep sea bordering the United States so that there would be no desire to expand further in that direction." One of the most carefully prepared speeches was that delivered by Polk. For him it was a matter of legalism. He believed that the provision for military occupation was sure to provoke a collision with Great Britain. He thought no decisive action should be taken until further negotiations had settled the issue as between the two countries.

26 Ibid., 151, 152
27 Ibid., 152
28 Ibid., 130
ter speeches, but no one doubted our legal right to the country. To many this was not a pertinent argument for occupation. Floyd's last speech was tinged with bitterness, "What will England think? What was it to them what England thought ... that the opposition from Bates had its origin in a jealous fear that St. Louis would be injured in its commercial interests."\(^{29}\)

On January 9, 1829 the bill came before the House for the last time. It was rejected by a vote of 99 to 75. This settled the matter for a period of time, but Floyd had kept alive our national rights when national indifference had all but let the Columbia valley and Oregon country go. Oregon commanded but a place of minor importance compared with other matters which occupied public attention. The old centers of population had not sufficiently refilled after the emigrants following the war of 1812 to feel the need yet of another draining. The view of Niles, written toward the end of 1825 expresses the opinion of the majority of men who were at all acquainted with the whole question:

The project of establishing a chain of military posts to the Pacific, and of building a colony at some point near the mouth of the Columbia River is again spoken of in the newspapers. We hope it will be postponed yet a little while ... it is not the interest of either the Old Atlantic or the new states of the west, that a current of population should now be forced beyond the settled boundaries of the republic.\(^{30}\)

\(^{29}\) Ibid., 148

\(^{30}\) Niles Weekly Register, Nov. 5, 1825, XXIX, 151
Although here and there were groups of men willing to be the recipients of land grants located thousands of miles away, most people were of the view of the Niles, that the project be postponed for a while.

The time was more nearly ripe for agitation when Linn renewed the battle, for the people as well as the government of the United States were becoming seriously interested in the subject of the claims of the republic west of the Rocky Mountains. What awakened the Oregon Question and made a political issue of it and hence an international issue was the increasing weight of American emigration and the interests of the western states in protecting these emigrants.

In 1837 a large number of people were found in every part whose spirit of enterprise and adventure could not be restrained within the limits of the states and organized territories. The formation of societies and people in Oregon petitioned Congress as well as the legislatures of the states, urging the general government either to settle the question or right to the country west of the Rocky Mountains by a definite arrangement with the claimant powers, or to take military possession of the country, and to extend over it the jurisdiction of the United States.

The whole Columbia River district was occupied by British subjects, and Farnham, visiting it in 1839, complained:

... that the trade; and civil and criminal jurisdiction in Oregon are held by British subjects; Ameri-
can citizens are deprived of their own territory by officers of British court, tried in the American domain by British judges, and imprisoned or hung according to the laws of the British Empire.31

On February 7, 1838, Mr. Linn, as chairman of the committee on Oregon affairs, presented to the Senate an elaborate report accompanied by an amended bill. The report reviewed previous action, taken both diplomatic and congressional, and then proceeded on the value of the territory using Slacum's report as a text for this theme. It rejected the assertion that the Indians were hostile as it did that the mountains put an almost insuperable obstacle in the way of communications by land. A brief summary of the principal explorations led to the conclusion that the title was at least good to forty-nine degrees. The bill authorized "the president to employ in that quarter such portions of the army and navy of the United States as he may deem necessary for protection of the persons and property of those who may reside in the country."

Linn defended his bill asserting the value of the country, a value which was being wholly absorbed by the British, since they had driven out the American fur traders, "... the English have entire possession and use of the Oregon territory and have extended their laws over it, even to the confines of Missouri and Arkansas."33 This statement was no doubt caused by the advice McLoughlin gave all settlers to go into the Willamette valley. Great Bri-

31 Thomas Falconer, North American Review, Jan. 1846, LXII, 50
32 The Congressional Globe, Appendix Vol. XIX, 168, 169
33 Ibid., 25th Congress, Third Session, No. 14, 221, 222
tain no doubt intended to protect her interests and industry in that quarter, and it was almost becoming an impossibility for the American fur traders to compete with the British.

The delicate situation of the relations between Great Britain and the United States over the Maine boundary made it seem advisable to the Senate not to press the Oregon affair. It was feared that it would only add more fuel to the flames and impede the settlement of the northeast boundary.

In spite of the fact that neither house of Congress carried action very far, the attitude of the public was much different as can be observed by an article in the National Intelligencer:

We have embraced the earliest opportunity to publish the able and instructive report ... on the project of the Oregon territory. Mr. Linn of Missouri, has with equal earnestness, recently pressed the subject on the attention of the senate ... So that movement towards the occupation of the territory, and the organization of government therein, ... have been made successively, from the south, west and east ... can hardly fail to end in some decisive legislation on the subject.34

However, there were others who were apparently indifferent to the ultimate fate of Oregon. Even as late as 1843 Senator McDuffie of South Carolina vehemently condemned the Oregon country.

I would not for that purpose (agriculture) give a pinch of snuff for

34 National Intelligencer, May 25, 1839, XXVII, No. 8192
the whole territory. I wish to God we did not own it. I wish it were an impassable barrier to secure us against the intrusion of others ... I thank God for His mercy in placing the Rocky Mountains there.35

During the period beginning the critical stage of the Main boundary and down to the ratification of the Webster-Ashburton treaty, it was the firm conviction of many people of the United States and of most of them in the frontier regions that was unavoidable. They felt that the purpose of the British government was to make use of the Indians to harass the United States from the rear.

Their plans were brought forward, not merely to aid expansion to the Pacific but because of a genuine fear on the part of the Westeners. To those having such a notion the most innocent activities of the Hudson Bay Company appeared fraught with the most sinister meaning. Fulton of Arkansas in speaking of an amendment of the military appropriation bill urged "a special appropriation be devoted to Fort Leavenworth in order to guard against an outbreak of the Indians; the tension between the United States and Great Britain might result in war, in that case it was his belief that the British would unite the Indians to attack the frontier."36

In August 1842, the Webster-Ashburton treaty was concluded and ratified by the United States. The exclusion of the Oregon question from the treaty seems to have increased the excitement

35 Congressional Globe, 27th Congress, Third Session, January 25, 1843, 200
among the people of the United States, and to have created a similar excitement in England.

President Tyler again brought up the subject of Oregon in his first annual message to Congress; "In advance of the acquirement of individual rights to these lands," continues the message, "sound policy dictates that every effort should be resorted to, by the two governments, to settle their respective claims ... to urge on Great Britain the importance of its early settlement."37

A clear field was now open, and a few days later Senator Linn brought his bill into the Senate, which contained the same provisions which had been discussed in the House of Representatives in the session of 1828 - 1829 with the addition of the promise of land grants to the settlers, after a certain period of occupancy. After some minor amendments it was brought before the Senate for discussion. The most interesting features of the bill were:

That the president be authorized and required to cause to be erected, at suitable places and distances, a line of stockades and forts, not exceeding five in number, from some points on the Missouri and Arkansas Rivers, into the best pass for entering the valley of the Oregon, and also at the mouth of the Columbia River, that provisions made by law, to secure and grant 640 acres of land to every white male inhabitant of the territory of Oregon of the age of eighteen years and upward, who shall cultivate and use the same, for each of his children

37 Richardson, IV, 196
under the age of eighteen, or who may be born within five years afterwards. ... The president was authorized to appoint two additional agents. Civil and criminal jurisdiction of Iowa were to be extended over the territory.38

The preamble to the bill, declaring the rights of the United States to all territories west of the Rocky Mountains, between the latitudes of forty-two degrees and fifty-four degrees forty minutes and the determination of the government, to maintain them, was struck out at the suggestion of Mr. Archer.39

The main reason was that it was discourteous to England who claimed the same territories, which would be thus directly taxed with advancing with any empty pretension.

It was the clause referring to the land grants that caused a great deal of controversy. Those who were opposed to any action at all called this provision of granting lands a direct violation of the convention of 1827, as it was, such a gift of land was the highest act of territorial sovereignty. Others said that the measures proposed were impolitic, expensive and by no means calculated to attain the end in view.

Mr. Linn continued to defend his bill on the ground that what it proposed did not intend to dispossess Great Britain of what she now holds, but to give to our people what Englishmen are now enjoying under the Hudson Bay Company. Since 1822 England had extended her laws over the territory and had estab-

38 Congressional Globe, 27th Congress, Second Session, Aug. 31 1842, XI, 736, 737
39 Congressional Globe, 27th Congress, Second Session, XI, 426
lished civil and criminal courts to protect her citizens. Mr. Linn asserted:

... that the Americans had been deprived of the privileges of the joint occupancy secured to them by the existing convention of 1827, in consequence of the encroachments of the Hudson Bay Company, which under the direct protection of the British government, had taken actual possession of the whole territory beyond the Rocky Mountains. Great Britain was employing the same policy and mechanism, of a great trading company, by means of which she had made her way to India. Why cannot the Americans do the same?40

The western note was heard when Benton characterized the Ashburton treaty as the third blunder of the United States in dealing with the northwest coast. "No better time he thought, would come to settle the matter because Great Britain was likely to be in a compliant mood owing to her success in gaining a part of Maine for Canada."41 Benton felt that though the treaty had pacified the North, it had left the South and West in the lurch.

Morehead supported the views of Linn in asserting:

... that the acts of the Hudson Bay Company, such as the felling of forests, the construction of regular habitations, the fencing in of fields, the regular improvement of the soil, the fitting up of mills and workshops, ... meant something more, and were intended to constitute a lasting

40 Congressional Globe, 27th Congress, Third Session, No. 24, XII, Jan. 1843, 79
41 Bentons, Thirty Years' View, D. Appleton & Co., New York, 1856, II, 469
and of course, exclusive occupation of the places thus appropriated.

We must proceed as Britain proceeds. Do not violate the treaty but send on your people to settle and defend the country; and give them assurances that they will be protected. 42

Most of the opponents of the measure were of the opinion that time would do more for the United States than legislation could; no emergency existed and it was better to be on the safe side of the treaty than to embark into expensive colonization schemes, a field up to that time unentered by this country.

Calhoun says:

... the possession of the countries of the Columbia are important in many respects but the time was not come when their occupation should be attempted at the risk of a war with the most powerful nation on the earth. The advance of citizens over the western regions has been beyond the calculations of the most sanguine statesmen; no extraordinary means were required from their government to accelerate it. 43

Moreover, MacDuffie stated, "that Great Britain as yet placed little value on the disputed region, but if she thought the United States had violated the provisions of the convention she would be inclined to stand on that point and raise her estimate of the value involved." 44

Previous to the final vote, Mr. Archer endeavored to have the clause, respecting the grants of lands, struck out but his

42 Congressional Globe, 27th Congress, Third Session, Jan. 23, 1843, XII, 230, 231
43 Greenhow, History of Oregon and California, 384
44 Ibid., 385
motion did not prevail, and on February 3, 1843, the bill passed the Senate, 24 to 22. It met its death in the House.

In regard to whether or not the bill would have been a breach of public faith if it had become a law and been carried into effect Greenhow states:

... that neither parties could be justified, during the subsistence of the agreement in ordering the erection of forts at the mouth of the Columbia, where they certainly are not required for the protection against any third power, and in promising to secure large tracts of land in that territory by patent, to its citizens or subjects. Had the bill passed by the Senate in 1843 become a law, the convention would from that moment have been virtually and violently rescinded; any attempt to enforce the measures would undoubtedly have been resisted by Great Britain.45

Very little comment was roused in the American press by the failure of Linn's measure to become a law but it did print English comments, which indicate the feelings aroused on the other side of the Atlantic. The London Times observed:

... The whole affair was and professed to be a discharge of blank cartridges to intimidate Lord Aberdeen. ... The speakers wanted to see this bill passed by a unanimous vote. ... If this were done, we should never hear another word of the right of Great Britain to the territory of Oregon. They wanted it passed, though they knew its execution impractical. They thought they could bully, and tried to do the best of their power. ... Mr. MacDuffie honest man that he is has in the sim-

45 Ibid., 390
plicity of his heart taken some pains
to expose their insanity.46

Lord Palmerston is known to have flared up in the House of
Commons, "... if it were to pass and be acted upon, it would
be a declaration of war. It would be the invasion and seizure
of a territory in dispute by virtue of a decree made by one of
the parties in its own favor."47 In their press the English
protested:

The Americans propose to establish a
line of forts between the Missouri
and passes of the Rocky Mountains
and they anticipate that the Lewis
and Columbia Rivers may one day be-
come channels of traffic between the
eastern and the western coasts. The
total number of whites is less than
a thousand of which the majority are
British in the service of the Hudson
Bay Company and the rest Americans.
The interests of the Hudson Bay Com-
pany are adverse to colonization.48

The Senators who favored the bill, if they could have had
their way, would have enforced all the terms of the measure at
the earliest possible moment. The others believed that when
the moment arrived, the proper step was to annul the treaties
in accordance with the provisions, but they believed the ques-
tion could be settled by negotiation before that act should be
necessary. Furthermore the whole issue was not to be consi-
dered by itself alone. It was bound up with the growing impor-

46 Niles National Register, April 22, 1843, XIV, 113
47 Niles National Register, May 31, 1845, LXVIII, 39
48 British and Foreign Review, European Quarterly, XXXII,
1844, 562. Convention between His Majesty and the United
States of America relative to the Oregon Territory.
tance of the Texas question and that in turn brought up the matter of the extension of slavery into the territory existing and prospective.

On the faith of the promise held out by the passage of the bill for the immediate occupation of Oregon, nearly a thousand American citizens, men, women, and children, made the long trek in June, 1843 from the Missouri to the Columbia bringing the total number of the Americans south of the Columbia to approximately five thousand, as compared with perhaps seven hundred British to the north of the river. Senator Benton said:

Let the emigrants go on, and carry their rifles. We want thirty thousand rifles in the valley of the Oregon; they will make all quiet there. ... Thirty thousand rifles in Oregon will annihilate the Hudson Bay Company, drive them off our continent, quiet their Indians and protect the American interests.

Early in 1844 Senator Calhoun resumed the negotiations with the British minister, Pakenham, on the Oregon territory. Pakenham demanded the 49th parallel westward as far as the Columbia and from thence onward the river. Calhoun declined the offer, insisting that the 49th parallel be extended to the Pacific Ocean. Senator Calhoun thought the British title under the Nootka Convention was a mere usufruct and conferred no claim. The British had discovered and occupied Fraser's

49 Greenhow, History of Oregon and California, 391
50 Congressional Globe, 28th Congress, First Session, June 3, 1844, 678
River and the Americans, the Columbia. He felt that neither country had a valid title to that part of Washington north and west of the Columbia or what is termed the Valley of the Columbia. He was, therefore, in favor of the line of the 49th parallel to the Pacific as a just and equitable division of the territory in dispute. The British, however, were sufficiently disturbed by the rising temper of the United States and proposed to settle by arbitration. In January, 1845, Calhoun declined the offer of arbitration saying that such a method of settlement would retard rather than expedite its final adjustments. Senator Calhoun was opposed to forcing the issue and advised that events be allowed to take their course.

"Time is acting for us and if we have the wisdom to trust to its operation, it will assert and maintain our right with resistless force, without costing a cent of money or a drop of blood."\footnote{M. Mills Hunter, Great Debates in American History, II, 305}

In short, by 1845, the only region in actual dispute was the rough triangle between the Columbia River and the forty-ninth parallel, or approximately the northwest two-thirds of the present State of Washington.

\footnote{Milton Quaife, The Diary of James K. Polk, A. C. McClurg & Co., Chicago, 1910, I, 160}
The Oregon Question is most inextricably bound up with James K. Polk. Though a "dark horse" Polk lacked neither ability nor a program. He was industrious, tenacious and purposeful; he was an expansionist who knew what he wanted and he got it. Polk may not have received a mandate from the country to take Oregon, but he was certainly bound by the Democratic platform to assert the claims of the United States to the entire territory. He was not one to flinch from his responsibilities. In his forceful inaugural address, March 4, 1845, he declared that it was his 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 the Oregon is clear and unquestionable, and already are our people preparing to perfect that title by occupying it with their wives and children."¹ The President then recommended that the protection of American Laws be extended over American citizens who had ventured into this far country. In such wise did Polk prepare to fulfill his party pledge. It is difficult to escape the conviction that the injection of party considerations into the Oregon controversy

¹ Richardson, V, 2231
had discolored it with wilfulness and prejudice.

The view of the Democrats of the North and South was that they did not think the President would ever take seriously the literal words of a campaign slogan, "Fifty-four forty or Fight." The bulk of the Democrats in the House of Representatives, however, were convinced that Polk meant all that he said. Certainly no one can blame the Westerner from reading in this a confirmation of his belief that all of Oregon was to be demanded.

The same impression was forced upon others, more responsible for the declaration of the Democratic party at Baltimore. Calhoun who had visited the president ten days before he delivered his speech tried to persuade him against the course he had taken in reference to Oregon, but in vain. 2

The inaugural address caused no great fluttering in America which had been shouting "Fifty-four forty or fight" for several months past, but in England where presidential messages were regarded as formal state papers rather than manifestos of diplomats. Polk's declaration was regarded as a defiant challenge. Expressions of surprise and denunciation were elicited. They resented the blustering attitude of the American President and its people. Aberdeen was disposed to treat the matter lightly and to regard the address as a declamation rather than an official document. He believed that a peaceful settlement was still possible. "... We possess rights which, in our opinion are clear and unquestionable, and by the blessing of

2 Quaife, Polk's Diary, I, 81
God those rights we are fully prepared to maintain.\(^3\)

According to one American newspaper, the powerful London Times held "that the interest of both countries would be served best by a compromise adjustment like that which settled the northeast boundary nevertheless it thought that Americans should be warned that their pretensions, if persisted in, must surely result in war."\(^4\)

To most of the English people, however, Oregon possessed little value, but they certainly did not like our attitude of maintaining that we had a right to the whole territory.

In America the attitude of the more extreme journals was no less determined. The Washington Madisonian declared:

> We calmly, coolly and dispassionately, say to Old England that Oregon is our property; we own it, and we shall take possession of it. We ask not whether it is valueless or otherwise. ... Oregon is ours and we will keep it, at the price if need be of every drop of the nation's blood.\(^5\)

Bowen states:

> If the two countries are finally plunged into war respecting it, it will not be because the bulk of the American people care a straw about the land, but that the dominant party on both sides of the Atlantic wish to preserve its ascendancy over its opponents. It will not be a war

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\(^3\) Eugene I. McCormac, Political Biography of James K. Polk, University of California Press, Berkeley, Calif., 1922, 565, 566

\(^4\) Niles National Register, LXVIII, April 5, 1845, 114, 115

\(^5\) Niles National Register, LXXVIII, May 24, 1845, 184
between two nations but between two political parties.6

President Polk was to some extent committed by the offers of his predecessors; so, before taking a more extreme position, he decided to make one final effort at negotiation. On July 12, 1845, Secretary of State Buchanan informed the British Minister in Washington, Richard Pakenham, that the United States was prepared to divide the Oregon country at the forty-ninth parallel. Polk's offer of the forty-ninth degree without conceding the free navigation of the Columbia was again made only because his predecessors had committed him to it.7

The inference was that had he not been embarrassed by their spirit of compromise, he would inflexibly adhere to the line of fifty-four degrees forty minutes, thereby excluding Great Britain from the Pacific Coast.

Buchanan's carefully prepared argument gave a comprehensive statement of the American claims to Oregon. The title of the United States to that portion of the Oregon Territory between the valley of the Columbia to fifty-four degrees forty minutes north latitude is recorded in the Florida treaty which transferred to the United States all the claims of Spain. He refuted the claims which Great Britain based on the Nootka Sound Convention. Buchanan stated:

Our own American title to the extent of the valley of the Columbia, resting as it does on discovery, exploration, and possession ... a possession acknowledged by a most sound act of the British government itself ... is a sufficient assurance against all mankind, whilst our super added title derived from Spain extended our exclusive rights over the whole territory in dispute as against Great Britain.9

Pakenham controverted every argument which Buchanan had made. He concluded that if Spain had exclusive title to Oregon down to the Florida Treaty of 1819, then Gray as well as Lewis and Clark had been interlopers on Spanish territory and their discoveries could not give the United States a valid title to the Columbia River valley. On what grounds could the United States have acquiesced title to any part of the Oregon territory previously to the treaty of 1819 except upon the principle which forms the foundation of the Nootka Convention.10

He goes on to say that the Nootka Convention was not the main reliance of Great Britain but it barred the United States from acquiring exclusive dominion from Spain by the Florida treaty. Pakenham states:

Thus, then, it seems manifest that, with or without the aid of the Nootka Convention, the claims of Great Britain resting on discovery, exploration and settlement are, in point of f

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9 Ibid., 34
10 Buchanan, Works, VI, 214, 215
principle, equally valid with those of the United States.11

Pakenham should have referred this proposal, upon which hung peace or war, to the Foreign Office. Instead of doing so, however, he committed a diplomatic blunder by flatly rejecting it on his own responsibility. Polk's position was strengthened. He now felt justified in withdrawing the forty-ninth offer completely, reasserting the American claim to the entire area and insisting that "If we do have a war, the United States will stand in the right in the eyes of the whole civilized world."12

Mr. Buchanan felt that he would not have the full support of his people but Polk differed with him as to the popular sentiment and he contended, "We had the strongest evidence that was to be anywhere seen that the people would be prompt and ready to sustain the government in the cause he had proposed to pursue."13 In a conversation with James Black of South Carolina, he gives a statement regarding his opinion:

The only way to treat John Bull was to look him straight in the eye; that I considered a bold and firm course on our part the pacific one; that if Congress faltered or hesitated in their course John Bull would immediately become arrogant and more grasping in his demands.14

Buchanan was ordered to withdraw the order of forty-nine degrees leaving Great Britain to make the next move. The method

11 Ibid., VI, 217
12 Quaife, Polk's Diary, I, August 26, 1845, 3
13 Ibid., January 4, 1846, 156
14 Ibid., January 4, 1846, 156
of treating Pakenham's answer was Polk's own idea and shows how unfavorable he was to compromise when he stated:

Let the agreement to our title be full. Let the compromise at forty-nine degrees be withdrawn and let the matter rest unless the British choose to continue the negotiation. Let him take the one course or the other, the United States will stand in the right in the eyes of the whole civilized world.15

Buchanan struggled hard to leave a loophole through which the British might gracefully bring back a counter proposition, but Polk remained obdurate.

Thoroughly in accord with this uncompromising attitude was Polk's annual message to Congress, December, 1845, when to gain additional popular approval, he reaffirmed the Monroe Doctrine.16 The President reviewed the history of the Oregon dispute at some length and declared that:

... the United States was now prepared to maintain its claim to the whole of Oregon. As an essential step in this direction he recommended giving Great Britain the year's notice necessary for ending joint occupation. Meanwhile such provision should be made for the protection of the patriotic pioneers who had ventured into Oregon as was consistent with existing treaty obligations. Then Polk proceeded. (At the end of the year's notice should Congress think it proper to make provisions for giving that notice we shall have reached a period when the national rights must be either abandoned or firmly maintained. That they cannot

15 Ibid., Aug. 26, 1845, 4, 5
16 Richardson, IV, 395
be abandoned without a sacrifice of national honor and interest is too clear to admit of doubt.)

With a final reference to the title of the United States the President mentioned the best offer the British had made and stated that a trifling addition of territory could never be considered by the United States without abandoning her rights, her self respect and her national honor.

This message put the issue of peace or war into the hands of Congress. To accept less than all of Oregon would repudiate the party pledge, while insistence upon the demand would almost result in a war with Great Britain. A few days later Senator Benton said to Polk, "Well, you have sent us the message, I think we can all go it as we understand it." The fifty-four forty men hailed the message as fulfilling their utmost desires; the moderates like Benton were not so sure of it. Buchanan in a letter marked "private and confidential" told McLane that:

The message has been better received throughout the country than any similar communication to Congress in my day. All moderate men are conciliated by our offer of forty-nine degrees, whilst the fire eaters are satisfied with its withdrawal and the assertion of our whole claim. This is the feeling which pervades the whole Democratic Party and a large proportion of the Whigs.

17 Richardson, V, 2247
18 Lester Burrell Shippee, "Oregon and Polk," Oregon Historical Quarterly, XX, 1919, 211
19 Quaife, Polk's Diary, I, 116
20 Shippee, Oregon Historical Quarterly, XX, 212
Late in December, Buchanan told Polk that the next two weeks would mean war or peace and that he was in favor of vigorous war preparations. Polk hastily agreed to the policy advocated by Buchanan. We can scarcely believe that the administration desired a war, but this body made little effort to avoid one.

The wordy debate in Congress over the termination of joint occupation lasted four months during which time few members framed their speeches without an eye to their political prospects in the coming elections, congressional and presidential. Sectionalism and politics proved to be formidable obstacles to any concerted action. The Democrats were seriously split. For the most part the southern wing followed Calhoun and were for a course of moderation. The southern Democrats and Whigs especially in the Senate were opposed to demanding fifty-four degrees forty minutes and felt that the United States was bound to compromise on not more than was suggested in previous offers.

The western Democrats and Whigs were for the whole claim. Spread eaglesim and belligerency of the most violent type prevailed throughout the West. The North and South wished to avoid war, but the West professed to believe that Great Britain would recede from her position, if this should not be the case, than they preferred war to the surrender of any portion of Oregon.

Continued attacks in the Senate made Polk conclude that
presidential aspirations were responsible for much of the furor. Polk remarks:

The truth is that in all this Oregon discussion, too many Democratic Senators have been more concerned about the Presidential election in forty-eight than they have about settling Oregon either at forty-nine or fifty-four degrees. Forty-eight has been with them the great question and hence the division in the Democratic Party.21

No agreement could be reached as to what the president would do if the resolution should pass and nothing came from the executive to aid in solving the mystery. No one seems to be acquainted with his views, therefore, each interprets the president's sentiments and purposes to suit himself.

The true western spirit was expressed when Hannegan of Indiana declared:

That the country from forty-two degrees to fifty-four degrees forty minutes was the property, post and parcel of the United States and that no power existed in this government to transfer its soil and the allegiance of citizens to the dominion, authority, control and subjection of any foreign prince or sovereignty; that an abandonment or surrender of any portion would be an abandonment of the honor, the character, or the best interests of the American people.22

This challenge of the West was answered by Calhoun who stated "that the president, by renewing the offer of forty-

21 Quaife, Polk's Diary, April 22, 1846, 345
22 Congressional Globe, XV, 29th Congress, No. 7, First Session, Dec. 30, 1845, 109
nine degrees did not abandon the honor, the character, or the best interests of the American people nor exceed his constitutional powers." Calhoun felt that every effort should be maintained to preserve peace and that if war did follow it would not be our responsibility but that of Great Britain.

Similar attacks were made by the Whigs, Berrien and Archer and by Niles, the Connecticut Democrat. These men added their voices for compromise and for checking on the executive policy which would settle singlehanded the question of war or peace for the country.

The opposing resolutions of Calhoun and Hannegan were the war cries of the factions concerned. Senators opposed to giving notice felt that the negotiation could be settled without giving notice. They felt that giving the notice would only complicate matters, and inevitably bring about a collision with Great Britain. Those who advocated the resolution agreed that such action would lead to compromise and settlement. Matters finally took a turn when Calhoun stated his reasons for giving the notice. He felt that it would prevent the matter from being carried into the next presidential campaign and it would serve to hasten a solution of the issue. Until Congress should act on the subject Great Britain would make no move.

In the meantime the cabinet was expecting Pakenham to propose arbitration. None favored that plan of settling the difficulty. The President said that "if Pakenham would offer an
equivalent of free ports to the north of forty-nine degrees with the Strait of Fuca, he would consult confidentially three or four Senators from different parts of the Union and might submit it to the Senate for their previous advice."  

Just at this time Pakenham proposed that arbitration be had of the whole question of an equitable division of the territory in dispute. Buchanan said that even if the President agreed to arbitration, the Senate would never sanction it. Pakenham responded "that the British government would be glad to get clear of the question on almost any terms. They did not care if the arbitrator should award the whole territory to us." This frank remark indicated that England cared little about Oregon, except that she did not wish to be coerced and the prospects of an amicable adjustment seemed very much brighter.

The Peel ministry had become thoroughly inclined to believe that the colonies were becoming liabilities rather than assets. Its disposition with its new free trade policy was to keep on friendly terms with our administration which had embarked on a low tariff policy. The British navy was also being involved in serious trouble in the La Plata region. Buchanan declined Pakenham's proposal for arbitration. The British minister renewed the offer this time agreeing to include

24 Quaife, Polk's Diary, I, Dec. 23, 1845, 133  
25 Harrison, 65  
26 Buchanan, Work, VI, 352
the question of title. So on February 4, Buchanan formally rejected the British offer of arbitration explaining that the "territorial rights of a nation were not properly a subject for arbitration, especially if, as in this case, the amount involved was great." 27

Buchanan, in his letter to Pakenham, gives the President's reasons for rejecting arbitration. "It would assume the fact that the title of Great Britain to a portion of the territory is valid, and thus takes for granted the very question in dispute." 28

McLane now opened the door for the British government to come forward with a compromise proposition. The President would never put it into the power of any arbitrator to deprive the United States of a foot of the soil of the continent south of the forty-ninth parallel of latitude, and of the valuable harbors of Puget Sound. He thought likely that Congress would order notice to be given and that if the British government had a proposition it should be made at once. "They have not an hour to lose if they desire a peaceful termination of this territory." 29 Polk felt that Peel and Aberdeen, like Pakenham, were for peace. McLane urged:

... that the last American proposition be taken as a starting point for a final adjustment, allowing joint occupancy and free navigation of the Columbia for a period of from seven to

27 Harrison, February 4, 1846, 69
28 Congressional Globe, XV, 29th Congress, No. 20, First Session, Jan. 3, 1846, 334
29 Ibid., Appendix, XVI, Jan. 29, 1846, 1175
ten years longer. To this suggestion Buchanan was directed, after a full cabinet discussion to reply to McLane that the President would consent though reluctantly, to present to the Senate for advice a proposition on the line indicated by McLane ... forty-nine degrees to the sea, and then the straits, but the matter of free ports must be omitted if the tip of Vancouver's Island were yielded, although they might stand if forty-nine degrees without deviation were adopted.30

On April 22, 1846 authorization had been given to Polk to terminate the agreement of 1827 by a vote of forty-two to ten in the Senate and one hundred forty-two to forty-six in the House.31 The rest of the negotiation was really the formal carrying out of what each government already knew the other would agree to. Upon receipt of Polk's notice April 28, 1846, Aberdeen formally instructed Pakenham,

... to offer the line of forty-nine degrees from the Rocky Mountains to the middle of the channel which separates Vancouver Island from the mainland and then run southerly along the middle of that channel and Fuca's Straits to the Pacific.32

Polk was not displeased to read it. On June 10, 1846 the President transmitted the British proposal to the Senate. He made it clear that his own opinions as expressed in his annual message, remained unchanged, and that he would reject the offer unless the Senate by a constitutional majority should re-

30 Quaife, Polk's Diary, I, 224, 225
31 Congressional Globe, 29th Congress, No. 44, First Session, XV, 720
32 Ibid., Appendix, 29th Congress, First Session, XVI, 1170
commend its acceptance. After two days of deliberation the Senate by a vote of thirty-seven to twelve advised him to accept the proposal. Straightway Buchanan and Pakenham signed it June 15, 1846 word for word as it had been drafted, and the Senate formally ratified it by a vote of forty-one to fourteen June 18, 1846. We were in a hurry now. War had broken out between the United States and Mexico. Peel's government might any day fall from power in England and ruin the chance of immediate settlement.

Polk felt that such a matter of magnitude as the Oregon Question upon the decision of which hung peace or war, was in his judgment very properly left to the Senate, not only as part of the treaty, but of the war-making power. Thus Polk evaded all responsibility for the compromise line. The Senate with but little debate resolved that the President was advised to accept the proposal of the British government. He made it appear that the proposal for such a settlement came wholly from Great Britain. It was true that the official proposal did so come, but not until Polk had let it be understood to Aberdeen and Pakenham that he would not reject it. Polk had looked John Bull firmly in the eye and John Bull had proposed what he had so often refused.

It is too much to conclude that under no conditions would England have gone to war with the United States, but it

33 Richardson, IV, 449, 450
34 Richardson, V, 2299
is certainly to be regarded as unlikely that Peel would have risked a war with this country if it could be avoided in any honorable way.

The Oregon Question was not cleared up fully until after two international arbitrations, at least one of which, the water boundary might have been avoided if Polk at the last minute had not been eager to accept verbatim the British draft of the treaty of 1846. This treaty stipulated that from the point where the forty-ninth parallel reaches the coast line, the international boundary should proceed along the middle of the channel which separated the continent from Vancouver Island to the Straits of Fuca and out to the sea. The lack of a map and precise descriptions of boundary caused trouble. The question arose which was that channel, the Canal de Haro, claimed by the United States or the Strait of Rosaria, claimed by Great Britain.

This question was settled by the Treaty of Washington of 1871 when the German arbitrator decided in favor of the Canal de Haro as the division line between Vancouver Island and the mainland below forty-nine degrees. This placed the San Juan Islands within the acknowledged possession of the United States.35 The possessory rights of the two British Companies were purchased in 1869 with the total of $650,000 in gold.36

36 Ibid., 269
CONCLUSION

The Oregon territory which had caused so much dispute over priority of discovery, exploration, and treaty rights, was first settled by joint occupation in 1818. Joint occupation was satisfactory as long as the settlements of the rivaling nations were few and far between.

During the early period the United States government as well as the majority of its citizens were apparently indifferent to the ultimate fate of Oregon. This indifference was shown by the frequent rejection of bills pertaining to the Oregon question. They evidently felt that the United States would gain more by a policy of watchful waiting.

As soon as the emigrants began to settle on the territory, a conflict arose because the laws and jurisdiction of only one nation existed in the disputed territory. The attitude of the United States government and the American people toward the disputed territory north of the Columbia was one of acquisitive desire. The citizens of Oregon clamored for protection and the erection of a civil government. Our politicians would not adhere to it for fear of offending Great Britain who asserted claims to the same territory. They also felt that it would violate the provisions of the Convention of 1827.
This issue had long been pending because both nations wanted it settled in a peaceable manner, yet neither the United States nor Great Britain would accede to what the other wanted. Finally Polk came forward with a determination to settle the vexing question. So thoroughly was President Polk convinced that our title to the whole of Oregon was "clear and unquestionable," that if he alone had been responsible, he would have instantly declined to surrender any portion of the territory. The British government saw the United States meant business at least up to the forty-ninth degrees and that Polk was backed strongly by public opinion particularly in the West. Oregon was vital to American expansion; whereas, it was but a distant outpost for the British Colonial Empire.

The United States chose to deal with the reasonable Aberdeen in preference to the redoubtable Palmerston who was likely to succeed him at any moment. If Polk had gone to war over "fifty-four forty", he would undoubtedly have had a disunited and mutinous nation on his hands. It would have been reprehensible for him to have persisted in his extreme demands at the cost of war when debate in the press and in Congress revealed clearly that not even a majority of his own party would support him in such a cause. So Polk did the expedient thing. The result was that he got neither "fifty-four forty" nor fight, but something better, an advantageous settlement without spilling a drop of blood.
CRITICAL ESSAY ON AUTHORITIES

PRIMARY SOURCE MATERIAL


Magazines


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Niles Weekly Register Dec. 29, 1821, XXI (Niles Weekly Register, Nov. 5, 1825, XXIX, National Intelligencer, May 25, 1839, XXVII, Niles National Register, April 22, 1843, XIV Niles National Register May 31, 1845, LXVIII, Niles National Register, May 24, 1845, LXXVIII.

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SECONDARY SOURCE MATERIAL

The thesis submitted by Sister Mary Doletta Wybo, O.P., has been read and approved by three members of the Department of History.

The final copies have been examined by the director of the thesis and the signature which appears below verifies the fact that any necessary changes have been incorporated, and that the thesis is now given final approval with reference to content, form, and mechanical accuracy.

The thesis is therefore accepted in partial fulfillment of the requirements for the Degree of Master of Arts.