Oregon Boundary Settlement

Edward J. Doherty
Loyola University Chicago

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THE OREGON BOUNDARY SETTLEMENT:
1840-1846

by

Edward J. Doherty, S. J.

A Dissertation Submitted to the Faculty of the Graduate School of Loyola University in Partial Fulfillment of the Requirements for the Degree of Doctor of Philosophy

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LIFE


Bachelor of Arts, Gonzaga University, Spokane, Washington. Master of Arts, Gonzaga University, Spokane, Washington. Bachelor of Sacred Theology, University of Santa Clara, Santa Clara, California.

Teaching experience: Gonzaga High School, Spokane, Washington; Loyola Academy, Chicago, Illinois. Lecturer in History, Gonzaga University, Spokane, Washington; Loyola University, Chicago, Illinois; Seattle University, Seattle, Washington.

The history of the Oregon boundary from the Rocky Mountains to the Pacific Ocean not only covers a lengthy span of years but also contains international complications of varying degrees of magnitude. From the voyage of the Spanish explorer, Juan Pérez, to the northwest coast in July, 1774, until the official settlement of the water boundary between Great Britain and the United States in 1908, no less than four nations laid claim to the area, namely, Spain, England, Russia, and the United States.

Spain and England were the first to dispute one another's rights in the territory and, under threat of war, worked out a modus vivendi by means of the Nootka Sound treaties of 1790, 1793, and 1794. After an unsuccessful attempt to divide the territory along a compromise boundary, England and the United States concluded a ten-year joint-occupation agreement which was in no way to prejudice the claims of either party to the whole of the territory. The following year Spain withdrew from the region altogether by ceding her claims and pretensions to the United States. Russia agreed to retreat behind her Alaskan boundary of 54° 40' n. lat. in two separate treaties: with the United States in 1824 and with England in 1825. This left the territory in the possession of Great Britain and the United States, and twenty-one years of diplomacy were needed before an amicable agreement could be reached between these two nations.

The history of the northwest coast of North America can be divided roughly into three sections: the era of exploration, covering the years between 1774
and 1818; the era of the fur-trade and early settlement from 1818 to 1840; and, the era of diplomacy from 1840 to 1846. No specific history of any of these periods has ever been written though manuscript and printed primary sources exist in abundance. Brief survey accounts are available as integral portions of larger works, such as Bancroft's *History of the Northwest Coast* and his *History of Oregon*, but the subject itself has never been deemed of sufficient importance to warrant intensive research on its own merits. This is a remarkable phenomenon in the annals of American history especially if one considers the factors inherent in the topic. The size of the region in itself should have made the subject of great interest to scholars. The fact that it was of international importance and the subject of diplomacy between four major world powers should have withdrawn it at least from the class of mere local history. And, finally, its impact on national politics in the United States, at least in the later phases of the question, should have merited some attention from American scholars if only to complete the history of the acquisition of the present territorial boundaries of the country. Such, however, has not been the case, in spite of the plethora of sources available for the composition of such a history. In contrast, the Maine boundary, representing only a fraction of the territory and an infinitesimal proportion of the natural resources of the Oregon country, has received considerably more treatment at the hands of qualified American historians.

To redress this historical disparity in some small way is the object of this dissertation. The latter era, that of diplomacy and final settlement of the dispute, has been selected both because of its importance and the availability of its sources. This account is not meant to be an exhaustive treat-
ment of the subject, but a beginning, which it is fondly hoped will be followed at some future date by a comprehensive study of the whole period from start to finish.
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CHAPTER I

BACKGROUND OF THE OREGON QUESTION

The Oregon Question has an ancient background, relatively speaking, and it is from the discoveries, explorations, settlements, treaties, and agreements constituting this background that the bulk of the conflicting arguments, later used on both sides of the Atlantic, was drawn.

The Spaniards were admittedly the discoverers of the northwest coast of North America. The voyage of Juan Pérez in the Santiago, July, 1774, resulted in the first authentic discovery and partial exploration of the northwest coast to between fifty-four and fifty-five degrees of north latitude. Pérez had sailed from San Blas, Mexico, on January 24, 1774.

There was no dearth of accounts of apocryphal voyages to the northwest coast, extending far back into the sixteenth century. The most famous of these was that of Apostolos Valeriamus (Juan de Fuca), Greek pilot of a Spanish ship, who claimed to have discovered the Straits, in 1592, now bearing his name. H. H. Bancroft lists these so-called voyages of discovery in his History of the Northwest Coast, 2v., San Francisco, 1884-1886, I, 70-99.

There were authentic voyages of discovery up the west coast of North America prior to 1774, but due to the imperfect instruments of that day, and the great confusion in the accounts regarding coastal landmarks, only probability exists that any of them reached above the forty-third parallel. Included in this latter category are the voyages of Juan Rodríguez Cabrillo, 1542; Bartolomé Ferrelo, 1543; Sir Francis Drake, 1579; Sebastián Rodríguez Cermenó, 1595; and Sebastián Viscaíno and Martín Aguilar, 1603. For an analysis of the voyages of Cabrillo and Cermenó see Henry R. Wagner, Spanish Voyages to the Northwest Coast of America in the 16th Century, San Francisco, 1929, 74, 156-157.

Russian explorations eastward among the Aleutians and on the Alaskan coast, also antedated the voyage of Pérez. However, with possibly one exception, they failed to push as far south as the territory here considered. The
A bewildering succession of explorers and explorer-traders followed Pérez on the northwest coast. And so chronologically close together were they, it was a hopeless task to claim any advantage of exclusive sovereignty for their respective nations on the basis of discovery and exploration alone.

After Pérez’s initial effort of 1774 came: Bruno Heceta, Spain, 1775; Captain James Cook (on his third voyage around the world), England, 1778; Captain Ignacio Arteaga and Lieutenant Juan Francisco de la Bodega y Quadra, Spain, 1779; Captain James Hanna, England, 1785; Jean François de Galaup, Comte de La Pérouse, France, 1786; Captain John Meares, England, 1786; James Strange, England, 1786; Captain James Hanna (second voyage), England, 1786; Nathaniel Portlock and George Dixon, England, 1786; Captain Charles William Berkeley, England, 1787; Nathaniel Portlock and George Dixon (second voyage), England, 1787; Captain James Colnett, England, 1787; Captain Estevan José Martínez and Gonzalo López de Haro, Spain, 1788; John Kendrick and Robert Gray, United States, 1788; Captain John Meares and Captain William Douglas, England, 1788; Captain William Douglas and Robert Funter, England, 1789; Captain Estevan Martínez and Gonzalo Haro (second voyage), Spain, 1789; Álferes Manuel Quimper, Spain, 1790.

The two voyages of Martínez and Haro were not primarily voyages of discovery or exploration. They partook, rather, of the character of patrol opera-

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exception was the second voyage of Captain Vitus Bering, September, 1740, to October, 1741, whose Lieutenant-Commander, Peter Chirikof, was believed to have landed on the northwest coast at about 50° 21'. But Wagner, in his Cartography of the Northwest Coast of America to the Year 1800, 2v., Berkeley, California, 1, 155-157, doubts whether he penetrated as far south as 56° 15'. Other Russian expeditions included the first voyage of Vitus Bering (discovered Bering Strait), 1725-1730; Lieutenant Joann Syd (explored Bering Strait), 1765-1768; Captain Peter Krennitz and Captain Michael Levascheff (partially explored the Aleutian chain), 1768-1769.
tions, and produced results that affected the status of the northwest coast of America down to the time of its final division.

In 1786, the French explorer, La Pérouse, visited the Spanish ports in Chile on his way northward and passed on to the Spanish commanders the rumor that the Russians were pressing their explorations and settlements southward along the northwest coast and planned an establishment in the vicinity of Nootka Sound.

As soon as their ships could be made ready, Viceroy Flores dispatched Martínez and Haro to investigate this menace from the north. They found the Russians engaged in occupying portions of the Alaskan coast, but showing no signs of activity as yet on the American mainland, and absolutely no trace of them at Nootka. The Spaniards did find, however, that the English, especially under Meares, had practically preempted Nootka as a rendezvous and depot for their fur-trade with China. This was disturbing news for Flores. Hence, the following year, 1789, he ordered Martínez and Haro back to Nootka, with instructions to occupy and fortify the area and, if possible, break up the English concentration in the locality. Martínez followed his instructions with great zeal. He not only built barracks and established his crews ashore as an occupying force, but he also lightered his guns ashore and set them up so that they completely dominated the hitherto common anchorage.

Two British vessels, the Iphigenia, Captain William Douglas, and the North-West America, Robert Funter, had arrived at Nootka a few days ahead of Martínez. He immediately seised the two ships. But Douglas was able to in-still sufficient doubt in Martínez by arguing Portuguese ownership of the vessel and cargo, so that he was permitted to leave Nootka for China, albeit under
bond. Martínez, however, retained the North-West America, permitting Funter to sell his furs to the American, Robert Gray, and to place his crew aboard Gray's ship, the Columbia, which thereupon departed for China.\(^2\)

In June and July, 1789, two more British ships arrived at Nootka, the Argonaut, Captain James Colnett, and the Princess Royal, Captain Thomas Hudson. Colnett did not have the diplomacy, in his dealings with Martínez, that enabled Douglas at least to get his ship clear of Nootka. From the very moment of his arrival, Colnett engaged in violent dispute with Martínez, the end result of which was that Martínez seized both vessels and sent them with their stores, furs, and crews to Mexico, under the command of his pilot, José Tovar.

When the news reached England, the British angrily protested the seizure and the Spanish defied the British with equal vehemence. By May, 1790, the relations between the two countries were at the breaking point. England instituted mobilisation and was feverishly arranging alliances in Europe. However, the French Revolution, then at its height, served sufficiently to distract both nations until wiser counsels prevailed. The British sent Alleyne Fitz-Herbert to negotiate directly with the Spanish Court. His discussions with the Count of Floridablanca resulted in the drawing up and signing of the Nootka Sound

\(^2\)John Kendrick had commanded the Columbia on its outward voyage and Robert Gray the Lady Washington. Both were at Nootka during these proceedings. H. H. Bancroft, History of the Northwest Coast, I, 213.

The presence of the Americans did not seem to bother Martínez for some reason, in fact, their relations were extremely cordial. This later led to the rumor and accusation that Martínez's persecution of the British traders, if not actually instigated by the Americans for their own profit, was certainly abetted by them. No evidence of the truth or the falsity of this accusation has ever been found. Ibid., I, 224-225.
Convention, October 28, 1790.

By this convention, Spain relinquished any pretensions she might have formerly entertained to exclusive sovereignty on the northwest coast of North America. This did not mean that England succeeded to these pretensions, or made any effort to do so. The wording of the convention merely insured to England equal rights along with Spain in that portion of the New World. In effect, England had succeeded in breaking Spain's grip on the northwest coast, and securing the admission that the territory was unoccupied and open to all nations.

In carrying out the terms of the convention, the first article of which required the formal restoration of British property at Nootka itself, England dispatched Captain George Vancouver as her representative. Vancouver made a very leisurely voyage to Nootka, occupying his time, for the most part, with a minute exploration of the northwest coast. Though exploration was not the primary object of Vancouver's voyage, it was ultimately the most important.

For from his journals and maps on this and subsequent expeditions, came a

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3The text of the Nootka Sound Convention may be found in Appendix I.

In 1841, an anonymous British author summarized very well the importance of the Nootka Sound Convention in bulwarking England's claim to prior rights in the Oregon Country. "The effect of the convention of the Escurial was to equalize the rights of Great Britain and Spain; that is, it settled all differences between them with respect to priority of discovery, and the right of election to colonize. At the date of the convention, no other state pretended to have a better right in this respect than Great Britain, or than Spain. Russia indeed had made certain discoveries on the more northern parts of the coast, upon which she founded claims, but these claims never extended to any territories south of the 51st degree of north latitude... The convention of 1790, made as it was between the only two powers then claiming by priority of discovery, and before any occupation whatever of the country had taken place, cannot be regarded as very strong, we think conclusive, evidence that at that date no other power besides Great Britain and Spain had a legitimate right to form settlements within the Oregon territory." The British and Foreign Review; or, European Quarterly Journal, London, 1835-1877, XVI, 569.
knowledge of the north Pacific coast unparalleled in accuracy by former and even by many later explorers.

While he was engaged in a detailed examination of the Straits of Juan de Fuca, Vancouver learned that Bodega y Quadra, the Spanish Commissioner, was already at Nootka. Vancouver set out for Nootka immediately, arriving in August, 1792.

The two commissioners, however, failed to agree on what was to be restored to the English, though their relations were friendly. Quadra insisted that all that was to be restored was the plot of ground and buildings heretofore occupied by Meares and his traders. Vancouver understood the convention to mean the surrender of the whole district known as Nootka. With negotiations thus deadlocked, Quadra returned to Mexico, and Vancouver continued his explorations.

Captain Colnett's ship, the Argonaut, had been restored to the British with the signature of the convention in 1790, but the Commission, to determine the amount of reparations due from Spain, did not meet until 1793. The Commissioners, Manuel de las Heras and Robert Woodford, finally agreed upon a settlement of approximately $210,000 in specie to be paid by Spain, and the Nootka Claims Convention was signed, February 12, 1793.5

Upon receipt of the news that Vancouver and Quadra had failed to agree at Nootka in 1792, a meeting was held between Fitz-Herbert and Godoy, the Duke of Alcudia, which resulted in the Convention for the Mutual Abandonment of Nootka,

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4In fact, Vancouver and Quadra became great friends—a friendship that lasted until Quadra's death in 1794. H. H. Bancroft, History of the Northwest Coast, I, 279, 288.

5For the text of this Convention see Appendix II.
signed at Madrid, January 11, 1794.6 This convention precluded the possibility of any further disagreement at the site of Nootka, for it not only definitely determined what was to be surrendered, it also prescribed the surrender ceremony down to the last detail.7 The terms of the convention were executed at Nootka on March 23, 1795, by Sir Thomas Pierce for England, and by Manuel de Alava for Spain.

Though the Nootka Sound Controversy and its eventual settlement was of sufficient importance in its own day, the full impact of the agreement was not felt until a later date. When the Spanish rights and pretensions on the northwest coast were inherited by the United States in the Florida Treaty of 1819, the Nootka incident loomed large and ominous in the final negotiation between the United States and Great Britain. This, however, will be treated in its proper place and in a later chapter.

Throughout this diplomatic interlude, the last of the major explorations were in progress on the north Pacific coast. Mention has already been made of the explorations of Vancouver's first voyage in 1792 during which he explored part of the Straits of Juan de Fuca and claimed the surrounding coasts and islands for England. On April 29 of the same year, he met Captain Robert Gray

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6Prior to discussing the matter with Fitz-Herbert, Godoy had requested from the Viceroy of Mexico, the count of Revilla-Gigedo, a statement as to how heavily the Spaniards were invested in the territory under dispute and what its future value to them would be. In a letter dated April 13, 1793, Revilla-Gigedo stated as his opinion that Nootka was not worth retaining, that the settlement of the upper California coast was costing them enough already, and that the northernmost Spanish occupation and settlement he would advocate would be the Straits of Juan de Fuca. William R. Manning, "The Nootka Sound Controversy," Annual Report of the American Historical Association for the Year 1904, Washington, 1905, 469.

7For the text of this Convention see Appendix III.
below Cape Flattery on the present Olympic Peninsula of the Washington coast. Gray was engaged in going over the same ground Vancouver had covered on his voyage northward to Nootka. After exchanging information, they parted company. Gray went on to record two important discoveries that Vancouver had missed or had minimized in passing. The first was the discovery of Gray's Harbor, which he entered May 7, 1792, and the second was Gray's passage over the bar at the mouth of the Columbia River on May 11, 1792. Gray anchored ten miles within the entrance and on May 14 commenced exploring the river upstream. He ran aground after about fifteen miles and gave up the project, recrossing the bar into the Pacific on May 20, 1792.

When news of Gray's entrance of the Columbia reached Vancouver, the latter immediately dispatched Lieutenant W. R. Broughton in the Chatham to enter and explore the same river. Broughton managed to get the Chatham over the bar safely, but being unwilling to endanger his ship further, he took to small boats and explored the Columbia River for approximately one hundred miles upstream.

In 1793, the Spaniards dispatched their last exploring expedition under the commands of Dionisio Galiano and Cayetano Valdes in the Sutil and Mexicana. They sailed directly to the Straits of Juan de Fuca and commenced exploring them to the east. On June 13, 1793, they encountered Vancouver engaged in a similar occupation. The phenomenon then occurred of the two parties joining in

Though Gray succeeded in naming the river after his ship, he cannot rightly be called its discoverer. On August 17, 1775, Bruno Heceta noted the mouth of a large river entering the sea, and his location of the river proved accurate. However, he neither landed nor entered the river. H. H. Bancroft, History of the Northwest Coast, I, 163.

From 1775 until 1792, the mouth of the Columbia was known to the Spaniards as the Ensenada de Heceta.
the common cause of exploring that great inland waterway. Vancouver and the Spaniards explored together until July 12, 1793, at which time Vancouver, becoming dissatisfied with the slipshod methods of the Spaniards and their unwillingness to risk their vessels and crews in penetrating the rocky recesses of the Sound, went his own way. Galiano and Valdes continued their examination of the Straits until the latter part of August and finally put into Nootka on August 30, 1793.

Exploration of the northwest coast of America continued with unrelaxed vigor by the English and Americans until 1800. Probably the only outstanding individual dedicated solely to exploration was George Vancouver, who continued his explorations up the northwest coastline during his third voyage in 1794. The rest were traders, who only incidentally contributed to the knowledge of the country through their search for Indians with whom to trade. However, the results of their expeditions were considerable, for they penetrated and charted the lesser bays, inlets, islands, and rivers that had been passed over by the professional explorer in favor of the grander geographical accomplishment. The more outstanding of these explorer-traders were: Captain John Adamson in the Jenny, 1794; Captain John Kendrick in the Lady Washington, 1794; Captain W. R. Broughton in the Discovery, 1796; Captain Ebenezer Dorr in the Otter, 1796; and Captain Charles Winship in the Betsey, 1800.9

By the year 1800, the northwest coastline of North America, at least as far north as 55°, was as well known to the world's mariners as any other coastline in the Western Hemisphere. Trade with the various Indian tribes on the

9Captains Adamson and Broughton were British, the others were Americans. H. H. Bancroft, History of the Northwest Coast, I, 297, 295-298, 305, 308-309.
coast was brisk and profitable—and almost evenly divided between the British and the Americans. The fact that the log-books and journals of various captains referred, with increasing frequency, to the British or American fleets on the coast, indicated that the era of discovery and exploration by sea was over.

The era of discovery and exploration, as such, however, could scarcely be said to have begun. The vast interior of the Pacific Northwest was still a mystery, but a mystery that was to be solved by a two-pronged western movement. The Americans were to push from the headwaters of the Missouri, over the Rocky Mountains to the valley of the Columbia, and thence to the Pacific. While the British crossed the same mountains from the headwaters of the Saskatchewan to the Fraser River and the upper Columbia, whence they were also to make their way to the Pacific.

Alexander Mackenzie, of the British Northwest Fur Company, who had explored the Great Slave Lake region in 1789 and the Arctic mouth of the river bearing his name, was the first British explorer to journey overland to the Pacific. In 1792, Mackenzie, six French-Canadians, and two Indians crossed the Rocky Mountains to the Peace River, overland to the Bella Coola, which they followed to Queen Charlotte's Sound, finally arriving at the Pacific in July, 1793.

The first British overland expedition was sponsored by a private corporation, but the first full-scale American exploration was under the aegis of the United States Government. With the purchase of the Louisiana Territory from France on April 30, 1803, the United States acquired a territorial empire, but an empire whose northwestern limits had either never been established or had become obliterated in the multiple passage of the territory from hand to hand
prior to 1803. In an attempt to learn something of the unknown reaches of the area, as well as to evaluate in some way its economic potential President Jefferson sent a Message to Congress, January 18, 1803, suggesting that "An intelligent officer, with ten or twelve chosen men, fit for the enterprise, and willing to undertake it, taken from our posts, where they may be spared without inconvenience, might explore the whole line (of the Missouri River), even to the Western ocean . . . ." For which purpose, he further suggests that "The appropriation of two thousand five hundred dollars, for the purpose of extending the external commerce of the United States," while understood and considered by the Executive as giving the legislative sanction, would cover the undertaking from notice, and prevent the obstruction which interested individuals

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10 For the source of obscurity in the definition of boundaries, see the First Article of the Treaty for the Cession of Louisiana, Appendix IV.

Twenty-six years after signing the Treaty, the French Negotiator described the proceedings as follows:

"M. Narbois, who offered the draft, said several times: 'The first article may in time give rise to difficulties, they are at this day insurmountable; but if they do not stop you, I, at least, desire that your government should know that you have been warned of them.'

"It is in fact important not to introduce ambiguous clauses into treaties: however, the American plenipotentiaries made no more objections, and if, in appearing to be resigned to these general terms through necessity, they considered them really preferable to more precise stipulations, it must be admitted that the event has justified their foresight. The shores of the Western Ocean were certainly not included in the cession; but the United States are already established there.

"The French negotiator, in rendering an account of the conference to the first consul, pointed out to him the obscurity of this article and the inconveniences of so uncertain a stipulation. He replied, 'that if an obscurity did not already exist, it would, perhaps be good policy to put one there.'" François Barbé-Narbois, Histoire de la Louisiane et de la Cession de cette Colonie par la France aux États-Unis de l'Amérique Septentrionale: précédée d'un Discours sur la Constitution et le Gouvernement des États-Unis, Paris, 1829, 311-312.
might otherwise previously prepare in its way."

With the approbation of Congress, an expedition was organized under the leadership of Captains Meriwether Lewis and William Clark. They set out from the neighborhood of St. Louis on May 14, 1804, and after fulfilling their instructions to "... explore the whole line (of the Missouri River) ..." they crossed the mountains to the Snake River. This river they followed to its junction with the Columbia, and finally, the Columbia to the sea. The exploration of the Snake and Columbia Rivers, in the heart of what was to be later known as the Oregon Country, was as exhaustive as human endurance in such surroundings would allow.

The end result of the Lewis and Clark expedition, which returned to St. Louis, September 23, 1806, was of incalculable importance in the eventual American occupation of Oregon. Although its impact was delayed for almost forty years, still, the publication of accounts of the expedition served to fire the imagination of numerous trappers, traders, and ultimately, settlers with prospects of wealth and adventure in Oregon. Moreover, by penetrating the wilderness, the expedition supplied future generations with something of a route to follow, without which their difficulties would have been even more trying than they were.

Simultaneously with the efforts of Lewis and Clark, the Northwest Fur Company, in the person of David Thompson, was pushing down into the Oregon Country from the north. Thompson and subsequent Nor'wasters, as they were called, not only explored the country; they dotted it with fur-trading posts as they pro-

In 1807, Thompson explored the upper Columbia and Kootenai Rivers, establishing Kootenai House one mile below the outlet of Lake Windemere in what is today southeastern British Columbia. The following year he descended the Kootenai River to Kootenai Falls where he established Fort Kootenai, near the present site of Libby, Montana. He established two posts in 1809: Kullyspell House on the east shore of Pend d'Oreille Lake in Northern Idaho, and Flathead House, three miles above Thompson Falls, on Clark's Fork, in western Montana. By 1810 he was as far south as the Spokane River, where he built Spokane House, ten miles northeast of the present city. From the latter site he descended the Columbia to the Pacific. But he arrived there only to find John Jacob Astor's men in complete possession of the place and busily erecting Fort Astoria.

While David Thompson was occupied to the south, other Northwest employees were engaged in similar pursuits to the north in present-day British Columbia. Simon Fraser and John Stuart explored the headwaters of the Fraser River in 1805 and established Fort McLeod on McLeod's Lake. The following year they erected two posts: Fort Nakasleh on Stuart Lake, later renamed Fort St. James, and Fort Natleh on Fraser Lake, later renamed Fort Fraser. In 1807 Fraser built Fort George at the confluence of the Nechako and Fraser Rivers and from this place he explored the whole length of the Fraser River to the Pacific the following year.12

From this it can be seen that scarcely had exploration by sea ceased when the British commenced to entrench themselves in the interior, and at a much faster rate than any other country, notably the United States. But the Ameri-

cans were not completely idle. As has been mentioned above, they occupied at least one strategic location on the Pacific Coast, namely, the mouth of the Columbia.

John Jacob Astor's Pacific Fur Company ship, the Tonquin, commanded by Captain Jonathan Thorn, left New York, September 8, 1810, and arrived at the mouth of the Columbia, March 22, 1811. Building and trading supplies were unloaded and Fort Astoria was established.

Astor's supplementary, overland expedition, led by Wilson Price Hunt, arrived at Astoria in January, 1812. Prior to its arrival, however, traders of the first contingent had made contact with the Indians in the vicinity and were penetrating into the interior of the country. By December, 1811, Robert Stuart

13John Jacob Astor was deeply invested in the fur-trade at this time. On April 6, 1808, he had secured a charter for the American Fur Company from the State of New York, for trading along the Missouri River and its tributaries. Though individual trappers and employees of this company crossed the mountains into Oregon, and though some of them were to become Oregon's earliest American settlers, this company was not a major factor in the acquisition of Oregon by the United States.

Astor also obtained a charter for the Pacific Fur Company from the authorities of the state of New York on June 23, 1810. The object of this company was trade on the northwest coast of America and in the interior of the Oregon country proper.

14The Tonquin was not to be part of the establishment at Astoria. It was to be the first of many ships intended by Astor to engage in a coastal trade with the Indians on the Northwest Coast. Hence, after disembarking the traders, employees, and supplies of the permanent settlement, the Tonquin set out on its first trading voyage to the northward. Unfortunately, the Americans antagonized almost the first Indian tribe they contacted. The crew was massacred and the ship blown up in Templar Channel, Clayoquot Harbor, on the west coast of Vancouver Island. H. H. Bancroft, History of the Northwest Coast, II, 163-169.

15Hunt and his party left St. Louis, March 12, 1811. It is to be noted that had not Astor sent the first half of his expedition by sea, the British, in the person of David Thompson, would, in all likelihood, have been in possession of the mouth of the Columbia. Thompson arrived at Astoria in July, 1811. Ibid., II, 171-172.
and Donald McGillis were trading on the Willamette River. They were followed in April, 1812, by Donald McKenzie and William Matthews who made their way up the river as far as the McKenzie River, a tributary. Late in 1812, William Wallace and J. C. Halsey, followed by John Reed and Alfred Seton in 1813, traded on and explored the Willamette to its source.

Pacific Fur Company traders were also occupied on the Columbia to the east and north. David Stuart's expedition of 1811-1812 established Fort Okanogan on the upper Columbia, and in 1812 John Clarke built Fort Spokane near the site of the present city.

These operations of the Pacific Fur Company were to be short lived, however. Early in 1813 news of war between the United States and Great Britain reached Astoria. Realizing their defenseless position, and knowing full well that they were at the mercy of the Pacific Squadron of the Royal Navy whenever it cared to put in an appearance, the Pacific Fur Company partners in Astoria determined to salvage what they could of their investment. Hence, in October, 1813, they sold the Fort, their trading-supplies, and furs to the traders of

16There are nearly as many variant spellings of the name of this river as there are early writers. The Most Reverend Francis Norbert Blanchet, who arrived in Oregon in 1838, as one of the first Catholic missionaries in the country, has this to say on the subject: "'Walamette' is the true Indian name, whereas 'Wallamet' and 'Willamette' are but corrupted and fabricated ones of modern date . . . . The syllable 'mette' not to be pronounced 'met' as in the French word 'bouquet'; but as 'mette' in the word 'gazette.'" Most Reverend Francis Norbert Blanchet, D. D., "Historical Sketches of the Catholic Church in Oregon, 1838-1878," Catholic Sentinel, Portland, Oregon, April 25, 1878.

Dr. William Fraser Tolmie, for years an employee of the Hudson Bay Company, disagrees with Bishop Blanchet. "'Walamet' or more correctly 'Walamt,' was the name of the Indian village on the right bank of the river, at what is now Oregon City. Indians had names only for particular localities and not names for rivers. The whites gave the name Walámet to the whole Walamet valley and river." University of California Library, MSS Bancroft Collection, William F. Tolmie, History of Puget Sound and the Northwest Coast, 1878, 7.
the British Northwest Fur Company for $58,291.02\textsuperscript{17}

The fears of the Americans were fully justified. Scarcely a month later, in November, 1813, the British sloop-of-war Raccoon crossed the bar of the Columbia, and Captain Samuel Black took formal possession of Astoria on November 30, 1813.

By the first Article of the Treaty of Ghent, signed December 24, 1814, Astoria was to be fully restored to the Americans.\textsuperscript{18} Due, however, to continual temporization and procrastination on the part of the British, nothing was done until 1818.\textsuperscript{19} At that time, the Americans determined to take things into

\textsuperscript{17}It was to be later asserted that the Americans were forced to sell Astoria under duress. This was true. However, they received a fair price for their property. The Northwest Company traders, especially those on the lower Columbia, were themselves desperately in need of supplies at this time. And, being better informed of the prize practices of the Royal Navy, they feared the advent of a British man-of-war even more than did the Americans. Moreover, the Northwest traders were definitely advised of the approach of the Royal Navy, as is evident from the following extract of a despatch: ". . . the arrival of a frigate brought us accounts of the Isaac Todd . . . She is accompanied by a frigate, to take and destroy every thing that is American on the Northwest coast." A. Shaw, Agent for the Northwest Co., to John G. M'Tavish, Columbia River, Montreal, May 9, 1813. U. S. Cong., House of Representatives, House Documents, 17th Cong., 2nd Sess., 1822-1823, III, Serial No. 78, Doc. 45.

The spectre of the abundant supplies within the walls of Fort Astoria being carried off and sold in the Sandwich Islands or South America, with the proceeds to be distributed to the officers and crew of some British warship, while they themselves starved throughout the coming winter, did not dispose the Nor'westers to haggle with the Americans.

For the correspondence of Astor with the U. S. Government, as well as the inventory and accounts of Fort Astoria when handed over to the Northwest Co., see U. S. Cong., House of Rep., House Documents, 17th Cong., 2nd Sess., 1822-1823, III, Serial No. 78, Doc. 45.

\textsuperscript{18}For the pertinent Articles of the Treaty of Ghent see Appendix V.

\textsuperscript{19}By which time American diplomatic language was becoming somewhat stronger. J. Q. Adams gives an account of a conversation with Charles Bagot, British Minister to the U. S., May 15, 1818, in which "I told him that we had no thoughts of making war at present for the empire of Astoria, but with regard to the title, we had not only that settlement actually established before the late war, but a purchase of a large tract of the country made from the Indians in
their own hands. Captain J. Biddle of the sloop-of-war *Ontario* was ordered to the Pacific to take possession of Astoria under the Treaty of Ghent, independently of, and, if necessary, in spite of the British. This he did on August 9, 1818.20

The Treaty of Ghent left many points undefined which were to be sources of constant friction and negotiation between the two countries. The boundary on the northwest coast of America was one of these, though of minor importance in the early years. Discussions dealing with the restoration of American property, fishing rights off the Newfoundland coast, naval forces on the Great Lakes, and

the year 1787, more than thirty years since. He said he had never heard of that before." John Quincy Adams, *Memoirs of John Quincy Adams: Comprising Portions of his Diary from 1795 to 1848*, 12 v., Philadelphia, 1874-1877, IV, 94.

20When the object of the Ontario's voyage became known to the British, they finally bestirred themselves. Captain F. Hickey of H. M. S. *Blossom* was dispatched to Astoria, where on October 6, 1818, in concert with James Keith of the Northwest Company, he formally restored Astoria to the U. S. agent, J. B. Prevost.

The Northwest Company, however, retained possession of Fort Astoria, which they had meantime rechristened Fort George, by virtue of their purchase from the Astor interests in 1813. In the interchange of formal correspondence between Prevost and Keith regarding this transaction, Prevost secured in writing an acknowledgement of the territorial rights of the United States to this portion of the Oregon country by virtue of the original settlement at Astoria. Moreover, it was made abundantly clear in the same correspondence, that title to the property of the Pacific Fur Company only, was transferred to the Northwest Fur Company, and not any rights, claims, or pretensions which the United States might have or care to make. Moreover, Prevost did not feel authorized by his present instruction to do more than assure the Northwest Company of temporary possession of Fort George. The Northwest Company and its successor, the Hudson Bay Company, were never disturbed in their possession of this property.

For the diplomatic correspondence dealing with the restoration of Astoria, from July 19, 1815, to November 11, 1818, together with the enclosures of J. B. Prevost, see U. S. Cong., House of Rep., *House Documents*, 17th Cong., 1st Sess., 1821-1822, VIII, Serial No. 68, Doc. 112.

The letter of J. B. Prevost, from Monte Rey [sic], New California, November 11, 1818, giving an account of the taking over of Fort George from the British Northwest Company according to the Treaty of Ghent, is published in *Ibid.*, 17th Cong., 2nd Sess., 1822-1823, III, Serial No. 78, Doc. 45.
the boundary between the United States and Canada, were carried on throughout the years 1817 and 1818.

In treating of the northwest boundary, the American plenipotentiaries, Albert Gallatin and Richard Rush, proposed extending the boundary along the forty-ninth parallel to the Pacific. The British, in the persons of John Robinson and Henryoulburn, agreed to extend the boundary along that parallel from the Lake of the Woods to the Stony Mountains, but beyond that they made no formal proposition. They suggested that neither party exercise any exclusive sovereignty, as against each other, between forty-five and forty-nine degrees of north latitude. And there the matter rested.

The third Article of the Convention, as finally signed on October 20, 1818, made no mention of specific parallels but simply stated that:

any Country that may be claimed by either Party on the North West Coast of America, Westward of the Stony Mountains shall . . . be free and open, for the term of ten Years . . . to the Vessels, Citizens, and Subjects of the Two Powers . . . .

The article further stated that this agreement was not to prejudice the claims that either might have to the country, nor prejudice the claim of any third party to the same country.21

Four months later, the United States concluded a treaty which, if it did

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21 This latter qualification was evidently introduced by the British, in deference to their agreement with Spain, embodied in the Nootka Sound Convention of 1790.

For the text of the Convention of 1818, dealing with the northern boundary and the northwest coast, see Appendix VI.


The diplomatic correspondence of the Convention of 1818 with Great Britain is printed in American State Papers, Foreign Relations, 6v., Washington, 1832-1859, IV, 318-407.
not serve to clothe the United States with exclusive sovereignty on the northwest coast, at least provided it with an endless talking point towards that end. 22 The Treaty was that signed with Spain on February 22, 1819, and commonly called the Florida Treaty.

By the terms of the third Article of this treaty, Spain made over to the United States all her rights, claims, and pretensions to the northwest coast of North America above the forty-second parallel of north latitude. Thus Spain, who was the first to discover the territory and the first to explore its coastline, eliminated herself from all future contests for sovereignty in that part of the world. 23

But if the Spanish were willing to set limits to their dream of empire, another nation had a completely different idea. Russia, whom other nations considered satisfied with her Alaskan holdings, suddenly moved down the coast. On September 16, 1821, Czar Alexander I promulgated his famous Ukase "Relating to Trade on the Eastern Coast of Siberia, the North-West Coast of America, and the Aleutian, Kurile and other Islands." The Ukase consisted in a prohibition to all foreign vessels not only to land on coasts and islands belonging to

22 Though this point will be developed at greater length later on, in the final negotiations between Great Britain and the United States, it might be well to point out here that the United States never fully understood Spain's status in the Oregon country, as defined in the Nootka Sound Conventions of 1790, 1793, and 1794. This is doubly important, since whatever status Spain had after the signing of those conventions was all that the United States inherited in this Treaty of 1819.

23 For the text of that portion of the Treaty of 1819 relating to the boundary between Spain and the United States on the northwest coast, see Appendix VII.

The diplomatic correspondence of the Spanish Treaty of 1819 is printed in American State Papers, Foreign Relations, IV, 422-626.
Russia, but even to approach them within less than one hundred Italian miles.\textsuperscript{24} The penalty for violating this edict was confiscation of the vessel and its whole cargo.

The Czar's proclamation was not extraordinary nor uncommon in those days. It was a commercial order destined to strengthen the Emperor's monopoly on his subjects' trade. It was the restricted area, outlined in Section I of the Ukase, that aroused other nations. The edict was to be enforced, thereby implying exclusive sovereignty on Russia's part, on "... the whole of the North-West Coast of America, beginning from Behring's Straits to the 51\textdegree{} of Northern Latitude."\textsuperscript{25}

The United States and Great Britain immediately objected to the Russian Ambassadors in their respective capitals, but to no avail.\textsuperscript{26}

Unable to reason with the Russians separately, the British and Americans resumed discussions amongst themselves in 1823. Richard Rush, the United States Ambassador to England, endeavored to convince William Huskisson and Stratford Canning,\textsuperscript{27} the British Commissioners, that the two countries ought to act in concert in protesting to the Russian Court the illegality of the recent Ukase. The British, however, would not agree to this.

\textsuperscript{24}The Italian mile consisted in approximately 1,620 English yards, as distinguished from the English statute mile of 1,760 yards.

\textsuperscript{25}For the pertinent passages of this edict see Appendix VIII.

\textsuperscript{26}For the diplomatic interchange between John Q. Adams, U. S. Secretary of State, and the Chevalier de Poletica, Russian Ambassador to the U. S., see U. S. Cong., House of Rep., House Documents, 17th Cong., 1st Sess., 1821-1822, VIII, Serial No. 68, Doc. 117.

\textsuperscript{27}Not to be confused with George Canning, who was Secretary of State for Foreign Affairs at the same time. Stratford Canning was a first cousin of George Canning.
The three commissioners then attempted to arrive at a favorable division of the territory amongst themselves. Rush proposed that the third Article of the Convention of 1818 be continued for ten years and during that time no American settlement was to be made north of the forty-ninth parallel and no British settlement was to be made south of that line or north of the fifty-fifth parallel. It was obviously Rush's intention to confine the British within these limits and then use the agreement in the American negotiations with Russia, both to manifest the good will of the United States and to force the Russians back behind the fifty-fifth parallel. It was so obvious that the British would have none of it.

They countered with their own proposal that the forty-ninth parallel be extended from the Rocky Mountains to the point where it strikes "... the great northeasternmost branch of the Oregon or Columbia river, marked in the maps as McGillivray's River ..." and thence down the middle of said river to the Pacific, with the navigation of the river free and open to both nations.28 This proposal was, in turn, rejected by Rush, and the adjustment of the Northwest boundary was again postponed.

28The Kootenai River was commonly considered a branch of the Columbia River at that time.

Had the Americans accepted this proposal, the International Boundary would have described two loops in the Libby, Montana-Bonners Ferry, Idaho-Nelson, British Columbia areas. This so-called "... great, northeasternmost branch of the Oregon or Columbia river, marked in the maps as McGillivray's river ..." and actually the Kootenai River, flows south from Canada across the 49th parallel as far as Libby, Montana, thence northwestward to a little beyond Bonners Ferry, Idaho. At this point, it flows north, crossing the 49th parallel again, as far as Nelson, British Columbia, where it once again flows southward and enters the Columbia river at approximately Castlegar, British Columbia.

The documents resulting from these negotiations are printed in U. S. Cong., House of Rep., House Documents, 19th Cong., 1st Sess., 1825-1826, IV, Serial No. 134, Doc. 65, and American State Papers, Foreign Relations, V, 553-557; 561-564; 582; 791-793.
While British and American negotiations were suspended in London, the separate remonstrances of the two nations were attended with more success in Russia. The representations of the United States Ambassador, Henry Middleton, to Count Nesselrode, Russian Secretary of State for Foreign Affairs, bore fruit with the signing of a Convention between the United States and Russia, April 17, 1824.

By the terms of this convention, the United States agreed to make no settlements on the northwest coast of America or the adjacent islands, north of fifty-four degrees and forty minutes of north latitude. The Russians, in turn, agreed to make no settlement south of that line.29

The Russian convention with Great Britain was similar to that drawn up with the United States, except that the stipulated boundary was more detailed and the negotiators took longer to reach agreement.

The Convention, as finally signed, February 28, 1825, by Stratford Canning for Great Britain and Charles Robert Count de Nesselrode for Russia, described the boundary line as follows:

Commencing . . . in the parallel of 54 Degrees 40 Minutes, North Latitude, and between the 131st and the 133d Degree of West Longitude . . . the said line shall ascend to the North along . . . 'Portland Channel,' as far as the Point of the Continent where it strikes the 56th Degree of North Latitude; from this . . . the line . . . shall follow the summit of the mountains . . . parallel to the Coast, as far as the . . . intersection of the 111st Degree of West Longitude . . . and finally, from the said point of intersection, the . . . 111st Degree, in its prolongation as far as the Frozen Ocean . . . .30

29 For the text of the articles of this Convention see Appendix IX.

The correspondence and other papers of this discussion with Russia are printed in American State Papers, Foreign Relations, IV, 434-471.

30 To visualize this boundary more easily, it might be pointed out that it is essentially the present-day eastern boundary of Alaska.

For the text of the Articles of the Convention see Appendix I.
While these diplomatic maneuverings were taking place, a new alignment, commercial in character, was being arranged, which would vitally effect the destiny of the Oregon Country. In an effort to put an end to the cut-throat competition between the two British North American fur companies, which was increasing to the extent that it was endangering the lives of employees, the Indians, and the profits, the British Crown recommended that a merger be effected which would insure peace and the supremacy of British commerce on the North American continent. As both companies were operating under Royal charter and at the Royal pleasure, the recommendation came as an order. The merger of the Northwest Company and the Hudson's Bay Company was consummated on March 26, 1821, with operations to be carried on henceforth under the name and charter of the Hudson's Bay Company.31

By 1824, George Simpson, the Hudson's Bay Company Deputy-Governor in America, had completed the assimilation and reorganization of the Northwest Company's posts east of the Rocky Mountains, and was ready to turn his attention to their holdings west of the mountains. Simpson and his assistant, Chief-Factor John McLoughlin, decided to amalgamate the two hitherto distinct districts, the Columbia Valley and New Caledonia,32 into one, to be called the Columbia Department. With this end in view, McLoughlin commenced the construction of Fort Vancouver on the Columbia river, to be used as Departmental Head-


32 The area then known as New Caledonia roughly comprised Vancouver Island, the coastal islands to approximately 55°, and the present-day Province of British Columbia.
quarters with himself in charge.

The Hudson's Bay Company retained and improved most of the Northwest Company posts already established, namely, Forts McLeod, St. James, Fraser, George (New Caledonia), Kootenai, Flathead, Kamloops, Okanogan, and Nez Percé. They abandoned Spokan House completely and, although they did not abandon Fort George (Astoria), they operated it only on a small scale and allowed it to fall into disrepair. New posts were also erected either to exploit a hitherto virgin field of trade or to compete with and eventually drive out of business, American traders pushing west across the mountains.

Mention has already been made of the erection, in 1825, of Fort Vancouver as the Departmental headquarters. The same year, Fort Colville was built on the upper Columbia to replace Spokan House. In the succeeding years, five posts were added to the network already established: Fort Langley, on the lower Fraser River, in 1827; Fort Simpson, twenty miles from the mouth of the Nass River, in 1831; Fort McLoughlin, on Milbanke Sound, in 1833; Fort Boise, near the confluence of the Snake and Boise Rivers, in 1834; and in 1837, Fort Hall, on the upper Snake River.33

With the advent of the Hudson's Bay Company on the northwest coast, the pressure of a vested interest was applied to the British Foreign Office to protect British holdings in that part of the world and to make certain that the natural resources of the land were to be subjected to British exploitation alone. Scarcely a year after the merger, J. H. Pelly, Governor of the Hudson's Bay Company, wrote to the Right Honorable Earl Bathurst, and informed him that

33Fort Hall was built by the American trader, Nathaniel J. Wyeth. But, being unable to compete with the Hudson's Bay Company's post, Fort Boise, Wyeth was forced to sell out to the Hudson's Bay Company in 1837.
the Russians and Americans were laying claim to the northwest coast, and warned him that the British were not to be excluded.34

The unsettled status of the northwest coast was a source of constant worry to the Hudson's Bay Company, and every American proposal of a boundary brought forth fresh protests. While the negotiations of 1823-1824, between Rush and the British, were in progress, Nicholas Garry, a Director of the Hudson's Bay Company, advised Lord Bathurst that the American view of extending the forty-ninth parallel westward of the Lake of the Woods should never be acceded to.35

On the other hand, the suspense of doing business in a disputed territory wore on the nerves of the directors to such an extent that they constantly prodded the Foreign Office into engaging in negotiations that would ultimately effect a settlement—in their favor, of course. The negotiations of 1823-1824 had scarcely ceased when J. H. Pelly was writing to George Canning and again calling the attention of His Majesty's Government to the country west of the

Pelly to Bathurst, London, March 27, 1822. Hudson's Bay Company MSS Archives, A 8/1 (1813-25), 202-0h.

Pelly was more concerned at this time with the Russians than he was with the Americans, as is evidenced by his correspondence with the Foreign Office. Pelly to Canning, London, September 25, 1822: presenting Hudson's Bay Company arguments against Russian claims; Ibid., 209-218; Pelly to Canning, London, January 16, 1824: submitting a map with a proposed line between British and Russian possessions, beginning at the Lynn Channel, Ibid., 230-231; Pelly to Canning, London, January 18, 1824: suggesting a boundary between Russian and British possessions in the vicinity of Chatham Straits and running "... due north until it strikes range of mountains which separate Waters thence follow this ridge to Frozen Ocean." Ibid., 221-2; Pelly to Canning, London, April 19, 1824: concedes that Great Britain should yield to the Russian view of the boundary, but that Great Britain "... should have same privileges as the Americans." Ibid., 236-239.

Garry to Bathurst, London, October 30, 1824. Hudson's Bay Company MSS Archives, A 8/1 (1813-25), 240-242. In the interest of brevity, future reference to this company in the footnotes will be to the H. B. Co.
Rocky Mountains with a view to settling the boundary with the United States.36

In the meantime, the Hudson's Bay Company were doing their utmost to remain on friendly terms with the Americans, who were beginning to penetrate the country, and to prevent any untoward incident that would precipitate hostilities. An example of this is contained in a letter from J. H. Pelly to George Canning, in which he informed the latter that a band of Blood Indians37 had visited Fort Edmonton with one thousand beaver skins stolen from Americans, and that he was ready to turn these skins over to the American Minister in London.38

As the day was fast approaching when the so-called 'joint-occupation' Convention of 1818 was due to expire, the subject of the northwest boundary was again taken up in London.39


The interest of the H. B. Co. in the question of a boundary was of value to the British Government, however, in that it provided a constant source of information on the Oregon Country from men who knew the country or were there at the time. Examples of this can be found in the H. B. Co. Archives. On December 30, 1825, Henry U. Addington of the Foreign Office submitted a list of questions regarding the country to George Simpson, and received a detailed set of answers the following day. Ibid., 262-270. And Pelly, writing to William Huskisson, July 25, 1826, encloses "... a copy of a statement relative to the Columbia River and Territories connected therewith drawn up in 1815 at the request of Sir Gordon Drummond. It was sent me in 1822 by Mr. Simon McGillivray..." Ibid., A 8/2 (1826-40), 3. A copy of McGillivray's statement follows. Ibid., 4-8.

37One of the tribes of the Blackfoot Confederacy, whose normal hunting grounds were in what is now northern Montana. The Indians referred to by Pelly were, in all likelihood, a raiding party on the headwaters of the Missouri, who had fallen in with and ambushed a band of American trappers.


39It might be well to point out here that the term 'joint-occupation' treaty or convention was a complete misnomer. The Convention never visualized joint occupation by the nations involved, nor was joint occupation ever realized. It merely signified that, until a boundary was definitely fixed, the
On November 15, 1826, Albert Gallatin, United States Minister in London, offered to settle the boundary by extending it along the forty-ninth parallel from the Rocky Mountains to the Pacific. He accompanied this proposition with the additional offer to the British of perpetual free navigation of the Columbia River. When one of the British negotiators objected that the running of such a line would cut off the southern tip of Vancouver Island in an unsatisfactory manner, Gallatin went so far as to propose, on his own authority, a modification of the line, securing to the British the tip of the Island in exchange for the whole or part of the headwaters of the Columbia River north of the forty-ninth parallel.

The British Plenipotentiaries, William Huskisson and Henry Unwin Addington, refused this proposition and offered one of their own. This consisted of a repetition of the British offer of 1824 with the Columbia and its northeasternmost branch as a boundary, together with the offer of the detached territory of what is today known as the Olympic Peninsula.¹¹

Americans had rights in territory claimed by Great Britain, and, conversely, Great Britain had rights in territory claimed by the United States. However, since it was universally referred to as the 'joint-occupation' treaty or convention, it will be referred to here as such, but with the above understanding.

¹⁰William Huskisson retired from the Foreign Service in the course of these negotiations, and was replaced by Charles Grant, who later signed the convention.

¹¹The wording of the British offer of this detached territory was: "... all that tract of country comprised within a line to be drawn from Cape Flattery, along the southern shore of De Fuca's inlet, to Point Wilson, at the northwestern extremity of Admiralty inlet; from thence along the western shore of that inlet, across the entrance of Hood's inlet, to the point of land forming the northeastern extremity of the said inlet; from thence along the eastern shore of that inlet to the southern extremity of the same; from thence direct to the southern point of Gray's harbor; from thence along the shore of the Pacific to Cape Flattery, as before mentioned." American State Papers, Foreign Relations, VI. 660.
This counter-proposal was equally unacceptable to Gallatin, and the prospect of a detached territory with its resultant series of international incidents was particularly distasteful to him. In an attempt to make their line more palatable, the British suggested, verbally, that the north shore of the Columbia, for some distance from its mouth, should remain unoccupied by both nations. But even this concession did not render the line of the Columbia acceptable to Gallatin, and he refused the whole British proposition.

Thus, for the third time in less than ten years, all attempts at arriving at a boundary satisfactory to both nations had failed. The only course left open short of war, for which neither had the slightest inclination, was a return to the expedient of joint occupation. This they did, with but one major change,42 in the Convention signed at London, August 6, 1827.

With the signing of the Convention of 1827, formal negotiations came to an end for almost fifteen years. Items considered of more vital importance, especially the dispute concerning the Wains boundary, were to occupy the attention of the two countries to almost the total exclusion of the situation in the Pacific Northwest.

If, however, interest had diminished on the international plane, it was just beginning to awaken nationally. The War of 1812, and the subsequent nego-

42 Where the original Convention of 1818 carried a time limit of ten years as one of its provisions, this renewal provided that it should continue indefinitely and that should one of the parties desire to terminate the Convention any time after October 20, 1828, twelve months notice must be given the other before actual termination.

For the text of the Convention of August 6, 1827, see Appendix XI.

MAP VI

GRAY'S HARBOR

OLYMPIC PENINSULA

COLUMBIA RIVER

COLUMBIA RIVER

SNOW RIVER

BUTTER ROOT CHAIN

ROCKY MOUNTAINS

42° (1819)

49° (1818)

BRITISH OFFER

AMERICAN OFFER

ADDITIONAL AMERICAN PROPOSALS

ADDITIONAL BRITISH PROPOSALS

NEGOTIATIONS OF 1826-1827
tions with Great Britain of 1814, 1817-1818, 1823-1824, and 1826-1827, served to impress on the government of the United States the instability of their relations with that country and the multitude of conflicting issues which served to harass the peace between them. As a result, the Congress of the United States began to take a more active interest in the subject of foreign relations, whose details had hitherto been left to the judgment and initiative of the Executive Department. Though other matters of more pressing importance received the major portion of this Congressional attention, there were not lacking those who, for a variety of reasons, championed the cause of Oregon.

The first to introduce legislative action on Oregon was John Floyd, Representative from Virginia, and he was to continue to spearhead agitation on this subject as long as he remained in Congress.

On December 19, 1820, Floyd introduced a motion in the House of Representa-
tives "... to inquire into the situation of the settlements upon the Pacific Ocean, and the expediency of occupying the Columbia river."\(^4\)

A Committee was appointed, consisting of Floyd, Thomas Metcalfe (Ky.), and Thomas V. Swearingen (Va.), to look into the subject and report back to the House. The report of this committee, submitted to the House by Floyd on January 25, 1821, was the first synthesis of conditions in Oregon, or the Territory of the Columbia River, as it was called. It discussed the claims of the various nations involved, with special emphasis being placed on those of the United States, Great Britain, and Russia; and considered the commercial possibilities of the territory in relation to the commerce of the United States. Accompanying

the Report, was the first Congressional Bill calling for the outright occupation
of the Columbia. This Bill authorized and required the President of the United
States
to occupy that portion of the territory of the United States on the waters
of the Columbia river, and to extinguish the Indian title to a district of
country not exceeding _____ miles square, on the borders of said river,
in the region of tide water; and that _____ acres of land be allowed to
each actual settler, being the head of a family, and to each unmarried man,
between the age of eighteen and forty-five years, who shall establish him-
self in said district, and cultivate ground therein within _____ years
after the Indian title shall be extinguished thereto.44

Following this were provisions for governmental jurisdiction over the
district, enactments for the supervision, civilization, care of, and trade with
the Indians. The remarkable thing about this and subsequent bills introduced
by Floyd and his Committees, was the total disregard of existing Treaty provi-
sions—a characteristic that was not to be confined to Floyd but was to signal-
ise the radical element in both Houses of Congress down to the final settlement
of the issue in 1846.45

Thursday, January 25, 1821, cols. 915-959.

45Nor did members of the Executive branch of the Government relish this
interference in the field of diplomacy. John Quincy Adams, Secretary of State
at the time, in an entry in his diary for January 18, 1821, has the following
intemperate and, for the most part, unjust observation on Congressmen dabbling
in the field of foreign relations: "About one-half the members of Congress are
seekers for office at the nomination of the President. Of the remainder, at
least one-half have some appointment or favor to ask for their relatives. But
there are two modes of obtaining their ends: one by subserviency, and the
other by opposition. These may be called the cringing canvass and the flouting
canvass. As the public opinion is most watchful of the cringing canvass, the
flouters are in fact the most numerous party. This Dr. Floyd is one of the
flouters. The President gave me yesterday to read a paper which this man has
prepared as Chairman of a committee, being a report urging an immediate settle-
ment and territorial establishment at the mouth of the Columbia River, and a
total change of our system of intercourse and trade with the Indians. Floyd
had put it into the President's hands, with a request that he would suggest any
alterations that he might think desirable. I returned the paper this morning.
Floyd's Bill was never acted upon by the House. He remained unflagging, however, in his efforts, and each session of Congress saw a further introduction of bills, resolutions, and motions on the subject, none of which ever achieved their purpose, but did serve, in the final analysis, to keep interest alive throughout a period when the attention of the American people was directed elsewhere.46

to the President, who asked me what I thought of it. I told him I could recommend no alteration. The paper was a tissue of errors in fact and abortive reasoning, of invidious reflections and rude invectives. There was nothing could purify it but the fire.

"The President told me he had been informed that the Columbia River settlement project was for the benefit of a brother-in-law of Dr. Floyd's, who was Treasurer of the State of Virginia, and about a year since was detected in the embezzlement of the funds of the State, and was a delinquent to the amount of many thousand dollars. This had so disgraced him in reputation that a retreat to Columbia River was thought expedient for him by his friends, and as his near relations shared something of the ignominy which had attached to him, Dr. Floyd probably intended to be of the Columbia River party too." J. Q. Adams, Memoirs, V, 238.

Floyd’s brother-in-law mentioned above was John Preston. The details of his peculations can be found in the Richmond Enquirer, Richmond, Virginia, January 30, 1820.

46An example of the variety of Floyd's proposals is his request on December 17, 1821, for a report from the Secretary of the Navy on the expense of "... an examination to be made of the different harbors belonging to the United States on the Pacific ocean, and of transporting artillery to the mouth of the Columbia river." U. S. Cong., House of Rep., Annals of Congress, 17th Cong., 1st Sess., December 17, 1821, pt. 1, col. 553. And his Resolution introduced at the next Congress, January 24, 1824, "... That the President be requested to cause to be laid before this House an estimate of the expenses which would be incurred by transporting the troops now at the Council Bluffs to the mouth of the Columbia, or Oregon river." Ibid., 18th Cong., 1st Session, January 24, 1824, pt. 1, col. 118.

The Senate also took notice of the Territory on the Columbia. The action of the Senate; though neither as previous nor as voluminous as that of the House, was of much the same nature. On February 11, 1823, Thomas Hart Benton of Missouri submitted a resolution "That the Committee on Military Affairs be instructed to inquire into the expediency of making an appropriation to enable the President of the United States to take and retain possession of the territories of the United States on the Northwest coast of America."\(^{47}\)

Three days later, in a speech supporting his own resolution, Benton warned that

the public mind was tranquil upon this point; but he believed that this tranquility arose, not from an indifference to the loss of the Columbia river, and the great country drained by its waters, but from a belief that our title to it was undisputed, and the possession open to our citizens whenever the Government would permit them to enter upon it. The contrary of all this, Mr. B. held to be the fact, and he would undertake to show to the Senate—

First. That our claim of 'sovereignty' is disputed by England.
Second. That England is now the party in 'possession.'
Third. That she 'resists' the possession of the United States.
Fourth. That the party in possession in 1828, will have the 'right' of possession, under the law of nations, until the question of 'sover­eignty' shall be decided by war or negotiation.\(^{48}\)

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\(^{48}\)Ibid., February 17, 1823, col. 246.

That the Government was well aware of British inroads on the Oregon terri-
Benton had as little success in arousing interest in the Senate on the subject of Oregon, as had attended Floyd’s efforts in the House of Representatives. Objections to Benton’s bill for occupying the mouth of the Columbia river chiefly centered around the treaty commitments regarding that territory.\(^9\)

After this flurry of activity in Congress, interest lagged on the subject of Oregon, or was diverted to other matters requiring more immediate attention. The Executive branch of the Government, however, remained interested to an extent, and engaged in several expedients to keep itself posted on conditions and happenings in that distant portion of the world.

One of these expedients was to secure as much information as possible from American fur-traders and trappers who were in the territory or had been there. These data were filed in the War Department for use when the occasion arose.

One such occasion was a Resolution of the Senate, January 21, 1831, calling for information relative to the British establishments on the Columbia and the state of the fur-trade. Enclosed with the Message of the President to the Senate was a letter from J. H. Eaton, Secretary of War, to the President, dated January 22, 1831, communicating the reports of General W. H. Ashley, Joshua

\(^9\)On December 21, 1821, James Buchanan, Senator from Pennsylvania, voiced his objections to any and all bills calling for a peremptory occupation of the country "... as interfering with the treaty with Great Britain. By that treaty, a free and open trade is guarantied, in common, to both powers, for a certain term of years, which is diametrically in opposition to the establishment of a port of entry, and the consequent demand of duties from British traders to the Oregon." U. S. Cong., Senate, Register of Debates, 20th Cong., 2nd Sess., December 21, 1821, I, 36.
The report of Jedediah Smith was especially interesting. Between 1826 and 1829, Smith led a trapping expedition west to California and north into the Oregon country. While encamped near the Rogue River, Smith's party was attacked by the Kelawatset Indians. Fifteen of his men were killed, three hundred horses and all his furs were stolen. Smith and four other survivors made their way overland to the Hudson's Bay Company headquarters at Fort Vancouver. When Dr. McLoughlin heard Smith's story, he dispatched a punitive expedition under Alexander R. McLeod with the dual purpose of showing the Indians that white men could not be attacked with impunity in his jurisdiction, and of recovering Smith's property. McLeod was eminently successful on both counts, recovering practically everything Smith owned. Before leaving for the United States, Smith sold this property to the British at Fort Vancouver for $20,000.

Smith outlined all these events in his report, giving full credit to the hospitality and good offices of the British on his behalf. This much was evident in Smith's report: though joint occupation left much to be desired, there was as yet no hostile feeling manifest on either side; in fact, camaraderie was the order of the day.  

Another expedition was the expedition of Captain Benjamin Louis Eulalie de Bonneville of the United States Army, between the years 1832 and 1835. This expedition was unofficial in character, although carried out under the auspices of

50Smith's report and the others mentioned above are printed in U. S. Cong., Senate, Senate Documents, 21st Cong., 2nd Sess., 1830–1831, I, Serial No. 203, Doc. 39.
Bonneville was unimpressed by the strength of the British in Oregon and exhibited no fear of the Indians in that quarter. In a letter to Major-General Alexander Macomb, Chief-of-Staff, from the Wind River in the Crow Indian country, he stated that

> if the Government ever intend taking possession of Oregon the sooner it shall be done, the better, and at present, I deem a subalterns command equal to enforce all the views of our government, although a subalterns command is equal to the task, yet I would recommend a full company ... Five men there would be as safe as an hundred either from the Indians who are extremely peaceable & honest, and from the establishments of the Hudson Bay Company who are themselves too much exposed by their numerous small posts ever to offer the least violence to the smallest force.52

As to the fur-trade, Bonneville considered that

> The Hudson Bay at present have every advantage on the Americans. Woolens at half price, flour and tobacco they raise, horses they obtain from their Indians at $1 prime cost, shells they fish for, and their other articles of trade reaching them by water in the greatest abundance and at trifling expense, compared to the land carriage of the Americans, that the latter have to avoid their rencontre by every means in their power, not on the Columbia, but even on the Colorado, the Headwaters of the Arkansas, the

51 In a letter to Lewis Cass after his return, Bonneville explained that he was granted a furlough from the Army, from August, 1831, to October, 1833, for the purpose of collecting "... all the information in my power, touching the relative positions of the various tribes of Indians in my route, their numbers, manners and customs, together with a general history of the country through which I was destined to pass." "General B. L. E. Bonneville," Washington Historical Quarterly, XVIII, 221.

52 In another letter to Lewis Cass, dated Washington, December 7, 1836, Bonneville explained the official secrecy of his expedition. "That I started as a trader and acted as such, is what I never attempted to conceal. Genls. Scott, Bustis and even Genl. Macomb assisted me to become one, as their letters now in my possession will show. The whole army knew it. It was deemed more proper for me to go as such, and without expense to the Government furnish them with such information as they believed useful and interesting to the country; than for the Government to be at the expense of hiring men for that purpose, and of making presents to every Indian nation they should meet." Ibid., 226.

Bonneville left for the west and the Columbia, May 1, 1832, and returned August 22, 1835. Ibid., 221-224.

52 Ibid., 210-211.
Platte, the Missouri; they even speak of making a Fort on the Big Horn to oppose the American Fur Company. So you see, the Americans have to as it were to steal their own fur making secret rendezvous and trading by stealth.53

As a fur-trader and a competitor, Bonneville met with none of the hospitality the Hudson's Bay officers were wont to impart to the casual visitor or to those in distress.

On my arrival aid of every species was not only refused, but the settlers used all their influence with the Indians, not only not to trade with us but to hold no intercourse whatever.54

Business was business, even in that wilderness.

By the 1830's, American fur-traders were penetrating beyond the Rocky Mountains and engaging in competition with the Hudson's Bay Company. This was a losing venture for a variety of reasons, chief of which was the fact that the Hudson's Bay Company could undersell all comers in the Indian trade, often without loss.

It should be remembered that at this time manufacturing, particularly of woolen goods, was in its infancy in the United States and that four-fifths of all such goods were still imported from England. To the American trader who had to buy his blankets, the staple of the Indian trade, in the American market, this was disastrous. He not only had to pay the British export duty as part of the original cost, but he also had to pay the exorbitant tariff which was being levied by the United States Government as an incentive to local manufacturers. The Hudson's Bay Company paid neither.

Moreover, the size of the Hudson's Bay Company forbade any real opposition


54Bonneville to Lewis Cass, Washington, September 30, 1835. Ibid., 223.
from the Americans. The Americans were new in the fur-trade business, while
the Hudson's Bay Company had been trading with the Indians for over a hundred
fifty years; the Americans operated in bands as small as two or three, while
the Company brought to bear unlimited resources of capital and manpower. How-
ever, there was no lack of enterprising Americans who were willing to pit their
lives and wealth against this entrenched corporation. But as each retreated,
beaten and broken from their encounter, resentment and ill-will for the British
increased in the United States.

One such was Nathaniel J. Wyeth of Cambridge, Massachusetts. Wyeth was a
commercial visionary with designs of emulating John Jacob Astor, but with nei-
ther Astor's business acumen nor finances. He conceived the idea of a company
to trade with the Indians in Oregon and to exploit the salmon fishery and tim-
ber of the Columbia River valley.

Wyeth's first business venture in Oregon was a failure from natural
causes. The brig Sultana, which he had sent ahead of him to the Columbia in
1831, with his trading supplies, was lost off the west coast of South America.
The overland expedition, which he led in person, in the Spring of 1832, was
crippled by the constant desertion of his men. Upon his arrival at Vancouver
and the reception of the news that the Sultana was lost, he and the remainder
of his men were forced to spend the winter of 1832 dependent upon the hospitali-
ty of Dr. McLoughlin and the Hudson's Bay Company.55

55 Dr. McLoughlin was not without utilitarian motives, however, in his
charity. The following will give an idea both of the methods used by the Brit-
ish traders in protecting their trade, and the care they exercised in prevent-
ing any incident that might provoke hostilities between themselves and the
Americans.

In a letter to the Directors of the Company, McLoughlin explains why he
took Wyeth in. "I invited Mr. Wyeth and his people to our Establishment from
Wyeth was grateful for this favor, and though later resentful of the Company's business methods, he personally still maintained a high regard for Dr. McLoughlin and the Hudson's Bay men. In his Journal for October 29, 1832, he notes that

Here I was received with the utmost kindness and Hospitality by Doct. McLauchland [sic] the acting Gov. of the place Mr. McDonald Mr Allen and Mr McKay gentlemen resident here. Our people were supplied with food and shelter from the rain which is constant . . . . I find Doct. McLauchland a fine old gentleman truly philanthropic in his Ideas he is doing much good by introducing fruits into this country which will much facilitate the progress of its settlement . . . . The gentlemen of this Co. do much credit to their country and concern by their education deportment and talents. I find myself involved in much difficulty on acc. of my men some of whom wish to leave me and whom the Co. do not wish to engage nor to have them in the country without being attached to some Co. able to protect them alleging that if any of them are killed they will be obliged to avenge it at an expense of money and amicable relations with the Indians. And it is disagreeable for me to have men who wish to leave me. The Co. seem disposed to render me all the assistance they can . . . .56

Upon his return to Cambridge in November, 1833, Wyeth immediately set about organizing another stock company for a second expedition the following year. That he considered competing with the British in the Columbia valley as futile is evident from a letter to three of his prospective stockholders.

I consider all the coast and country North of the Columbia completely occupied by the English, and all east of the mountains by the Americans. From these countries I expect nothing, but all that country lying south of the Lewis Fork of the Columbia and west of the mountains as far south as the settled parts of the Mexican territory is yet unexplored or nearly so. Into this section of country I have been, and have myself taken more than a pack of beaver in less than a month, and the furs of this region are excellent from their color, and goodness, and without doubt are reasonably abundant.57

He also considered it his duty to keep the United States Government informed of conditions west of the Rocky Mountains, as is evident from the following excerpt from a letter to Lewis Cass, Secretary of War.

There are west of the Mts. many gentlemen and servants of the Hudson Bay Co who have Indian wives and families and who are desirous of retiring from active life but they can not well mingle in society as it is constituted in G. Britain or the U. States. They wish to locate themselves on the Wallammet or Multnomah River, a river coming from the south into the Columbia. They express themselves indifferent as to which Govt. they may come under. There are now on this river nine families of Trappers who have good farms. An answer to the following queries or an expression of opinion from so high a source in regard to them would be very acceptable to a class of men who are at a loss to know where they may best spend the remnant of lives of toil and danger. Vis

1st To what extent may they take up land.
2d What price will be demanded pr acre if the Am. Govt. should take possession of the country.
3d Can they be sure that they will be allowed to keep possession at any price.
4th If they are not allowed to keep the land will any allowance be made for improvements.

I shall go early in the spring to the country west of the Mts. and would be pleased to communicate any assurance or opinion which you may do me the honor to give on this subject.

I should be happy to impart any information of which I may be possessed to the Govt. if it is deemed desirable.58

Wyeth's second expedition, between 1834 and 1836, was attended with as little success as the former, though this time failure was attributable to the

57 Wyeth to Mr. Henry Hall and Messrs. Tucker and Williams, Cambridge, Massachusetts, November 8, 1833. Ibid., 78.
relentless competition of the Hudson's Bay Company. Again Wyeth dispatched a supply-ship, the May Dacre, to the Columbia, and this time the vessel arrived without mishap. With these supplies he outfitted bands of trappers and traders for trade with the Indians, and erected Fort Hall as his headquarters at the confluence of the Portneuf and Snake Rivers. Wyeth considered this post sufficiently far removed from the Columbia to prevent harassment by the Hudson's Bay Company, but in this he was mistaken. Dr. John McLoughlin not only dispatched trappers to work the country ahead of Wyeth's men, and traders to follow and undersell them at any sacrifice, but he ordered the erection of Fort Boise on the Snake River to enter into ruthless competition with Wyeth's trading post, Fort Hall.

It is one of the anomalies of the situation that while all this was going on, Wyeth and Dr. McLoughlin remained on the friendliest terms. In fact, Wyeth entered into an agreement with McLoughlin, whereby in return for his verbal promise not to engage in trade with the Indians in the vicinity of Fort Vancouver, Wyeth was allowed to erect Fort William on Wapato Island, at the junction of the Willamette and Columbia rivers, for his projected fishing and lumber industry.59

By September of 1835 Wyeth was ready to give up. The fish and lumber business proved too involved for that wilderness and it soon became evident to Wyeth that, even should he manage to dispatch a cargo to Boston, the expenses involved would entail nothing but loss. Disaster seemed to befall him at every turn. His men were again deserting or dying and what little profit the Hudson's

59It is needless to remark in this connection that the Hudson's Bay Company were not interested in either of these fields of commerce.
Bay Company left him was drunk up by his trader at Fort Hall. Finally, in 1836, Wyeth leased Fort William to the Hudson's Bay Company, sold Fort Hall to them outright, and with a small amount of furs returned to Cambridge, a much disillusioned man.

Wyeth's failure, however, marked a turning point in the status of the United States in Oregon. Hitherto, American interest had centered in the fur-trade, but now it was painfully apparent that the fur-trade was a lost cause and British supremacy in that line of endeavor must be acknowledged. Wyeth's expeditions were the last organized American fur-trading efforts in the Oregon country.

But the fur-trade had accomplished one vital thing. It had explored Oregon, and the constant stream of reports and descriptions of the country that flowed into the United States inflamed the imagination and desire of a totally new class of citizenry—the farmer. When the farmer commenced moving to Oregon, the British, in spite of everything they could do, were helpless. It was impossible for them to throttle this new stream, short of war, and its continuance could result in but one thing, American possession. The Hudson's Bay Company realized this. Writing years later, one of their traders, A. C. Anderson, maintained that Wyeth was the catalytic agent that set this force in movement.

The accounts given by Mr. Wyeth of the Willamette Valley and the Lower Columbia attracted a good deal of attention in the States, and it was after his return that the emigration to Oregon may be said fairly to have commenced—proceeding slowly at first but rapidly increasing as more exciting inducements became known.60

Efforts had previously been made to stimulate emigration to Oregon by

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60MSS Bancroft Collection, A. C. Anderson, History of the North West Coast, 122.
artificial means, but without success. The most important of these was probably
that undertaken by Hall J. Kelley, another New England visionary. Kelley had
feudal delusions and endeavored to promote an organization that would occu-
py Oregon under a governmental grant not unlike those conferred by the English
kings in colonial days. No doubt Kelley was deeply patriotic and, like many of
his contemporaries, resented the erection of a British colony on what he con-
sidered the continental United States. Moreover, he was genuinely disturbed by
the ejection of American fur-traders from the country. This he looked upon as
the first step by Great Britain towards acquiring absolute sovereignty. In a
brochure, published in 1830, he points out that the fur-trade

requires a small capital; and yields to the government a revenue of five
hundred thousand dollars per annum. So lucrative has it been on that
coast, that some hundreds of American citizens have been induced to cross
the Rocky mountains, and engage in it, inland. These enterprising adven-
turers for some years found it rich and profitable; till unsustained by
that protecting policy, which the exigencies of their pursuit seemed to
require, they were called to compete with rival interests, to meet and to
submit to the unjust restrictions, imposts and indignities, which jealousy
and self-interest were pleased to impose. English traders, at the present
time possess the country. The 'will' of the Hudson Bay Company, is the
supreme law of the land. The natives are subservient to it, and American
traders dare not resist it. Hence, the inland trade is fast on the wane,
and has become disastrous, if not in most cases, ruinous. While it is so
constantly exposed to the rapacity of treacherous Indians, and to the
avarice of the English, it must remain utterly valueless. It might, how-
ever, be reclaimed, and for ever protected by a colony occupying the
shores of the Columbia . . . .

English traders, by a proper circumspection and deportment of con-
duct, and by honest and honourable dealing, have conciliated the friend-
ship of the natives, and secured a profitable trade with them, which con-
sists chiefly in beads and many other articles of no value; in some coarse
broad cloths, blankets, and a vast variety of iron and tin wares, which
are exchanged principally for skins and furs, the productions of trapping
and the chase . . . . Were not the Indian trade a source of great advan-
tage, and the country valuable for colonization, that shrewd and eagle-
eyed nation, without justice, would not have made it so long the theatre
of commercial enterprise; nor would she have been so eager to possess and
make it her own. 61

In the same work, he recommends that some effort be made on the part of
the United States Government to gain control over the Indians in Oregon.

It is an object, worthy the attention of government, to secure the
friendship of the Indians, and prevent alliances between them and other
nations.

By cultivating a friendly intercourse, and coalition with them, they
might not only be prevented from co-operating with an enemy; but if de-
sirable, be induced to oppose his attacks. The American people, at pres-
ent, are too far remote, to affect this purpose. The English are on the
ground; their traders do business among them; and their interest, in a
measure, commingle together. They are, therefore, in a better situation
to direct the policy, and command the obedience of the Indians; to excite,
in them, jealousies and a hatred implacable, fatal and eternal; and to ex-
pose our frontier settlements to the encroachments and abuses of an un-
civilized, treacherous people. 62

Kelley formed an organization in 1829 called the American Society for En-
couraging the Settlement of the Oregon Territory. This group was supposed to
be a semi-communistic band of emigrants who would contribute to a common fund,
outfit themselves for the trip overland from that fund, receive their land in
Oregon from the Society, and be in all things subject to its laws, regulations,
and officers. 63

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61 Hall J. Kelley, Geographical Sketch of the Oregon Territory, Boston, 1830, 76-77.


63 Contracts were even drawn up for the project of which the following is a
sample:

"Oregon. American Society for Encouraging the Settlement of the Oregon
Territory. Blank form of pledge by the emigrant to the Society.

No. 513

This certifies that . . . . . . . . . . . . .

. . . . . . . . . . . . . . . . . . . . .

has paid TWENTY DOLLARS to the AMERICAN SOCIETY FOR
ENCOURAGING THE SETTLEMENT OF THE OREGON TERRITORY,
as a pledge for the faithful performance of obliga-

Seal
He attempted to interest Wyeth in the organization and did so to the extent that Wyeth considered there ought to be more Americans in Oregon. He even prevailed upon Wyeth to present a memorial to Congress in the name of the Society, through his connections in Washington. Wyeth also agreed to allow such emigrants as desired to make the trip to travel as part of his expedition of 1832. But with the rest of Kelley’s colonizing scheme Wyeth had no sympathy.

The following are the principal conditions and stipulations of the Covenant, viz: that the emigrant shall give oath or affirmation to obey and support all just and equal laws and regulations made and provided for the settlement by the Society, the same not being repugnant to the Constitution and Laws of the United States of America.

That all the common and public property and revenues of the settlement shall be held liable to the payment of all debts that may be incurred on account of said settlement; and that, in all other respects he shall truly and faithfully demean himself a peaceable and worthy member of the Oregon community.

That the Society shall defray all expenses of the first expedition from St. Louis, excepting arms, knapsacks, clothing and blankets, which are to be supplied by the emigrants respectively.

That the Society allow to each emigrant, agreeable to the terms of their first Circular a lot of seaport land or 200 acres of farming land, 'provided' he or his assigns continues to occupy it, two years from the time of receiving said lot; the Society will guarantee and maintain his or her right to a free enjoyment of religious and civil freedom, and an equal participation in all the privileges and immunities of a member of the Oregon settlement.” Huntington Library, MSS Cornelius Papers, c. 1831-1865, Box 1, Folder CS 436.

64 The resounding preamble of which runs as follows: "THE AMERICAN SOCIETY for encouraging the Settlement of the Oregon Territory, instituted in A. D. 1829, and incorporated by the Commonwealth of Massachusetts, actuated by a faithful regard to duty, have cheerfully engaged in the work of opening to a civilized and virtuous population that part of Western America, called OREGON." Hall J. Kelley, A General Circular to all Persons of Good Character who wish to Emigrate to the Oregon Territory, Embracing some Account of the Character and Advantages of the Country; the Right and the Means and Operations by which it is to be Settled—and all necessary Directions for Becoming an Emigrant, Charlestown, Massachusetts, 1831, 5.
is evident from his letter enclosing Kelley's Memorial to Congress.

I herewith enclose a petition which was handed me by Mr. Kelley and signed by some of those who propose to go with me in this enterprise. We have no connection with Mr. Kelley's enterprise further than accident and circumstances may indicate, and only wish that something should be done as an inducement for Americans 'generally' to go out to that Country in order to form a preponderating interest there to counteract that of the British already established. Gov. would poorly serve our interests in granting to the Oregon Society any exclusive privileges [sic] there. Nothing on our part is desirable excepting aid to get 'men' out there and then leave us to ourselves. I should be sorry if these petitions should have any other effect than to call the attention of Congress to the subject in such manner as to induce them to act as their wisdom may dictate, in aiding good men to form a settlement in that region and to assume the government of the Colony when there, and not as the petition may possibly be construed to mean to throw the trade or government of the Country into the hands of this or any other society, neither is it our intention to follow our trade in connection or under the patronage of that Society. I wish you to understand that it is at your option to present this petition or not. If you conceive that it will forward our interests as above explained, present it, if it is to serve the purpose of throwing the control [sic] and trade of that Country into the hands of a society, whose business should be to aid men in getting there, and then leave them to form their own mode of society, withhold it.65

In the end, Wyeth had nothing to do with Kelley's colonizing venture. He would not involve his commercial enterprises in an emigration containing women and children because, as he informed Kelley February 11, 1832, "The delays inseparable from a convey of this kind are so great that you could not keep the mass together and if you could the delay would ruin my projects."66 Moreover, he could not endure further delays in starting.67

65Wyeth to the Hon. Edward Everett, Cambridge, Massachusetts, January 6, 1832. Wyeth, Correspondence and Journals, 1831-1836, 17-18. Everett was one of the Representatives from Massachusetts in Congress at this time.

66Wyeth to Kelley, Boston, February 11, 1832. Ibid., 39.

67Wyeth wrote to Kelley from Boston, March 3, 1832, to the effect that "I am well convinced that this thing has been delayed too long already and that further delay will defeat my enterprise beside not being in the habit of setting two times to do one thing. I am quite willing to join your emigration but
Ultimately, Kelley’s Society collapsed without having noticeably swelled the population of Oregon, although he himself visited the country in 1835. However, the propaganda disseminated by Kelley and the brief interest aroused by his Society was another contribution towards focusing American attention on the Pacific Northwest.

will not delay here or at St. Louis. You very much mistake if you think I wish to desert your party, but you must recollect that last 1st Jany was set at first as the time of starting." Ibid., 43.

68 Wyeth encountered Kelley at Fort Vancouver. His Journal for February 12, 1835, has this notation: "In the morning made to Vancouver and found there a polite reception and to my great astonishment Mr. Hall J. Kell[e]y He came in Co. with Mr. Young from Monte El Ray and it is said stole between them a bunch of Horses Kell[e]y is not received at the Fort on this account as a gentleman a house is given him and food sent him from the Gov. Table but he is not suffered to mess here." Ibid., 250.

Dr. McLoughlin, not knowing Kelley, and having no way of determining whether he was guilty or not, was forced to take the following letter of the Governor of Upper California at its face value. Joseph Figueroa to McLoughlin, Mission of St. Clara, September 9, 1834, "In the latter part of the month of August last a man by the name of Joachim [Ewing] Young an Anglo American accompanied by a number of other Foreigners left this country with the intention of going to the Columbia. On leaving these adventurers (forgetting the hospitality with which they were treated by the inhabitants of this territory) committed the crime of robbing upwards of two hundred head of horses belonging to various Mexican citizens. This Misdemeanor is looked upon with horror by all civilized persons as it attacks all social rights and I doubt not but that you will in case these marauders should make their appearance in your quarter take such measures as will be efficient to apprehend them and either chastise them or de-spoil them of their booty ... ." McLoughlin, Letters, First Series, 1825-38, 127 n.

Though neither Young nor Kelley was guilty, the incident served to make Kelley a bitter enemy of Dr. McLoughlin and the Hudson’s Bay Company. Upon his return to the United States, his attacks on the British in Oregon were nothing short of libel. In a Memoir to Congress in 1839, he even blamed the Company for epidemics among the Indians. "It is said that till the year 1830 fever and ague had not been known. In that year, as I was informed, the Indians suffered from intermittent fevers. But there was no reason to attribute this mortality to climate. On the other hand, it is believed that the excessive filth and slovenly habits of the inhabitants of the English settlement at Vancouver were the occasion of the disease. Vancouver itself is situated on a high, delightful, and salubrious spot, and nothing but gross and unpardonable habits of life could render it unwholesome." Report on the Territory of Oregon by a Committee ... of the Citizens of Columbus (Ohio) ... 1843, 12.
The first nucleus of American settlement in Oregon was formed by Protestant missionaries, who, drawn to the country by accounts of the paganism of the Indian tribes and by a desire to enlighten these heathens, soon became the center around which gathered later emigrants. Actually, they were not the first American settlers in Oregon. Some independent trappers, individual members of American fur-trading parties and a few ex-employees of Astor’s Pacific Fur Company, had already settled in Oregon with their Indian wives and half-breed families. But the missionaries were the first to come to Oregon with the avowed purpose of settling there, and settling there as Americans.

In 1834, the Methodist ministers, Jason Lee and Daniel Lee, with two lay-assistants, Cyrus Shepherd and Philip L. Edwards, accompanied Wyeth on his second expedition to the Columbia. They were well received at Fort Vancouver by Dr. McLoughlin. Jason Lee noted in his diary for September 16, 1834, that "Dr. McLoughlin, the governor of the fort, seems pleased that missions have come to the country and freely offers us any assistance that it is in his power to render. It is his decided opinion that we should commence somewhere in this vicinity."69

The Lees erected their mission on the east bank of the Willamette river near French Prairie70 and commenced work among the Indians as soon as possible. The Methodist Board of Missions reinforced the mission in 1837 with eight members, among whom was the Reverend Dr. Elijah White, a physician as well as a minister. This group arrived by sea in May, 1837. In 1838, Jason Lee returned


70 About ten miles north of the present city of Salem, Oregon.
to the United States to secure additional help for the mission. He gathered together fifty-one persons, who were sent to the Columbia by sea on board the Lausanne. They arrived in 1840.71

Other denominations also manifested an interest in the Oregon missions. In 1836, the American Board of Commissioners for Foreign Missions, which acted for the Presbyterian and Congregationalist Churches in the field of foreign missions, sent the Reverend Dr. 72 and Mrs. Marcus Whitman, Reverend and Mrs. Henry Harmon Spalding and the Reverend W. H. Gray. These missionaries, on the recommendation of Dr. McLoughlin, settled among the Cayuse Indians in the Walla Walla Valley. From this point they later spread out to include tribes of the Nez Perce and Flathead nations.

The American Board also reinforced their mission. In 1838, they sent the Reverends Cushing Bells, A. B. Smith, Elkanah Walker, their wives, and four others to Oregon.

Two Catholic missionaries arrived in Oregon the same year, Reverend Francis X. Blanchet, from the Montreal Diocese, and Reverend Modeste Demers, from the Red River Settlement. They found a ready-made congregation of French-Canadians waiting for them in the country.

It had been the policy of the Hudson's Bay Company, from the very beginning of its occupation of the Columbia, to allow retired servants, voyageurs, and coureurs de bois to take up farms in the vicinity in order that they might

71 These were by no means all ministers of the Methodist religion. Many were wives and children of the ministers, while others were "lay-assistants"—farmers, carpenters, mechanics, etc.—who were eventually to make the mission self-supporting.

72 Rev. Marcus Whitman was also a physician.
support their families and provide a nucleus of British settlement in the ter-
ritory. In fact, such settlement was encouraged by the Company. As early as
1828, the Directors in London recommended that

The Country on the West of the Mountains remaining common to the Americans
and us . . . it seems an important object to acquire as ample an occupa-
tion of the Country and Trade as possible, on the South as well as on the
North side of the Columbia River, looking always to the Northern Side
falling to our share on a division, and to secure this, it may be as well
to have something to give up on the South, when the final arrangement
comes to be made.73

That this policy was carried out is evident from a letter of George Simp-
son to J. H. Pelly, in 1837.

The possession of that country to Great Britain may become an object of
very great importance, and we are strengthening that claim to it (indepen-
dent of the claims of prior discovery and occupation for the purpose of
the Indian trade) by forming the nucleus of a colony through the estab-
ishment of farms, and the settlement of some of our retiring officers and
servants as agriculturists.74

Fathers Blanchet and Demers were forced to finance and make their own way
to Oregon, in spite of the fact that they had applied to the Hudson's Bay Com-
pany for transportation. For, strange as it may seem, in the light of the Com-
pany's encouraging their men to settle in Oregon, the Directors in London op-
posed having their own priests among them. The Directors gave their reasons in
a letter to McLoughlin, January 25, 1837.

... the Willamette does not afford a sufficiently extended field for fur-
ther Missionary labors, and ... we think it would be impolitic and im-

MSS Archives, A 6/21, 281.

74 George Simpson to J. H. Pelly, London, February 1, 1837. Hudson's Bay
Company. Copy of the Existing Charter or Grant by the Crown to the Hudson's
Bay Company; together with Copies or Extracts of the Correspondence which took
Place at the Last Renewal of the Charter between the Government and the Com-
pany, or of Individuals on Behalf of the Company; also, the Dates of all Former
Charters or Grants to that Company. London, 1842, 17.
prudent, considering the fierce treacherous and suspicious character of the numerous Indian population in your neighbourhood, that the Missions of two persuasions, differing so widely from each other, as the Protestant and Catholic do, should be brought into such close contact with each other.\textsuperscript{75}

To which McLoughlin replied, October 31, 1837:

\ldots I can see no injury that the Roman Catholic Missionaries would do the Hudson’s Bay Company by being in the Willamette, but the reverse, they would prevent the American Missionaries acquiring influence over the Canadians. We stand high in the opinion of the Canadian Trappers, and Freemen in the Willamette, as a proof, we have made Six hunts in the vicinity of the Settlement in California, and have not lost a man. When Wyeth was here, he could not get a Potatoe to eat, till the Settlers first came to know if [we] had any objections, and this is because they consider that we wish them well, and are anxious to do them all the Good we can, consistant with our own Interests; but the influence of the Company will be much diminished if they hear that you have refused to accommodate with a passage a Missionary of their persuasion who wished to come to them, and if I may give an opinion, I would recommend to Your Honors to allow these Missionaries to come as its certainly our Interest, when it can be got with no expense, to have the good will of these men rather than their enmity.\textsuperscript{76}

The Hudson’s Bay Company thereupon dropped all objections to Catholic missionaries in Oregon and from that time gave them their fullest support and co-operation.\textsuperscript{77}

The Company, however, took a dim view of the Protestant missionaries flocking to Oregon, considering them but the forerunners of an organized, American attempt to gain control of the country by settlement. This is evident


\textsuperscript{77}By 1843, the Hudson’s Bay Company was subsidizing the Catholic missions in Oregon. In the Minutes of the Council of the Northern Department for that year was the following order: "\ldots That an allowance of £100 be made to the Catholic Mission under the superintendence of Mr. Blanchard [sic] in the Columbia District for the Current Outfit." Minutes of Council held at Red River Settlement Northern Department of Rupert’s Land, June 10, 1843. The Canadian Northwest, II, 863.
With regard to Mr. Lee and his Missionary Brethren however much they may profess friendship and goodwill towards us, and notwithstanding their high eulogiums upon us for hospitality and kind offices; it is quite evident they have promoted the present mania for emigration to the Columbia, which is likely to prove so troublesome and injurious to us, that they are influenced by other objects of a political nature, besides the moral and religious instruction of the natives, and that they are employed as pioneers for the overflowing population of the New England States, who have it in view to repay us for our good offices, by possessing themselves of the fruits of our labors, as soon as they may be in a condition to wrest them from us by main strength. While these Missionaries confine themselves strictly to the avowed objects of their residence in the country, we have no objection to their being supplied from our stores with such absolute necessaries in clothing etc. as they may require, if they be in a condition to pay for the same, but certainly not with goods for the purpose of dealing with Indians or our retired servants, nor to promote or facilitate the settlement of emigrants from the United States, nor unless they can assure us of more regular payment than we have hitherto received as there is a taudiness in honoring their Bills, which is neither regular nor convenient. 

Although the United States government was exhibiting an undue amount of passivity in relation to Oregon throughout this period, one attempt was made to investigate conditions in the country and make some show of interest in its fate. In 1836, Lieutenant William A. Slacum, a purser in the United States

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Since Oregon was little referred to in Government circles at the time, the reasons for Slacum's journey present pretty much of a mystery. In his introductory note to "Slacum's Report," the editor, F. G. Young, comes to this conclusion. "Just what impelled President Jackson in November, 1835, to seize an opportunity 'to obtain some specific and authentic information in regard to the inhabitants of the country in the neighborhood of the Oregon or Columbia river,' is not ... clear." "Slacum's Report," ed. F. G. Young, Ore. Hist. Soc. Quar., XIII, 175.

It is generally believed that a variety of factors contributed to Slacum's expedition: the publication of Hall J. Kelley, Capt. Bonneville's Report, Jackson's desire for information on Oregon as part of his territorial designs on the Southwest, and, finally, Slacum's own personal letters to the President. Ibid.
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Navy, made a secret trip through the country to investigate conditions there and report back to the President. Slacum's observations were superficial in the extreme, and could hardly have been otherwise, since he scarcely moved away from Fort Vancouver and the American mission stations on the Willamette. The greater part of the information which he gathered was based on hearsay, and that principally from disgruntled American fur-traders, who had been broken by the Hudson's Bay Company, or Anglophobes connected with the Methodist mission.

Any attempts at anonymity that Slacum might have affected were wasted on Dr. McLoughlin. Writing to George Simpson, McLoughlin observed: "As to Mr. Slacum I am of opinion he is an agent of the American Government come to see what we are doing." McLoughlin to Simpson, Fort Vancouver, March 20, 1837. McLoughlin, Letters, First Series, 1825-1838, 185 n².

The influence of this group is evident from the portion of Slacum's report dealing with the fur-trade. "Since the year 1828, a party of forty to fifty trappers, (Canadiens,) with their women, slaves, etc., generally amounting to 150 to 200 persons and 300 horses, go out from Vancouver, towards the south, as far as 40 deg. north latitude. These parties search every stream, and take every beaver skin they find, regardless of the destruction of the young animals. Excesses, too, are unquestionably committed by these hunting parties on the Indians; and every small American party (save one) that has passed through the same country has met defeat and death. The parties being much smaller than those of the Hudson's Bay Company, the Indians attack them with success; and the Americans hesitate not to charge the subordinate agents of the Hudson's Bay Company with instigating the Indians to attack all other parties." U. S. Cong., House of Rep., House Reports, 25th Cong., 3rd Sess., 1838-1839, Serial No. 351, Report No. 101, Appendix N, 3h.

In a letter to the Gov., Dep. Gov., and Comm. of the H. B. Co., Fort Vancouver, November 21, 1840, McLoughlin denies this calumny. "... it is unnecessary for me to assure you there is not the least foundation for such an accusation and leaving the heinousness of such an act as instigating Indians to commit such an offence out of the question I hope I will not be considered an egotist when I say I understand the trade of this country too well ever to encourage Indians to commit an act of the kind." McLoughlin, Letters, Second Series, 1839-44, 33. McLoughlin secured numerous affidavits from residents of Oregon, substantiating his statement. The following is from that of Jason Lee. "The statement made by the late W. A. Slacum, Esqr. contained in yours of this date quite surprised me and I am at a loss to conceive from whom he received information upon which to ground that assertion in answer to your question I am happy to be able to say during my residence in and travels through this country amidst all the reports true and false to which I have been forced to listen I do not recollect in a single instance to have heard that any Agents or
Slacum's report could have been extremely dangerous, considering the instability of British-American relations at the time. However, the remarkable restraint manifested on both sides, together with the American unconcern of the period, permitted it to pass without incident. His report and others like it, emanating from the Oregon country at this time, nevertheless had a melancholy effect. Its publication resulted in later American emigrants arriving in the country in a belligerent mood, and only time, an eventual realisation of the facts, and patient forbearance on the part of the Hudson's Bay Company, served to dispel the misapprehension.  

But there was a salutary side to the Report. Besides his eulogy of the climate, soil, and natural resources, Slacum also managed to convey the impression it was possible to live a civilized and even comfortable life in Oregon.

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Servants of the Hudson's Bay Company had instigated Indians to attack other parties." Lee to McLoughlin, Vancouver, October 27, 1840. Ibid., n2.

82 It took even longer for the testimony of these disillusioned settlers to penetrate back to the States. As late as 1845, the so-called facts and figures of Slacum's Report were still being bandied about the halls of Congress. The well-informed of the period, however, at least suspected the more extravagant allegations.

83 One item which served to raise the standard of living in Oregon considerably was the introduction of cattle. A group of American settlers formed what was known as the Wallamette Cattle Company, January 14, 1837, for the purpose of purchasing cattle in the Mexican settlements in California. This group, the leaders of which were Messrs. Young, Hauvehurst, Carmichael, Bailey, Esquette, and Des Pan, set out for California, January 17, 1837, and returned in September of the same year with about 650 head. Philip L. Edwards, California in 1837: Diary of Col. Philip L. Edwards . . ., 1890, l-47. The following is a portion of a letter from the group to the Governor of California, requesting permission to buy cattle: "Whereas we the undersigned settlers upon the Wallamette River are fully convinced of the utility and necessity of having meat cattle of our own in order successfully to carry on our farms and gain a comfortable livelihood, and whereas we find it impossible to purchase them here as all the cattle in the country belong to the Hudson's Bay Company, and they
By 1838, sufficient notoriety had been caused by emigration societies, mission groups, American fur interests, and government investigators, to prod Congress into considering again the status of the United States in Oregon.∗

refusing to sell them under any circumstances, and as we believe that the possession of cattle will not only benefit us personally, but will materially benefit the whole settlement, we the undersigned do therefore agree, etc.

Young to Juan Bautista Alvarado, March 10, 1837. Huntington Library. MSS Walker Collection, September 24, 1837-August 12, 1871, WA 1-55 (inc.), Folder 2, 1-2.

When the period, distance and topography of the country to be traversed is considered, this whole project was amazing—but one typical of the frontiersman of the day. The Hudson's Bay Company had gone through a similar experience earlier, and so precious did they consider their cattle that they adopted a policy of loaning them out but refusing to sell or butcher any of them. An early Oregon settler describes the Company policy regarding their cattle. "Belonging to the purchase [of their Russian River, California, establishment] from the Russians were some oxen and a small band of gentle cows kept for dairy purposes. These the Dr. determined to drive to Vancouver by way of the coast.

"From the badness of the route this proved to be a Heroclean task, involving much time, labor and loss in its accomplishment so that the cattle that finally arrived at Vancouver, cost the company more than the same number if purchased and shipped around Cape Horn from England. These were the first cattle brought into Oregon, West of the Cascade mountains. Those driven across the Plains by Mr. Lee, the first East of that range.

"These cattle cost the Company a price far beyond the means of individual settlers, and (as it was then believed) they were the germ from which the whole country was to be supplied with cattle, they were too previous to be frittered away in traffic or their numbers diminished by the butcher.

"The American settlers' were not alone in coveting some of these priceless animals. The commander of a British man of war was deeply incensed by being refused not only a supply of fresh beef for his ship but a few pounds for his own table out of this sacred herd and on his return to England actually lodged a complaint against Dr. McLoughlin for his sympathy for American settlers and lack of patriotism to his own country.

"For the good old man though firm as a rock in all matters of business, like Achilles, was vulnerable in a certain place and the destitute emigrants were not long in finding out that this place was his heart. - The poorest man in the country if he had a family of little children could have the free use of an animal too precious to be bought with any amount of gold." MSS Bancroft Coll., Jesse Applegate, Correspondence with H. H. Bancroft, Section 1, 9.

The British Naval Commander referred to above was Captain Sir Edward Belcher of H. M. S. Sulphur, who was on a voyage around the world between 1836 and 1842.

∗It might be well to point out here, for the sake of clarity, that by reason of the British offer of the Columbia as a boundary in 1825 and 1827, the
The initiative was taken this time by the Senate, under the leadership of Linn, senator from Missouri.

On February 7, 1838, Linn introduced a bill in the Senate authorising the occupation of the Columbia or Oregon river, establishing a Territory north of latitude 412 degrees, and west of the Rocky Mountains, to be called the Oregon Territory; authorising the establishment of a fort on that river, and the occupation of the country by the military force of the United States; establishing a port of entry, and requiring that the country should then be held subject to the revenue laws of the United States . . . . 85

James Buchanan of Pennsylvania agreed that something should be done to maintain the rights of the United States in that country.

The time had come when we ought to assert our right to the Oregon country, or abandon it forever. We know, by information received from an agent of the Government, that the Hudson Bay Company were establishing forts in that quarter, cutting down the timber and conveying it to market, and acquiring the allegiance of the Indian tribes; and while they had been thus proceeding, we had patiently looked on during a long period of years. Our right ought to be now asserted; but it should be done in a prudent and delicate manner. We were obliged by the treaty to give a year's notice. The time had arrived to settle this question, and there were too many such questions unsettled with the British Government already. While we should be careful to violate no treaty stipulations, we ought promptly to assert our right to this country. 86

Nothing came of Linn's bill at this session of Congress, but he promptly

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86Ibid., 169.
reintroduced it at the next session. It was referred to a select committee composed of Senators Linn (Mo.), Calhoun (S. C.), Clay (Ky.), Walker (Miss.), and Pierce (N. H.).

The House of Representatives also took up the subject of Oregon, and the speech of Caleb Cushing of Massachusetts on May 17th and 22nd, 1838, was a masterful exposé of the subject as it existed at the time.87

The subject of Oregon had been referred to the House Committee on Foreign Affairs at a former session and finally, on January 4, 1839, Caleb Cushing submitted the Committee’s Report88 followed by a bill.89

Thus there were two bills abroad in Congress at the same time. The position of the advocates of action in Oregon was immeasurably strengthened when, on January 28, 1839, Lewis Linn presented a Memorial from the citizens of Oregon themselves. An excerpt from this Memorial will suffice to show the insecurity felt by these people under the existing arrangement and their desire for a more definite settlement.

Our social intercourse has thus far been prosecuted with reference to feelings of honor, to the feeling of dependence on the Hudson’s Bay Company, and to their moral influence. Under this state of things, we have thus far prospered; but we cannot hope that it will continue. The agricultural and other resources of the country cannot fail to induce emigra-

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87 Cushing’s speech was occasioned by the presentation to the House of all correspondence with foreign governments to date on the subject of Oregon. Martin Van Buren made this presentation May 3, 1838.


88 For the full text of Cushing’s Report see Nile’s National Register, 73v., Baltimore, 1811–1818, LVI, June 8, 1839, 231–239.

89 The object of which was “... to provide for the protection of citizens of the United States residing in the Oregon Territory, or trading on the Columbia river or its tributaries.” U. S. Cong., House of Rep., Cong. Globe, 25th Cong., 3rd Session, 1838–1839, January 4, 1839, VI, 98.
tion and commerce. As our settlement begins to draw its supplies through other channels, the feeling of dependence upon the Hudson's Bay Company, to which we have alluded as one of the safeguards of our social intercourse, will begin to diminish. We are anxious when we imagine what will be—what must be—the condition of so mixed a community, free from all legal restraint, and superior to that moral influence which has hitherto been the pledge of our safety.90

Caleb Cushing presented a supplemental report to the House on February 16, 1839, which contained a great deal of vital information on Oregon, with particular reference to conditions in the country itself. For example, a letter from Jason Lee gives an estimate of the number of Americans in Oregon, or who expected to go there in the current year.

<table>
<thead>
<tr>
<th>Members of Lee's Mission (Methodist):</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>all ages, both sexes:</td>
<td>25</td>
</tr>
<tr>
<td>Reinforcements about to go:</td>
<td>45</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>70</strong></td>
</tr>
</tbody>
</table>

| Members of the A. B. C. F. M. in Ore. | 16 |
| Settlers, missionaries and others going to Ore. this year: | 20 |
| American males in the country already (Indian wives): | 45 |
| **Grand total** | **151** |

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This Memorial is variously known as the Edward's Petition, since Philip Leget Edwards is generally considered its author, and the Whitcomb Memorial, from J. S. Whitcomb, who was its first signer. It is also variously known as the Petition of 1838, from the date, March 16, 1838, inscribed on it by the citizens of Oregon, and the Petition of 1839, from the date of its presentation in Congress, January 28, 1839.

An important feature of this Memorial is the fact that out of the thirty-six signers, nine were British subjects. They were the French-Canadians: John B. Deporles, Joseph Gervais, Xavier Ludevant, Joseph Delord, Pierre Billique, André Picord, Joseph Doloshe, John B. Perault, and Etienne Lucier.

This served to emphasize the fact that the control exerted by the Hudson's Bay Company in Oregon, even over their former employees, was not as great as represented or commonly believed in the United States.

The remainder of the report had to do with the British in general and the Hudson's Bay Company in particular. For the most part, Cushing's sources had an invincible anti-British bias as the following excerpts show:

In their personal intercourse with Americans who come into the country, they are uniformly hospitable and kind. The circumstances under which we meet them are mortifying in the extreme, making us too often but the recipients of the bounty of others, instead of occupants to administer it, as should be the case. No one who has visited their posts, I presume, can say anything in dispraise of his reception; for myself, setting matters of trade aside, I have received the most kind and considerate attention from them.

... the measures of this Company have been conceived with wisdom, steadily pursued, and have been well seconded by their Government, and the success has been complete; and, without being able to charge on them any very gross violations of the existing treaties, a few years will make the country west of the mountains as completely English as they can desire. Already the Americans are unknown as a nation, and, as individuals, their power is despised by the natives of the land. A population is growing out of the occupancy of the country, whose prejudices are not with us; and before many years they will decide to whom the country shall belong, unless in the meantime the American Government make their power felt and seen to


This letter was written while Lee was in the States recruiting reinforcements for the mission, cf. supra, 52.

In the same letter, Lee describes the personnel of the mission and their prospects in Oregon. "The greater portion of those attached to the Methodist mission are farmers, mechanics, teachers, and physicians. The exclusive object of the mission is the benefit of the Indian tribes west of the Rocky Mountains. But to accomplish this object, it is found necessary to cultivate the soil, erect dwelling houses and school houses, build mills, and, in fact, introduce all the necessaries and helps of a civilised colony; and this most especially, as one of the principal means relied upon for the improvement of the natives is the establishment of extensive manual labor schools for Indian children and youth.

"It is believed that, if the Government of the United States takes such measures in respect to this territory, as will secure the rights of the settlers, most of those who are now attached to the mission will remain as permanent settlers in the country, after the mission may no longer need their services. Hence it may be safely assumed that ours, in connection with the other settlers already there, is the commencement of a permanent settlement of the country." The Oregonian and Indian's Advocate, Boston, I, no. 9, June, 1839, 266.
a greater degree than has yet been the case.92

[The Hudson's Bay Company] could well afford to undersell the American fur trader 'on his own ground'—first, by having the advantage of water communication on the Columbia and Lewis's rivers, for a distance of 700 to 800 miles; and, secondly, by introducing the goods free of duty, which is equal to at least twenty-five to thirty per centum. But a greater evil than this exists in the influence the Hudson's Bay Company exercises over the Indians, by supplying them with arms and ammunition, which may prove, at some future period, highly dangerous to our frontier settlements . . . .

From what I have seen, I feel perfectly satisfied that no individual enterprise can compete with this immense foreign monopoly established in our own waters . . . .

The Indians are taught to believe that no vessels but the 'company's' ships are allowed to trade in the river, and most of them are afraid to sell their skins but at Vancouver or Fort George.

All the Canadian settlers have been in the service of the company, and, from being for a long time subject to the most servile submission to the chiefs of the monopoly, are now, although discharged from the service of the company, still blindly obedient to the will of those in authority at Vancouver, who, on their part, urge the plea that, by the legislative enactments of Canada, they are prohibited from discharging their servants in the Indian country. Therefore, they consider the people of the Wallemette, although freemen in every sense of the word, still subject to the 'protection' and authority, otherwise, 'thralldom,' of the 'Hudson's Bay Company'; it being only necessary for the authorities at Vancouver to say: "If you disobey my orders, your supplies shall be cut off"; and the settler knows at once that his few comforts, nay, necessaries of life, are stopped, rendering him more miserable than the savage that lurks around his dwelling.93

The 'Hudson's Bay Company,' who have long occupied this territory, and endeavored to monopolize the benefits of its trade, it is believed, possesses greater capital, and employs a larger number of men in its various departments of service, than any other association, excepting, perhaps, the East India Company, under the auspices of the British Government.

. . . . . . . . . . . . . . . . . . . . . . . . . .

It may be said, in fact, that Americans, except associated with this company, are not permitted to carry on a traffic within several hundred miles of the company's posts. I cannot state how long the inland trade has thus been cut off. But, until within the last season, our merchants, since 1834, have not been allowed to participate in the lucrative trade


93 William A. Slacum to Hon. John Forsyth, Secretary of State, American Brig Loriot, off San Blas, March 26, 1837. Ibid., Appendix N, 34-35, 39.
and commerce of the northwest coast.

I arrived at Vancouver unwell, and was hospitably welcomed by Mr. McLaughlin, the chief factor. Medical aid was rendered me; a house in the village was furnished for my use, and all my physical wants were supplied; but I was forbidden to enter the fort! Before I had been long in the country, I learned that the factor and his agents were preparing, in every artful way, to render my abode there uncomfortable and unsafe. The most preposterous calumnies and slanders were set on foot in regard to my character, conduct, and designs. All my movements were watched, and, in some instances, I was threatened with violence, by persons who had been instigated, as I had reason to believe, by the Company. Had I been willing to place myself under the control and direction of the Company, all would have been peace; but so long as I was resolved to act independently, as an American on American soil, seeking authentic information, for general diffusion, and pursuing the avowed purpose of opening the trade of the territory to general competition, and the wealth of the country to general participation and enjoyment, so long was I an object of dread and dislike to the grasping monopolist of the Hudson's Bay Company.

My abode in Oregon was thus rendered very disagreeable... I remained, therefore, in Oregon no longer than was needful to satisfy myself on the desired points of inquiry; and so long as I did remain, I was treated very much like a prisoner of war, although not subjected to actual confinement. 9

Such testimony was bound to arouse American sentiment, hence it came as no surprise when, on December 18, 1839, Lewis Linn presented the following Resolutions to the Senate.

"Resolved," That it is the opinion of the Senate that the title of the United States to the Territory of Oregon is indisputable and never will be abandoned.

"Resolved," That the President of the United States be requested to give notice to the British Government that the conventions of 1818 and 1827 which gave the right to use and occupy the Oregon Territory, its bays, rivers, harbors, etc., to both parties indiscriminately shall cease in twelve months after such notification.

"Resolved," That it is both expedient and proper to extend such portions of the laws of the United States over the Territory of Oregon as may be necessary to secure the lives, liberty, and property of our citizens who may reside in said Territory.

"Resolved," That it is expedient to raise an additional regiment of infantry (rifles) for the purpose of overawing and keeping in check vari-

9 Hall J. Kelley to Caleb Cushing, Boston, January 31, 1839. Ibid., Appendix 0, 57-58, 60. For another version of Kelley's troubles at Fort Vancouver, cf. supra, 50.
ous Indian tribes or any foreign forces, who may be in said Territory or on its borders, and at the same time to give ample protection to our citizens engaged in legitimate occupations.

'Resolved,' That six hundred and forty acres of land should be granted to every white male inhabitant of said Territory of the age of eighteen years who shall cultivate and use the same five consecutive years, and to his heirs-at-law in the event of his death.95

The Senate was not prepared, however, for such drastic action, and after desultory debate, Linn's Resolutions passed into the oblivion that had received other Congressional measures dealing with the Oregon problem.96

Though Congress did nothing to advance the position of the United States in Oregon, its discussion of the subject served to excite the popular imagination. Impractical emigration schemes again sprang up, and Linn's offer of six hundred and forty acres to every American male, eighteen or over, aroused the hunger of tenant-farmer and landless proletariat alike.97


96For the Senate's action on Linn's Resolutions see U. S. Cong., Senate, Senate Journal, 26th Cong., 1st Sess., 1839-1840, Serial No. 353, 60-61, 275, 396, 522.

97One novel group, with a faintly traitorous tinge, first approached the Hudson's Bay Company. "I have the honor to inform you that a large number of Gentlemen in this section have associated for the purpose of Emigration to Oregon. Several thousands will soon be on their way with every thing needful for the commencement of a Settlement. Having decided upon emigration, we shall be pleased to cultivate friendship with the Hudson's Bay Company, if our overtures are met on your part with a disposition like our own. We therefore enquire, if the Hudson's Bay Company will treat our emigrants in a friendly manner, and assist them as far as is possible with information, direction, supplies, etc. for a reasonable compensation, if we on our part will pledge not to engage in the Fur Trade, but to do all in our power to secure a monopoly of that trade to the said Company ...." F. P. Tracey, Secretary, to the Principal Officer of the Hudson's Bay Company in Lower Canada, Lynn, Massachusetts, March 4, 1839. McLoughlin, Letters, Second Series, 1839-44, 14 n. 2. This letter was passed along channels in the Hudson's Bay Company and on June 13, 1839, Tracey received the following reply: "I have it in command from the Governor and Committee to assure you that it is their anxious desire to treat in a friendly manner and to afford assistance to all who may come into the neighbourhood of
What might be called the first organized emigration to Oregon set out in

the Company's establishments, at the same time they feel, without a more full
explanation of the nature of the Oregon Provisional Emigration Society and more
defined particulars of what it may require than they are in possession of, that
it is impossible to give more than the above general assurance but if the Soci-
ety consider it of sufficient importance to appoint an Agent residing here or
to send one invested with full powers, to enter into an arrangement with the
Hudson's Bay Company upon the basis stated in your letter, the Governor and
Committee are disposed to give the subject the most favorable consideration."
William Smith, Secretary of the H. B. Co., to F. P. Tracey, London, June 13,
1849. Ibid. Even Dr. McLoughlin was alerted at Fort Vancouver, regarding the
movement, but in a letter to the Gov. and Comm., dated November 20, 1840, he
reported that he had seen nothing of Mr. Tracey's party. Ibid.

Broadsides were distributed by this organization in an attempt to recruit

members, of which the following is a sample: "NOTICE TO EMIGRANTS: The Oregon
Provisional Emigration Society, having made preparation for the enlistment
of a company of two hundred men, with whatever families they may have; which com-
pany will rendezvous on the borders of Missouri, in April, 1840, and from
thence take their journey overland to Oregon,—would call attention to the fol-
lowing particulars.

"1. Every man, becoming a member of the Society emigrating, must be recom-
mended by one with whom he is personally acquainted, as a man of good moral
character, and a believer in the Christian religion. The form of Certificate
will be given whenever desired.

"2. The Society furnished horses, saddles, bridles, wagons, tents, camp
furniture, provisions, medical attendance in case of sickness, and all other
things needful for the journey, except clothing, blankets, and hunting appara-
tus. The Society also procures the best possible title to land, and conveys it
to the emigrants in a certain fixed ratio; and is bound to defend the title.
It also secures the emigrants in provision for one year after their arrival, and
provides, by the combined action of the whole, for their shelter and defence.

"3. The emigrants will pay to the Society, for all the above-mentioned ad-
vantages, four hundred dollars for each person of sixteen years of age or up-
wards, and thirty dollars for each child who is carried in the wagons; and
goods will be carried from New York at twenty-five dollars per ton.

"4. The emigrants make their way to the rendezvous without the assistance
of the Society.

"5. The Officers of the Society to whom the conduct of the enterprise is
committed, are to be chosen in New York on the first Tuesday of October next,
by the ballots of the members.

"6. Any further information will be given, if requested by letter, post
paid, directed to the subscriber, in Lynn, Massachusetts; and with any person
desirous of enlisting, a meeting will be arranged, for the purpose of receiving
July, 1839, although, for all practical purposes, it resulted in no increase in the American population of that country. Remotely stirred by published accounts of the opportunities in Oregon and immediately excited by the lectures of Jason Lee on his visit to the United States in 1838, fourteen citizens of Peoria, Illinois, banded together under the leadership of one "Captain" Thomas J. Farnham, for the purpose of establishing a commercial depot at the mouth of the Columbia River. This was henceforth to be known as the "Peoria Party."

Eight weeks after their departure from Independence, Missouri, two of the group joined a party of Santa Fe traders and on July 5th, after having progressed as far as Bent's Fort, the whole company disbanded and went their own separate ways. Only three of the original group finally reached Oregon. These were Thomas J. Farnham, Sidney Smith, and a man known only as Blair. Two or three others eventually straggled into Oregon in later years, but these were the only emigrants of the so-called "Peoria Party."

Thomas J. Farnham did not remain in Oregon but returned to the United States at their departure from Independence, Missouri, two of the group. His signature to the Articles of Agreement.

"F. P. Tracey

"Agent of the Oregon Provisional Emigration Society

"Lynn, Massachusetts, July 17, 1839."

The Oregonian and Indian's Advocate, I, 286.

Hall J. Kelley, the irrepressible organizer, was also spurred to further effort. On December 27, 1839, a Memorial from Hall J. Kelley, "Praying a grant of land in the Oregon Territory, for the purpose of establishing a colony in the said Territory," was presented in the Senate by John Davis of Massachusetts, and followed, February 17, 1840, by a Memorial from Citizens of Boston, also presented by Davis, "In favor of the petition of Hall J. Kelley, for a grant of land for the establishment of a colony in the Oregon Territory . . . ." U. S. Cong., Senate, Senate Journal, 26th Cong., 1st Sess., 1839-1840, Serial No. 353, 145, 180.
States where he composed his famous "Travels in the Great Western Prairies," and engaged in various promotional schemes for the settling of both Oregon and California. Farnham was not favorably impressed by Oregon, and in his above mentioned work declared the country, as a whole, unsuitable for farming by reason of the inferior quality of the soil and the erratic climate. 98

Farnham was impressed, however, by the cordiality of his reception at various Hudson's Bay Company posts. Upon his arrival at Fort Hall, "A friendly salutation was followed by an invitation to enter the Fort; and a 'welcome to Fort Hall,' was given in a manner so kind and obliging, that nothing seemed wanting to make us feel that we were at home. A generous flagon of Old Jamaica, wheaten bread, and butter newly churned, and buffalo tongues fresh from the neighbouring mountains, made their appearance as soon as we had rid ourselves of the equipage and dust of journeying, and allayed the dreadful sense of starvation." Thomas J. Farnham, Travels in the Great Western Prairies, the Anahac and Rocky Mountains, and in Oregon Territory, 2v., London, 1843, II, 89.

Of the trade carried on at Fort Hall, he observed that, "Goods are sold at this establishment fifty per cent lower than at the American posts. White trappers are paid a higher price for their furs than is paid the Indians; are charged less for the goods which they receive in exchange; and are treated in every respect by this shrewd Company with such uniform justice, that the American trappers even are last leaving the service of their countrymen, for the larger profits and better treatment of British employment." Ibid., 96.

His reception was equally hospitable at Fort Boise. "Mr. Fayette, the person in charge at Boisais [sic], received us with every mark of kindness; gave our horses to the care of his servants and introduced us immediately to the chairs, table and edibles of his apartments. He is a French Canadian; has been in the service of the Hudson's Bay Company more than twenty years, and holds the rank of clerk; is a merry, fat old gentleman of fifty, who, although in the wilderness all the best years of his life, has retained that manner of benevolence in trifles, in his mode of address, of seating you and serving you at table, of directing your attention continually to some little matter of interest, of making you speak the French language 'parfaitement' whether you are able to do so or not, so strikingly agreeable in that mercurial people." Ibid., 111.

With regard to the business methods of the Hudson's Bay Company, Farnham saw "... nothing strange or unmanly in this conduct, if looked at as a business transaction. People having equal rights in trade, assume necessarily the relative positions which their skill and capital can command. This is the position of Americans and Britons in Oregon. By a pusillanimous policy on the part of the American Government, we have given British subjects an equal right with our own citizens to trade in all that part of the Public Domain lying west of the Rocky Mountains. In the exercise of the rights thus granted, the Hudson's Bay Company employ their incomparable ingenuity and immense wealth in driving every American trader from the coast to the North Pacific. And who is
There were many who disagreed with Farnham on his evaluation of the situation in Oregon; and with the publication of his work, several writers who considered themselves equally informed on the subject, sprang to the territory's defence.99

To be blamed for this? The Government of the United States, that has, through want of wisdom or firmness or justice, permitted these important rights of its citizens to be monopolized by foreign capitalists for the last thirty years." (Ibid., 115.

99 One such was Robert Greenhow, although his work was not aimed at Farnham but even occasioned by Farnham's observations. Greenhow was Translator and Librarian to the Department of State and was assigned the task of investigating the whole of the Oregon Question and drawing up a definitive report on the subject. His "Memoir on the Northwest Coast of North America" was a painstaking, minute, and scholarly analysis of the whole problem as it existed at that time. His work had but one, and ultimately fatal, defect. He set out to prove the invincibility of the American claim to the country and all facts, events, and deductions were slanted on this bias and wrenched into line to prove his antecedent thesis. In his conclusion "... he has, as he conceives, demonstrated that 'the titles of the United States to the possession of the regions drained by the river Columbia, derived from priority of discovery and priority of occupation, and as yet stronger, and more consistent with the principles of national right, than those of any other Power, from whatsoever source derived.' That these regions must be eventually possessed by the people of the United States only, no one acquainted with the progress of settlement in the Mississippi valley during the last fifteen years will be inclined to question; but that Great Britain will, by every means in her power, evade the recognition of the American claims, and oppose the establishment of an American population on the shores of the Pacific, may be confidently expected, from the dispositions evinced by her Government in all its recent discussions with the United States."

Robert Greenhow, Memoir, Historical and Political, on the Northwest Coast of North America, and the Adjacent Territories; Illustrated by a Map and a Geographical View of Those Countries, Washington, 1840, 200.

Greenhow's work will be referred to later at greater length, for it eventually became the bible of the American side of the question. This work and the revised edition of 1845, "The History of Oregon and California," were printed in large quantities, at government expense, for the use of both Houses of Congress and for dissemination to the public. It was from this source that practically all Congressmen, Cabinet Members, American Diplomats, and publicists drew their information on Oregon. James Buchanan, Secretary of State during the crucial period of the Oregon negotiations, admitted on June 24, 1848, that "... it was from this history that my information as to the facts in support of our claim was principally derived." John Bassett Moore, The Works of James Buchanan, Comprising His Speeches, State Papers, and Private Correspondence, 12 v., Philadelphia and London, 1908-1911, VII, 106.
The British, especially those in Oregon, were much perturbed by this show of interest on the part of the Americans. They were even more distressed when it became apparent that American feelings on the subject were progressing beyond the realm of mere interest and resulting in plans for the increased occupation of the country. They especially feared the efforts of the Protestant missionaries in promoting emigration, and expected ultimately the unstable tranquillity then existing to "... give way, and composed ... of men of desperate character and fortune, we count on the law of the strongest becoming the law of the land." 100 For this reason the boundary must be settled, since to every American "... we are intruders, without a shadow of right to be there ... ." 101

In order to strengthen British title to at least the country north of the Columbia, the Company was making efforts to provide a semblance of occupation, but they were not too successful. Their retired employees, then living on the Willamette

... could not be induced to remove to the Cowlitz Portage, altho' Mr. Douglas and Mr. Blanchette the head of the R. C. Mission, used their utmost influence with them to that end; I have no doubt, however, that some of them will soon of their own accord move across, as they do not agree well with their neighbors of the United States. 102

Attempts were also made to buttress the British title in Oregon by promoting outside emigration.

With the view that our Settlement on the Cowlits may not become overawed by the presence of so large an assemblage of strangers, and as a means of protection to the depot and trade, we have ... directed Chief Factor Finlayson to encourage the gradual migration of settlers from Red


101 Ibid.

102 Ibid.
River Colony to the Columbia River, and the facilitating such migration by making advances and affording passages to persons . . . who may feel disposed to proceed thither. We think it is probable several families may next year avail themselves of the encouragement thus held out, and as those people have been reared about the Company's Establishments, we should hope you will find them attached and useful.\(^{103}\)

That increased emigration from the United States was expected and that the Hudson's Bay men in the country were powerless to prevent it is admitted by James Douglas in a letter to the Directors, October 14, 1839.

The population of the Willamette has during the summer been increased by an accession of 15 American subjects, from the Rocky Mountain Trapping Parties. The attention of the United States Public having been lately much attracted to this country by the overcharged pictures of its fertility and commercial importance transmitted through a variety of channels, but chiefly emanating from the Missionary Stations, we may confidently expect that the tide of emigration will soon flow into this quarter either with or without the sanction of government. A party of New York Citizens made the attempt this year but disbanded on the way and three only reached our interior Posts, in a state of extreme destitution, without a shilling in hand or in prospect: two of them are however men of 'note' the one a lawyer, and the other a planter who proposes hereafter to furnish all the tobacco required by the Company . . . .

A new order of Missionaries styled "Self Supporters," have also arrived, to bewilder our poor Indians, already perplexed beyond measure, by the number and variety of their instructors.

Many persons are expected overland next year with the view of settling, and others are coming by sea, in the Mission Vessel which was to sail from New York in November, and will therefore arrive here in March or April next; a season to which I look forward with much anxiety.\(^{104}\)

One further move was made at this time by the Hudson's Bay Company which,

\(^{103}\) Gov. and Comm. of the H. B. Co., to McLoughlin, London, December 31, 1839. McLoughlin, Letters, Second Series, 1839-40, 17 m. The real motive for this move is more bluntly stated by the Company in a letter to Duncan Finlayson, and the Councils of the Northern and Southern Departments, London, June 1, 1842. " . . . this will not only relieve the Red River Settlement of its surplus population, but strengthen the claims of Great Britain to the Territory, and the increase of the British population in that quarter must operate to the benefit of this Nation whenever a division of the country takes place." Ibid., 77 m.

though primarily mercantile in character, was to have an effect on the boundary
dispute at a later date. On February 6, 1839, George Simpson signed an agree-
ment with Rear Admiral Baron Ferdinand Wrangell of the Russian-American Fur
Company, at Hamburg, Germany, by which the Russians ceded to the Hudson's Bay
Company exclusive trading rights for a period of ten years to all the waters
and land from fifty-four forty, north to Cape Spencer. The Hudson's Bay Com-
pany, in turn, were to pay the Russians annually a rental of two thousand land
skins, and to sell the Russians annually, at a specified price, an addi-
tional five thousand skins and quantities of agricultural produce such as flour,
meat, barley, salted beef, butter, and hams. This agreement was later used
by the British as an argument from 'contiguity' to match that of the Americans
in their attempt to push American claims to fifty-four forty.

A by-product of this contract was the organization, in the same year, of
the Puget Sound Agricultural Company. This was an independent company but sub-
gsidiary to the Hudson's Bay Company, in that its stock was held by the Hudson's
Bay Company and their employees. The object of the Puget Sound Agricultural
Company was to supply Hudson's Bay Company posts on the northwest coast and
Hawaii with provisions, but principally to fulfill the agricultural contract
with the Russians.

To this end the Puget Sound Agricultural Company preempted the best farm
land in the area north of the Columbia, a move which brought them into conflict
with the large American emigrations of the 'forties. The Hudson's Bay Company
fondly hoped that the proposed emigrants from Canada, mentioned above, would

105 For the text of this agreement and the correspondence involved see The
Canadian Northwest, II, 791-796.
Serve the dual purpose of settling on these farms, thereby occupying the country, and at the same time provide a labor force for the successful production of the staples required by the Hudson's Bay Company's contract with the Russians. Neither object was ever fully realized.

Thus at the beginning of the 1840's, Great Britain was in possession of the country from fifty-eight degrees of north latitude to the Columbia River, but with few prospects of bettering her position. Commercially, the United States had been driven from the vicinity, but her land-hungry population was on the move. The waves of emigration that were soon to flow across the mountains could be checked only by war and Great Britain was not yet ready to use that expedient. The contest in Oregon was to be joined by a corporation dependent upon the country's remaining a wilderness and family units intent upon making it home. It was an unequal contest from the start. The Hudson's Bay Company realised it first and the British Government was ultimately forced to admit its inevitability. They did not abandon the field, however, without a struggle, the history of which will form the matter of subsequent chapters.
CHAPTER II

THE PERIOD OF AWAKENING INTEREST, 1840—1842

The power of the Hudson's Bay Company in the Oregon country was absolute and it remained such until a sufficient number of American emigrants arrived to dispute it. The Company's ascendancy was based on one important factor: their control of the Indians. This ultimately worked to their disadvantage, for the fear and respect engendered in the Indians by the British white man, held for all white men in the Indian mind. The Indians rarely distinguished between white men, since their racial and national differences meant nothing to them. As a consequence, the Americans were able to pour into the country with impunity, and no case of large scale conflict between Americans and Indians was recorded until after the settlement of the boundary and the substitution of American government for that of the Company.

It is certainly true that at all times the Company's control of the Indians hung like the sword of Damocles over the heads of the Americans. Had diplomatic negotiations between the United States and Great Britain ever completely broken down and had war ensued between the two nations, one word from the Hudson's Bay officers would have resulted in the slaughter of every American man, woman, and child in the territory.

Whence came this Company's hegemony over the Indians? It came from its Indian policy, a policy not of trial and error on the spot, but a positive policy resulting from years of experience in dealing with Indians and handed
from the Directors in London. No chief factor or trader was allowed to determine his own method for handling Indians nor improvise a policy for his own locality. The system was set and rigid, and not subject to the whims and prejudices of individual human nature.

An example of this is the Company's encouraging—in fact, practically ordering—intermarriage with the Indians. This held good for the Oregon country, as an early American resident testifies.

The rule that the Hudson Bay Co. promulgated from London was that the H.
B. Co.'s servants from head factor down to trapper should intermarry with the tribes, & no white woman was ever allowed in the Hudson Bay Company's territory ... That was the law of the company. And the Chief Factor of the Hudson Bay Co., Dr. McLoughlin married a Red River Indian, & all his descendants have that blood in their veins. Sir James Douglas followed him. He married a Red River Chief's daughter ... 1

This policy resulted in the officers of the Company holding the status of at least honorary chiefs in their wives' tribes, a position automatically carrying with it great prestige.

... the Indian was not injured. He was rendered more proud by alliance with these Chiefs of the Hudson Bay Co. These Chief Factors became Kings, & these daughters of the Indian Chiefs became queens. Of course it was a proud thing for the Indians. Instead of being injured at any time the Hudson Bay man was surrounded by cohorts of armed natives who would do his bidding at any time. And he did them service by furnishing everything they wanted ... 2

Nor did this practice work to the disadvantage of the Indian. The officers of the company enforced monogamy and support of the family as rigorously as it was enforced anywhere in the civilised world. This is clear from the testimony of an ex-employee of the company who settled in Oregon. Speaking of his fellow

2 Ibid., 7.
... they all had Indian women,—never more than one. Old Dr. McLoughlin would hang them if they had more than one. I do not know how many they had unlawfully but they had only one lawful woman.

At one time I happened to be there when a white man complained that there was an Indian who had stolen his wife from him. The old Dr. tied the Indian to a cannon and whipped him. Only two or three months afterwards a white man took an Indian's wife, and he did the same thing for the white man, he tied him to the gun and whipped him.3

Another major item of the Company's Indian policy was the total prohibition of liquor in its dealings with the Indians. The Hudson's Bay Company had ample proof of the evils of mixing Indians and liquor. Prior to 1821, when the Company was engaged in furious, cut-throat competition with the Northwest Company in Canada, both sides used liquor freely as trade bait for the natives, with the usual attendant results of rapine, bloodshed, and murder. But with the merger of the two companies, the Hudson's Bay Company immediately cut off the liquor traffic.

When seeking a renewal of their Charter in 1837, the Company was able to state that

... the exportation of spirituous liquors to Hudson's Bay, ... since the year 1821, do not exceed on the average forty-three puncheons of rum annually for the supply of the whole country situated to the eastward of the Rocky Mountains, comprised in the license of trade granted to the Company, as well as the Company's territories, the population of which, including servants, may be estimated at 120,000 souls, no spirituous liquors having up to this period been distilled in the country.4

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4 Parliamentary Papers, 8th August, 1842, 15. This supply of rum averaged about a pint a year per person, but none of it ever reached the Indians. It was consumed on the posts by the officers and other European personnel, some of whom were legendary toss-pots. R. E. Martin, The Hudson's Bay Territories and Vancouver's Island, with an Exposition of the Chartered Rights, Conduct and Policy of the Honourable Hudson's Bay Corporation, London, 1847, 71.
Not even the French-Canadian and half-breed employees were to be indiscriminately trusted with liquor, as McLoughlin found out in Oregon.

... it was the custom of the Hudson's Bay Company to present a few gallons of liquor to the head of each family every holiday, especially Christmas and New Years. This had been attended with pernicious effects, ruinous to the health and peace of the inhabitants. In some instances, the brawls so produced, almost resulted in murder; at one time a woman lay insensible thirty days, brought to the point of death by the hand of her drunken husband. Mr. Lee was desirous of disallowing this practice ... and often conversed with Gov. McLoughlin to this effect. As might be expected from a man of his decision of character and philanthropic disposition, the governor readily and cheerfully concurred with him ... 5

The wisdom of this policy needs no comment, and with its enforcement the Hudson's Bay Company not only secured peace in the country but also acquired the respect of the Indians.

The trade policies of the company also served to subject the Indians more fully to British control. These policies were aimed at elevating the standard of living of the Indians to the point where they were completely dependent on the Company. The British, for example, never hesitated to sell the Indians guns and ammunition. The reason for this was twofold. First, it rendered Indian hunting more efficient, thereby increasing the number of furs available to the Company. Second, with the acquisition of firearms the Indians abandoned their aboriginal weapons and in a few years lost their skill in handling these instruments. Since the Indian primarily depended on the hunt for food, this made his very existence dependent on the Hudson's Bay Company. It was a common company practice in dealing with fractious Indians to threaten to cut off their supply of ammunition. This was usually sufficient to bring the native or na—

5Allen, Ten Years in Oregon, 78-79.

For the contrasting policy of the American Fur Companies, who used liquor freely in competing among themselves and with the Hudson's Bay Company, see MSS Room. Coll., Evans, History of Oregon, 171-172.
The American apologist, Greenhow, realized this fully.

The dependence of the Indians upon the company is at the same time rendered entire and absolute; for having abandoned the use of all their former arms, hunting and fishing implements, and clothes, they can no longer subsist without the guns, ammunition, fish-hooks, blankets and other similar articles, which they receive only from the British traders.6

This dependence also provided the company with a useful force of Janissaries with which to face any emergency, which, in the Oregon country, consisted in potential acts of aggression on the part of the American population.

This policy appears to have been two-fold in its object, first, to hold in moral subjection the native tribes, as a matter of self-defence and economical management, and second, to convert them, to all intents and purposes into dependents and allies. Thus did the Company secure all the Indian trade, as a matter of preference, and at the same time converted the native tribes into auxiliaries, ready to serve the Company, should such services be required.7

The Company, however, did not take upon itself the task of elevating the condition of the Indian, more than was necessary for a successful prosecution of the fur-trade. Nor did they make any attempts to civilise him, other than those which were absolutely necessary for their own survival. Furthermore, they had no designs on his land or hunting-grounds, other than that required for the erection of their trading posts, which was negligible. This was later to contrast unfavorably with the American-farmer-emigrant to Oregon, who had no place in his economy for the Indian and coveted only his land. Elwood Evans, in his "History of Oregon," points out that

The purposes for which the Company carried on operations in Oregon, did not require the banishment or exclusion of the Indian. It was their policy to use and employ him, to incite his zeal to bring to their Posts, furs, fish and game. The Company required little or no land for settle-

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7MSS Banc. Coll., Evans, History of Oregon, 170. For a further discussion of this policy of the H. B. Co., see Ibid., 172-173.
ment, and as a consequence, no jealous fears were begotten in the Indian, that he would be expelled from his hunting or fishing grounds, or the grave yards of his people. In proportion as they conciliated the Indians, were they successful in their purposes of trade, securing the peaceable egress and ingress of parties of the Company into the Indian country, and also stimulating the Indians to furnish to them the results of their hunting.8

The methods used in policing the country were predicated on the realisation that there were approximately two hundred Indians for every white Hudson’s Bay Company employee in Oregon.

Consequently, by

Locating their posts among the tribes, employing some Indians at such posts sending others on necessary expeditions, they broke up the combinations of tribes, scattered them without such motive appearing, defeated a combination of numbers, and rendered it impossible for any concentration of Indians, for any purpose, without the Company’s officers being at once apprised of it.9

8MSS Banc. Coll., 172. Lafayette Grover, an emigrant of 1851, provides much the same testimony. He claims that "... the Hudson’s Bay Co., going into the great interior sought to supply the Indian tribes; they never sought to change the civilization of the country; they proceeded upon the standing ground of the Indian himself, married into his tribes, & furnished him guns, & traps, & blankets, & everything to give him a greater facility for carrying on his nomadic hunting life; never took away his hunting grounds for agriculture; preserved the wild animals for their furs, & for the purposes of the trade of the Hudson’s Bay Co. That was their basis. Instead of doing away with the life of the Indian they cultivated his life; and aided the Indian instead of removing him." MSS Banc. Coll., Grover, Notable Things in a Public Life in Oregon, 5–6.

9MSS Banc. Coll., Evans, History of Oregon, 172. That this policy had long been followed by the company was evidenced by the number of Iroquois Indians and members of other eastern tribes in the Company’s employ in Oregon. It was at these displaced Indians that the following company directive of 1840 was principally aimed: "From the want of judgment and foolhardness of many of our Guides in running rapids, which has already been productive of such melancholy results in the loss of both lives and property particularly in the Columbia, it is Resolved

"That no Guide or Steersman be hereafter permitted to run any rapid or fall where the least danger is to be apprehended; and that any contravention or evasion of this resolution be visited with the most severe punishment which the Governor & Council can legally inflict and that no Gentleman in charge of Brigades be allowed to absent themselves from such charge until they reach their
Dr. McLoughlin told me that they had only one rule with the Indians as to his doing right or wrong. They did not treat with the chiefs, & let them furnish their own men. They regulated the chiefs as they did the members of their own tribes. They kept them from combining as far as they could, & they never made war on a tribe as a tribe. He said if an Indian did wrong, or killed one of our men, we did not go to any chief about it. We went only to him in this way; one of your men has killed one of our men; we demand of you to deliver that man up. If you choose to do so it is all right; we do not hold you responsible for what he did, he is a bad Indian. But we are going to get him & kill him, and we shall follow him just as long as this Company has command of the business in this country. Now I detail certain men to go after that man, & not to stop; & they will hunt him all their lives, until they get him. They followed one man to Green Bay in Wisconsin & brought him back and had him hung. He told me that one fact in the early administration of his company's affairs in the West settled it so that he never had any more difficulty. He detailed five men to hunt that Indian, & they never stopped until they got him.10

It was by these means11 that the British had gained control in Oregon and

destination." Minutes of a Council held at Norway House, Northern Department of Rupert's Land, June 18, 1840. The Canadian Northwest, II, 610. This order was repeated in the Minutes of the Council for the years 1841, 1842, and 1843.


For a remarkable census of the Indian Tribes in the Oregon country see that taken by James Douglas in the years 1838 and 1839. MSS Banc. Coll., Private Papers of Sir James Douglas, Second Series, 7-33. This census gives the native name of the tribe (and in many instances the name by which they were known to the traders), the tribal language, the number of men, women, boys, girls, and slaves, and, in many cases, the number of horses, guns, and canoes possessed by each tribe.

11 A member of the Hudson's Bay Company, in a lecture to the Smithsonian Institution years later, was able, with justice, to assert that "... in relation to the management of the Indian tribes upon the American continent I must claim superiority for the British government. In our whole management of the Indian tribes in the great Northwest & throughout Canada I may mention the fact that there has not been a single serious massacre of whites by Indians, & we have never had any general Indian war. Peace has reigned throughout the Indian tribes wherever the Hudson's Bay Company's territories have extended. And we boast of that here, in your capital—of what we have done—while we say that
was a realisation of this ascendency over the native population that caused the first American settler to look to the Hudson's Bay Company as the only authority in Oregon, no matter what his own personal view of the boundary situation might be. It goes without saying that the Hudson's Bay Company endeavored to cultivate this frame of mind as much as possible in their efforts to preserve a portion of the Oregon country for the British Crown.

But the Hudson's Bay Company went even further in their attempts to maintain British ascendency in the disputed territory. The authority they achieved over the Indians was not the result of a direct policy aimed at making Oregon a portion of the British Empire, but rather a by-product of the methods they considered essential if they were to exist and successfully prosecute their one major end in life—the fur-trade. On them, as the only organised representatives of the British Crown in Oregon, fell the moral obligation and the patriotic duty of advancing the interests of their nation insofar as they were able and insofar as the demands of the fur-trade would allow.

The Hudson's Bay Company early recognised the danger of unlimited American immigration. They also recognised the fact that legally, under the existing "joint-occupation" Convention, there was almost nothing they could do to stop it. The only hope was to enter into the emigration race with the Americans and try to match them man for man in the contest for the occupation of Oregon.

Besides ordering the erection of a British settlement on the Cowlitz River to hold the territory north of the Columbia and encouraging emigration from the Canadian Red River settlement to occupy the same country, the Directors...
London explored the feasibility of organizing emigration in England itself and shipping the colonists to Oregon via Panama. They also ordered McLoughlin at Fort Vancouver to do everything in his power to blunt the effect of American emigration by offering the emigrants lavish inducements and free transportation in company ships to Hawaii or California. Anything to keep the number of Americans down until such time as their own colonizing efforts were organized and operating.

The Directors, however, pinned their hopes on emigration from Canada, as the project most likely to achieve their ends. George Simpson was equally sanguine and reported the arrival of the first detachment of Red River settlers, as follows:

On my arrival from the N. W. Coast I found the emigrants from Red River safely arrived at Fort Vancouver, amounting in all to 116 souls. Of these 114 heads of families amounting in all to 77 souls, principally English half breeds, have located at Nisqually and are to hold their farms under the Puget Sound Company on "halves" being provided with sheep, cattle, etc. as per agreement entered into pursuant to the directions contained in a letter I wrote to C. F. (Chief Factor) Finlayson by your Honour's direction under date September 12, 1840. The remainder of the party being 7 families containing 38 souls are Canadians and half breeds who being disinclined to crop the Cowlitz Portage to the seaboard have been placed near the Cowlitz Farm, where advances will be made to them by the Hudson's Bay Company in seed, agricultural implements, etc. instead of their being placed on farms under the Puget Sound Company, in like manner as the other people; as from their previous habits of life, having devoted more of their time and attention to the chase than to agricultural pursuits, it was not likely they would turn to good account any stock that might be placed in their hands.

C. F. (Chief Factor) Douglas who accompanied some of the settlers in advance of the party, for the purpose of examining the country, speaks of it in such favorable terms that I have no doubt there will be many appli-

13Ibid.
sations from Red river, and likewise from our retiring servants to settle
there.\textsuperscript{14}

The Directors confidently hoped that this group would be but the forerun-
ner of a rising tide of emigration from Red River that would

\ldots not only relieve the Red River Settlement of its surplus population,
but strengthen the claims of Great Britain to the Territory, and the in-
crease of the British population in that quarter must operate to the bene-
fit of this nation, whenever a division of the country takes place.\textsuperscript{15}

The company expected that these and later colonists would be adequate to
counteract any influx of Americans into Oregon, and hoped

\ldots that we may in time collect a body of people attached to the Company
and to the interests of Great Britain, who may in point of number be more
than equal to the citizens of the United States, who appear to be increas-
ing from year to year in the neighbourhood of the Willamette and other
parts of the country.\textsuperscript{16}

The Hudson's Bay Company farm on the Cowlitz River and the farm attached
to Fort Nisqually\textsuperscript{17} at the lower end of Puget Sound were handed over to the

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\textsuperscript{14}Simpson to the Gov., Dep. Gov., and Committee of the H. B. Co., Fort
Vancouver, November 25, 1841. Great Britain. Foreign Office. America, 399;
Domestic, Various, January to March, 1843.

Simpson arrived at Fort Vancouver, October 22, 1841. The Red River set-
tlers preceded him by but a few days.

American residents in Oregon noted the influx of these British settlers.
On September 21, 1841, Mrs. Mary R. Walker, wife of Rev. Elkanah Walker, re-
corded in her diary: "A gentle[man] by the name of Sinclair called he is con-
ducting a company of emigrants from Canada. They expect to settle at the Cow-
litz. There are a hundred and twenty five 80 of whom are children. The women
mostly halfbloods. Several births have occurred [sic] on the way \ldots ." Huntington Library. Walker Coll., 1837-1848, WA 65-82 (inc.), Hol. MSS, MSS Enve-
lope 78, 3.

\textsuperscript{15}Gov. and Committee to Duncan Finlayson, London, June 1, 1842. H. B. Co.
MSS Archives, A 6/26 (1842-1845), #37.

\textsuperscript{16}Gov. and Committee to McLoughlin, London, September 7, 1842. Ibid.,
32-36.

\textsuperscript{17}The Hudson’s Bay Company trader in charge at Fort Nisqually at the time
of this arrangement described how the amalgamation of the two companies was ef-
fected. "Fort Nisqually was established in 1833 by the Hudson's Bay Company,
Puget Sound Agricultural Company, who in turn were to establish the Red River
settlers in the vicinity, thereby forming two major British settlements north
of the Columbia.

For the purposes of the Fur trade. When the Puget Sound Agricultural Company
organised it continued to be carried on as an Hudson's Bay Post, the busi-
ness of the Puget Sound Co. being transmitted their [sic] after the manner of
an agency. Thus in /h0 & /h1, when I was in charge ... the chief expenses of
the establishment were incurred for the Puget Sound Company, in carrying on the
operations incidental to herding and agriculture; and corresponding charges
were made against the Puget Sound Co. by the H. B. Co." University of Washing-
ton Library. MSS Coll., A. C. Anderson, The Origin of the Puget Sound Agricul-
tural Company, Fort Nisqually, 3, 5.

Anderson also gives a brief description of the operation and organisation
of the P. S. A. Co., at the time of its inception. "In or about the year 1811
the post of Nisqually was transferred by sale from the Hudson's Bay Company to
the Puget Sound Agricultural Association, the latter undertaking not to dispose
of the Furs traded at the Post except to the Hudson's Bay Company.

The Cowlitz Farm was established exclusively by the Puget Sound Company
(but with the like understanding, with the aid and cooperation of the Hudson's
Bay Company).

"... It will be perceived that the two companies [sic] were radically
distinct. To preserve this distinction, at the outset, no individual member of
the Company was permitted to purchase more than a restricted number of original
shares. The limit was as follows:

"Directors in London 20 shares each.
"Governor in chief of Rupert's land 20 shares.
"Chief Factors 10 shares each.
"Chief Traders 5 " "
"Senior Clerks 3 " "
"Junior " 2 " "

"Postmasters (or Clerks not qualified for promotion) 1 share each.

"... many of these unquestionably afterwards bought additional shares at
second hand; but it was in their individual capacity, in the market, as any
other private individual might have done. Others on the other hand sold out
after the unexpected result of the treaty of 1816. On the part of the share-
holders of the Hudson's Bay Company Fur trade, it was complained that too many
sacrifices were made of their interests to foster the rising concern. On the
other hand, the stockholders of the Puget Sound Company considered the Hudson's
Bay Company as having the advantage. Be that as it may, the two concerns were
originally distinct, and their interests however, in the commencement partially
united, shortly became quite disovered, as at present." Ibid., 2-3.

There was great diversity of opinion among the Americans in Oregon, as to
just what the British were up to in promoting the Puget Sound Agricultural Com-
pany. Some considered it a political move: "I have no positive knowledge that
the P. S. A. C. was a political move to establish farms fisheries and to show
These elaborate colonizing schemes collapsed completely, however, The Red River colonists were dissatisfied with the soil at Nisqually and the Cowlitz at the outset, and when their crops failed in 1842, they headed in droves for superior farming land of the Willamette Valley. James Douglas informed Simpson in March, 1843, that "The settlers make a very poor figure, all except we have migrated to the south side of the Columbia, and I fear the others will soon follow, as they do not work like men that have made up their minds to live and die here."

To make matters worse, the Red River settlers, sick of the feudal domination of the Hudson's Bay Company and motivated by no great love for England, the Province of Canada, or the British Empire in general, made common cause with the Americans in the Willamette Valley and eventually came to echo their sentiments exactly.

This proved a death blow to any further colonizing schemes the British might have had in mind. The Directors of the company in London, unwilling to

the British had virtual possession but I firmly believe such was the case." MSS Banc. Coll., George B. Roberts, Recollections, 62.

Others considered it merely another business scheme, hatched by the Hudson's Bay Company in the interests of increased revenue. "The Puget Sound Agricultural Co. was a myth; it had no legal existence, it had no charter, only a combination of a few scotchmen, Dr. Tolmie at their head, who had an idea, with scotch herdsmen they could raise sheep. They took them to Puget Sound, but the farmers were disgusted and most of them on my arrival in the country in 1843, were living in the Willamette Valley, in a part known as Tualatin Plains . . . ." MSS Banc. Coll., Applegate, Views of Oregon History, 10.

There seemed to be no American in Oregon at the time fully aware of the part to be played by the Puget Sound Agricultural Company in securing the country to Great Britain, or of the dangers to the claims of the United States inherent in a successful prosecution of the company's colonizing policy.

pass any more British subjects to the influences of democracy, abandoned
over plans they might have had of colonizing Oregon directly from England.
over, they were unwilling to undertake further expense and effort in trans-
mitting emigrants from Canada when it was obvious that such enterprises were
premised to failure. Besides, the company was a commercial organization and
not devoted to the colonizing of the British Empire. One of the historians of
the company points out that

... it has been overlooked that the position of the Company in the re-
gion west of the 'Rocky Mountains,' and in the Oregon country, was similar
to that of a person leasing a grouse moor in Scotland for twenty-one years.
It was not in the power of the Company to invite settlers to the banks of
the Columbia River or to Vancouver's Island; they could make no grant of
land, having themselves no better title than that of a hunting license
from the Crown, which, in 1838, reserved to itself the power of forming
Colonies where and where it might be deemed necessary.

Moreover the Crown could not give the requisite title to the land,
since Vancouver's Island, and the adjacent region was, until 1846, dis-
pputed territory. 19

At the same time, the Company was faced with a virtual insurrection in
Canada, a fact that served to divert their attention from the broader view of
British supremacy in Oregon, and caused them to look to their own survival as
a trade monopoly.

In 1841, the Canadian Provincial Legislature threatened, in its next ses-
sion, to abolish the fur-trade monopoly and throw the Indian country open to
competition. This caused George Simpson, Inspector-General of the company in
America and the proximate source of all its policies, to hurry to England and
seek an immediate renewal of the company's License of Trade. 20 From this time

19 Martin, Hudson's Bay Territories, 137.

20 In this he was successful. James Douglas gives an account of the report
furnished the Crown by Simpson, in support of the company's case. "... Sir
George Simpson drew up a report on the country, exhibiting its present state,
h, the Hudson's Bay Company left the fate of Oregon in the hands of the
British Foreign Office. They cooperated to the extent of furnishing every
nitty obstruction they could devise to halt the flow of American emigration,
but stopped short of anything that would precipitate an incident with the Amer-
icans and endanger their profits in the Oregon Country.

Their relations with the Americans in Oregon at the time were peaceful and
friendly enough. This stemmed from the fact that the American population was
yet small, was confining itself to the Willamette and the south bank of the
Columbia, and was not competing in trade with the company to any notable ex-
tent. The officers of the company could, nevertheless, foresee the day when
more and more Americans would arrive, when the fertile farming land of the
Willamette Valley would be occupied and covetous glances would be cast at the
company's holdings to the north. They could foresee also, the day when the
company would be unable to supply the wants of the growing American population,
at which time the company's monopoly would be doomed by the law-of-supply-and-
demand. Hence they did nothing to encourage American settlement in the coun-
try, even south of the Columbia.

The Hudson's Bay Company considered the Protestant missionaries in Oregon
as the greatest stimuli to American emigration throughout this period.21 Con-


21 An opinion shared by the British Government, as is evident from the fol-
lowing excerpt, which quotes Lord John Russell as saying "... H. M. Gov. are
ently they directed their efforts towards discouraging further influx of ministers of the Gospel. That the Protestant missionaries in Oregon were


George Simpson kept the home office well supplied with data on the activities of missionaries in Oregon. The following is a census of the missionaries at their stations with comments: "The American Missionaries are making more rapid progress in the extension of their establishments and in the improvement of their farms, than in the ostensible objects of their residence in this country, as I cannot learn that they are successful, or taking much pains to be so, in the moral and religious instruction of the natives, who are perfectly bewildered by the variety of doctrines insculpted in this quarter. Their stations are as follows:

- "Maintained by the American Board of Missions [Commissioners] for Foreign Missions, visit:
  3. On the road from Spokan to Colville, 10 miles from Spokan River—Rev. Gushing Wells, Elginah Walker and families.

- "Methodist Missions

- "Roman Catholic Missions from St. Louis, Vist.

"From the foregoing statement, it will be seen that the country is studded with missions, from the shores of the Pacific to the skirts of the Rocky Mountains, on the south side of the Columbia River, and that they are endeavoring to extend their influence to the northwards of that stream." Simpson to the Gov., Dep. Gov., and Committee of the H. B. Co., Fort Vancouver, November 25, 1841. Great Britain. Foreign Office. America, 399, Domestic, Various, January to March, 1843.
vesting a constantly increasing portion of their time and energy to promoting American emigration was certainly true. For the most part, their missionary activities among the Indians had proved a failure for a variety of reasons, they were forced to rely on the American settlers to constitute a congregation and give their missions at least the semblance of a reason for existing.

The measure of frustration experienced by the American Protestant mission is exemplified by George Simpson's encounter with one of them. While at Walla Walla in 1841, Simpson recorded in his journal that

We met here an American missionary, of the name of Munger, who had been two years on the Columbia along with his family. This gentleman was grievously disappointed with the country—a feeling common, in his opinion, to most of his fellow-citizens. But the ministers of the Gospel, moreover, had a grievance peculiar to themselves; for instead of finding the savages eager to embrace Christianity, as they had been led to expect, they saw a superstitious, jealous, and bigoted people. They soon ascertained that they could gain converts only by buying them; and they were even reproached by the savages on the ground that, if they were really good men, they would procure guns and blankets for them from the Great Spirit merely by their prayers. In short, the Indians, discovering that the new religion did not render them independent of the traders any more than their old one, regarded the missionaries as nothing better than imposters. Under these discouraging circumstances, Mr. Munger was desirous of returning home.22

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22 Running the risk of oversimplification, the main reasons for the failure of the American Protestant missionary in Oregon might be listed as: First, their uncompromising attempts to "civilize" the Indian by making a white man and farmer out of him. Second, the injury done to the pride of the Indian by, at least, the unconscious introduction of "Jim Crow" segregation of the Indians at the Protestant missions, as a means of protecting the wives and children of the missionaries. And, third, the revulsion experienced by the "strict" Protestant for the general vices of human nature, exhibited in a more advanced degree by the uncivilized and heathen tribesmen of the Pacific Northwest.

One or other of these reasons, or a combination of all three, linked with other disturbing elements of a peculiarly local or tribal character, easily discouraged the Protestant missionary, frustrated his work, alienated the Indians, and, with a few notable exceptions, caused them to abandon the Indians completely and devote their energy to the Americans in the vicinity.

23 Sir George Simpson, Narrative of a Journey Round the World During the Years 1841 and 1842, 2v., London, 1847. 1, 161.
As the Protestant missionaries gradually abandoned their work among the Indians, they increased their efforts to swell the number of Americans in Oregon and branched out into other enterprises. One of these, attempted principally by the "lay-assistants" of the missions, was the establishing of American trading posts in the American settlements. This, of course, brought them to blows with the Hudson's Bay Company. In March, 1842, Simpson informed McLoughlin:

"... I am decidedly of opinion that any stranger entering the river for the purpose of trading, either in fish or furs, should be vigorously opposed, so as to saddle the party with a loss, instead of entering into any arrangements with them, by which they may make a profit, however small. Since our arrival here, we have learned, that a vessel from Boston, the 'Flora' chartered by the Methodist Missionary Society, or bringing out goods on freight for the Willamette Missionaries, will be in the Columbia river in the course of this Spring or Summer. From the quantity of Staves I saw collected at the Willamette falls and other parts of that Settlement, I have no doubt that the Americans in that quarter will direct their attention actively to the curing of Salmon for that vessel this season, and that, although it had not transpired at the Columbia, there has for some time past been an arrangement to that effect, between the Missionaries and their brethren in the States. These people ought, I think, to be energetically opposed, both at the falls and wherever else they may enter into competition with us, in the purchase of fish, furs or any other branch of trade, and as the water privileges of the Willamette Falls and building sites in that quarter must very soon become valuable, I have to beg that you will take possession of and occupy on behalf of the Company, such portion of the water privileges as you conceive the Company have a claim to by prior occupation; and that you will erect the machinery for the Grist and Saw Mills, now on its way from England, at these Falls; retaining possession, moreover, of sites for dwelling houses, Stores, Granaries and other necessary buildings and of an extensive piece of land on the top of the hill, to be occupied as a farm or other purpose, as may hereafter be considered adviseable."


Such tactics were bound to foment ill-will on the part of the missionaries, and, although McLoughlin strove to remain on friendly terms with them while thwarting their commercial and national aspirations, he did not completely succeed. Many of them eventually became his bitterest enemies.

Although ruthless when threatened with commercial competition, the company, nevertheless, attempted to cultivate pacific relations with the American set-
Although the Hudson's Bay Company had abandoned any further attempts to save the country for Great Britain single-handed, they still manifested an intense interest in the settlement of the boundary. In 1840, George Simpson optimistically expected an early settlement of the question.

Settlers, as is evident from the following description of the Willamette settlement and the policy of the Company in its regard. "... there is a population at the Willamette of 65 persons, Americans and others, who with their families have come to the country by the St. Louis communication, and 61 Canadians, retired servants of the Company, in all, 126 men, principally heads of families, making a population of about 500 souls. All these people have taken possession of tracts of country at pleasure, which they expect to retain under a good title arising from such possession, whenever the boundary question may be determined; and are generally very comfortably settled, bringing portions of their farms gradually under cultivation, and having large stocks of cattle brought from California.

"... instead of manifesting any opposition to these people by withholding supplies from them, or putting them to inconvenience in other respects, it is considered good policy to deal with them on such fair and reasonable terms, that no stranger would benefit materially by opposing us in our transactions with them; and with this view, we have it in contemplation to establish a mill for their accommodation on the Falls of the Willamette, which if ever that settlement grows into importance, will be of great value, as there is a water power there to any extent, which was taken formal possession of on behalf of the company several years ago, and where a small building has been lately erected, so as to strengthen our claim to it by possession. These settlers, although they possess little capital within themselves, are generally speaking industrious and enterprising; and as the whole department of the American part of the community is marked by a strong feeling of nationality, I have no doubt that they will when in a condition to do so, offer such encouragement to their countrymen in the United States or the Sandwich Islands, to import supplies for their use to be repaid in country produce, as may induce some of those speculative people to establish themselves in trade among them.

"This little community considering the materials of which it is composed is in a more tranquil state than might be expected, one and all being anxious to stand well in public opinion, so that few cases of outrage or atrocity have as yet occurred among them." Simpson to the Gov., Dep. Gov., and Committee of the H. B. Co., Fort Vancouver, November 25, 1841. Great Britain. Foreign Office. America, 399, Domestic, Various, January to March, 1843.

For business reasons this policy was approved by the Company. "Should any strange vessel arrive with supplies, it will... be advisable to furnish the settlers with what they may require at such reduced prices for ready money as will prevent these adventurers deriving any profit from their speculation, and deter others from entering into the trade." Gov. and Committee to McLoughlin, London, December 1, 1841. McLoughlin, Letters, Second Series, 1839-1841, 73 n°.
I am glad to say there is not the least apprehension of difficulties between the United States and Great Britain, on the contrary, that the best understanding exists between the two nations, and that there is every probability of an early and amicable adjustment of the Boundary and other questions, that have of late been understood to be subjects of difficulty.25

But as it became apparent that the Americans were obdurate on the forty-ninth parallel as a boundary, the company commenced marshalling its resources to oppose any settlement on that basis. In an interview with Lord Sydenham, Governor-General of Canada, Simpson reports that

... he takes a very lively interest & evidently sees the importance of securing to Great Britain the navigation of the Columbia & the country to the Northward of that stream being aware that the parallel of 490, would render the Northern territory of no value to Great Britain. His Lordship told me he was authorised to settle this question with the United States Government, but that although he had brought the subject under their consideration repeatedly, they always found ways and means to avoid the discussion of it.

I think it would be important that his Lordship should be furnished privately by Sir Henry Pelly with a copy of the different communications that have been made by the Company to Her Majesty's Government on this question.26

Simpson opposed the forty-ninth parallel on the basis that it would disrupt the company's and Great Britain's communications with the interior of the country.

If this parallel, as proposed by the Americans, should become the international boundary on the west side of the height of land, Britain would not only be surrendering all the territory of any agricultural value, but would also virtually cut off the interior and the coast of her own share from each other. Fraser's River had never been wholly descended by whites previously to 1828, when, in order to explore the navigation all the way to the sea, I started from Stuart's Lake with three canoes. I found the stream hardly practicable even for any craft, excepting that, for the first twenty-five miles from its mouth, it might receive large vessels.


This river, therefore, is of little or no use to England as a channel of communication with the interior; and, in fact, the trade of New Caledonia, the very country which it drains, is carried on overland to Okanogan, and thence down the Columbia. 27

Hence, he suggested to the Directors in London that they

urge H. M. government not to consent to any boundary which would give to the United States any portion of the Territory north of the Columbia River; as any boundary north of that stream would deprive Great Britain of the only valuable part of the territory, the country to the northward of the Straits of de Fuca not being adapted for agriculture, or other purposes connected with colonization. 28

Simpson’s representations were dutifully passed on to the British Government as the following communication of Sir John H. Pelly shows:

[Governor Simpson] considers the soil and Climate of this Place to be so well adapted for Agricultural pursuits, that in the course of two or three years it may be made to produce sufficient Grain and Animal Provisions to meet not only the demands of our own Trade but to almost to any extent that may be required for other purposes, and he considers the Possession of this Place and a right to the navigation of the River Columbia to be quite necessary to our carrying on to advantage not only the Trade of the upper parts of the Columbia River but also that of the Country interior from the mouth of Fraser’s River and the Coasting Trade all of which can be provisioned from this Place. Under existing circumstances I respectfully submit to your consideration whether it might not be advisable to endeavour to arrange a boundary line between Great Britain and the United States in that country to the West of the Rocky Mountains, more especially as the attention of Congress has been called to the Subject, and in an American map lately published the Line of Lat. 49 is continued from the Rocky Mountains to the Sea Coast, and the Country to the South of that Line is described to be United States Territory, which at some future period might be made use of by the American Government. This Line would deprive Great Britain of a valuable Country now occupied and traded by the Hudson’s Bay Company, and would occasion many practical inconveniences in carrying on the Trade of the Country which would be left to us.

But... it does not appear that the Americans can establish a just claim to any part of the country either to the South or North of the Columbia River, and as the free navigation of that River is necessary to our carrying on the Trade I have endeavoured to fix on a Boundary which would answer the views of the Hudson’s Bay Company without pushing the claims of


Great Britain to their full extent.

I have therefore to suggest that starting from Lat: 49 at the Rocky Mountains the Line ought to be continued Southward along the height of Land to the Place, where Lewis and Clarke [sic] crossed the Mountains, said to be in Lat: 46° 42' thence Westerly along the Lewis's River until it falls into the Columbia and thence to the Sea, leaving the navigation of both these rivers free to the Subjects of both Nations. This line would leave to America the Trade and Possession of an extensive and valuable Country and would furnish fewer opportunities of collision between the Traders of the two Nations, than any other Line that could be suggested. 29

The American settlers in Oregon, though numerically small and still dependent on the Hudson's Bay Company for protection and the necessities of life, were beginning to manifest the self-determination of a people reared in democratic traditions. As the bulk of the Americans in Oregon at this time were missionaries or connected with mission enterprises, it is not surprising that they took the lead in promoting this movement towards self-autonomy.

Within this class, the Methodists enjoyed the greatest prestige, in that they had been the first to come to Oregon and seemed to have unlimited financial resources and manpower. It is not surprising then, that as they gradually withdrew in frustration from missionary work among the Indians, they should turn their attention more to promoting national objectives and to furthering their own personal interests. The two went hand in hand as far as their attitude towards the Hudson's Bay Company was concerned. The Methodists especially resented their dependence on the company, and their main occupation at this time was to make themselves self-sufficient, thereby escaping this hated domi-

29Great Britain. Foreign Office. Certain Confidential Correspondence of the Foreign Office and of the Hudson's Bay Co., Copied from Original Documents, Ottawa, 1899, 12.

Such suggestions emanating from the Hudson's Bay Company influenced the policy of the Foreign Office, for the boundary suggested by Pelly is essentially the same as that Ashburton was authorised to offer prior to the Treaty of Washington in 1842. See infra, p. 135, and map after page 136.
nation. In order to do this, they must acquire more land. And, land that was of strategic importance, such as mill-sites and what would obviously be town sites. But in this they had been forestalled by the company, who had already staked out the most likely spots in the vicinity.  

The only recourse in such a situation was the American Government, and as much pressure as possible was brought to bear. Writing to his brother in Elba, New York, Reverend Alvin F. Waller insisted that

... our government ought to extend its jurisdiction and protection over this country. The state of the country ... (especially for Americans) ... is unpleasant. The Hudson's Bay Company seem determined to monopolize everything as long as possible, yet in many respects they are quite accommodating, at least so far as it is for their interest. They profess to claim many of the best and most valuable parts of the country, by putting up a little hut without inhabitant, and forbid any one settling in those places.

Since little direct assistance could be expected from the United States Government at this time, the Methodists devoted their energies to promoting some form of local government, independent of the Hudson's Bay Company, and if possible, under their own control. Using the death and disposition of the estate of Ewing Young, one of the American residents, as an excuse, they held a series of informal meetings at the mission in 1841, for this purpose. But, due to the small number of Americans in Oregon, 32 this attempt at self-government proved premature. Opposition, moreover, sprang up from a variety of sources. American settlers outside the mission circle did not consider any

30 In pursuance of Simpson's orders to McLoughlin of March 1, 1842. Cf. supra, p. 86.


32 Which was estimated at the end of 1841 to be approximately four hundred.
form of civil government as yet necessary. Things were peaceful. There had been no crime nor did they anticipate any in the foreseeable future. Besides, they did not care to subject themselves to the form of theocratic regime they felt certain the Methodists would institute, if successful.

The Hudson's Bay Company opposed the project as a matter of policy and used their influence among their ex-employees to block any such organization.33

The two Catholic missionaries in the country at the time, also advised the citizenry, especially their French-Canadian flock, to wait. This brought down the wrath of the Methodists on the Catholics, not only at that time, but with increasing violence at a later date. So widespread was the accusation that from the beginning the Catholics in Oregon were pro-British and anti-American, that Bishop Blanchet eventually judged it necessary to give an accurate account of the Catholic position at the time.

... we wish to correct a great mistake made in a lecture by an eminent judge, saying of Very Rev. F. X. Blanchet and Rev. M. Demers: "They were subjects of Great Britain, and their influence and teaching among the people was naturally in favor of the authority and interest of the Hudson's Bay Co. They discouraged the early attempts at the formation of a settlers' government in the country." All this is entirely inaccurate; their being British subjects had nothing to do with their teaching, nor would naturally lead them "to teach their people in favor of the authority and interest of a fur company." A higher sense of feeling than this was their rule; they had a conscience and a faith. Nor did they ever discourage the early attempts of a settlers' government, either within or outside of their churches. When, during the meeting in June, 1841, vicar general

33For a description and discussion of these citizen-meetings of 1841 see MSS Banc. Coll., John McLoughlin, Private Papers, 1825-1856, Series IV, 76-79.

The Hudson's Bay Company had every reason to fear these stirrings of self-government on the part of the Americans. For although the Company had striven for years to inculcate the idea that the Columbia River would be adopted as the boundary between the United States and Great Britain, one of these meetings of 1841 passed an embryonic resolution to the effect "That all settlers north of the Columbia River, not connected with the Hudson's Bay Company, be admitted to the protection of our laws on making application to that effect." MSS Banc. Coll., Evans, History of Oregon, 240.
Blanchet gave his opinion that it was too soon, that, as Commodore Wilkes was expected here, the committee should wait for his opinion. That step was by no means an act of opposition, but on the contrary an act of prudence, which the commodore approved of at St. Paul on June 7th, on the ground that the country was too young. And also on a later occasion, when he begged that his name be erased from those of the committee, that was done in no sense of opposition but for want of time. In a word, let all comprehend that the two Catholic missionaries understood too well the delicacy of their position in this new and unsettled country, to commit such imprudent blunders.34

The death blow to this early attempt at forming a civil government in Oregon was administered by Commodore Charles Wilkes of the United States Navy. Wilkes was engaged on a scientific expedition around the world and while in Oregon was approached for his opinion on this subject, as the only representative of the United States Government available. Though his status was absolutely unofficial, Wilkes complied with their request.

Wilkes's description of the proceedings of a meeting at Jason Lee's mission in June, 1841, is as follows:

A committee of five, principally lay members of the mission, waited upon me to consult and ask my advice relative to the establishment of laws, etc. After hearing attentively all their arguments and reasons for this change, I could see none sufficiently strong to induce the step. No crime appears yet to have been committed, and the persons and property of settlers are secure. Their principal reasons appear to me to be, that it would give them more importance in the eyes of others at a distance, and induce settlers to flock in, thereby raising the value of their farms and

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From this time on, Catholic missionaries in Oregon studiously avoided any contact with the international, national, or local politics of the country. They did this for three reasons. First, they were extra-nationals and reasoned that any advice or comments from them would be deeply resented by one side or the other and perhaps by both. Second, they were too much occupied with the Indians to have time for politics. Third, with the exception of Blanchet, Jumers, Bolduc, and Langlois, who were British subjects from Canada, the missionaries of the country were Jesuits from Europe, principally from Italy, who cared little where the boundary was finally fixed.

For these reasons, Catholic missionaries in Oregon to 1846 had little or no influence on the Oregon boundary settlement.
I could not view this subject in such a light, and differed with them entirely as to the necessity or policy of adopting the change.

1st. On account of their want of right, as those wishing for laws were, in fact, a small minority of the settlers.

2d. That these were not yet necessary even by their own account.

3d. That any laws they might establish would be a poor substitute for the moral code they all now followed, and that evil-doers would not be disposed to settle near a community entirely opposed to their practices.

4th. The great difficulty they would have in enforcing any laws, and defining the limits over which they had control, and the discord this might occasion in their small community.

5th. They not being the majority, and the larger part of the population being Catholics, the latter would elect officers of their party, and they would thus place themselves entirely under the control of others.

6th. The unfavourable impression it would produce at home, from the belief that the missions had admitted that in a community brought together by themselves they had not enough of moral force to control it and prevent crime, and therefore must have recourse to a criminal code.

From my own observation and the information I had obtained, I was well satisfied that laws were not needed, and were not desired by the Catholic portion of the settlers. I therefore could not avoid drawing their attention to the fact, that after all the various officers they proposed making were appointed, there would be no subjects for the law to deal with. I further advised them to wait until the government of the United States should throw its mantle over them. These views I was afterwards told, determined a postponement of their intentions. 35

Even in the midst of all this jockeying for power, the relations between the Americans, as a whole, and the British remained friendly or, at least, civil. This was due, in large part, to the influence of Dr. John McLoughlin.

Mcloughlin was one of those rare men in whom are blended the qualities of kindness and justice, generosity and shrewdness, humility and pride, prudence and courage. And he needed all of these if he were to succeed in keeping the peace.

35 Charles Wilkes, Narrative of the United States Exploring Expedition During the Years, 1838-1842, 5v. and Atlas, Philadelphia, 1845, IV, 352-353. Other missionary groups in Oregon had little to do with this show of nationalism on the part of the Methodists. The Presbyterian and Congregationalist missionaries of the American Board of Foreign Missions group were too far removed from the scene of activity, being stationed in the Walla Walla Valley and adjacent districts, to have any close connection with events or undertakings on the Willamette. Besides they had their own troubles, as will be presently seen,
in Oregon. The American emigrant, as a general rule, admired and respected him, as the testimony of one of the early residents proves.

Dr. McLoughlin was one of god's noble-men. There is not one man in five thousand that could be placed at the head of a company like the Hudson's Bay Company and seeing emigrants coming to that country, who had been so perfectly excluded from civilized people, that would have shown them the kindness he did.36

His employees, servants, and fellow-officers in the Hudson's Bay Company shared these sentiments.

Dr. McLoughlin was a man of strongly marked characteristics, and like many generous tempered men was somewhat passionate, but . . . the passion was no sooner on than it was off, and the Doctor always regretted any thing of that kind and endeavoured to make up for it by kindness to those whom he might have offended. He assisted very materially the early immigrants to Oregon, as will be vouched for by many of the oldest American settlers. Dr. McLoughlin, take him all in all, was an excellent man, and his memory, by those who knew him well, will long be respected.37

McLoughlin's treatment of the emigrants led to unfavorable comparisons between the Hudson's Bay Company and the Protestant missionaries, a fact that only served to heighten the enmity that was growing in these men for all things British and for the company in particular. One of a group, who made their way to Oregon in 1840, stated that upon their arrival at Fort Vancouver, Dr. McLoughlin

... treated me very kindly, charging for nothing we got, and offering to outfit me for a year, for which I should return stock and wheat when I succeeded in raising it. Crossing the Columbia at Vancouver, I went up the Willamette Valley, to where Beers and Jason Lee were. There I had to pay for everything I got. But the Hudson's Bay Company were more generous. I arrived there on the 1st September and remained until the beginning of the next year, making just about a living. The Methodist Mission


was not much liked at that time. 38

Even with McLoughlin's help, life was not easy on that frontier. There was no currency in circulation and all transactions were carried on by barter, only wheat and beaver skins being accepted by the company in payment for supplies. 39 But the settlers were satisfied and considered the prices reasonable, in fact, they were cheap, if compared with the charges for English goods in the States.

. . . in the years . . . 1860-61 and 62 there was not a dollar coin in the whole country—I obtained all the disposable wheat in the Willamette in fall '62 at 60¢ per bushel payable in goods at Vancouver goods in all those years were remarkably good and cheap,—there being no duty. I received no recollection in those years of there being any complaint about prices . . . . Goods were usually sold to outsiders at 100 per cent. The 100 per cent was on the net cost.—It covered . . . Insurance, freight, etc.—The Commissioned officers had their supply at 33 1/3 per cent a profit to cover the charges I have named.—The Laborers and seamen paid 50 per cent.—Any goods advanced at inland posts or on the coast were charged at 100 per cent.—The Kanaka's, i.e., Islanders in the service paid 100 per cent so as to equalize their pay to those engaged in Canada. Blankets sold to outsiders $2.50 each. . . . Woolen pants, corduroy and moleskins $2.50. . . . 40

Still, as in every community, there was a minority who did not like the country and the publication of their complaints and reasons for discontent contributed to the slowing down of emigration in the early 'forties.

This country . . . is not worthy of being compared with the western States, in point of beauty or goodness. There is but little farming land in this country. The Willamett [sic] Valley is the largest portion of farming land in the Territory . . . . This Valley is cut up in pieces by the mountains which rise up immediately from the river. About one-half of

38 MSS Banc. Coll., Joel P. Walker, Narrative of Adventures Through Alabama, Florida, New Mexico, Oregon, California, etc. . . . Dictated by him to R. A. Thompson, Esq., of Santa Rosa, Calif., 1878, 16-17.
the prairie is a solid mass of washed gravel. As for the other portions of farming land in the country, now and then, you may find a piece of ground which is large enough to make a small farm on. But they are few and far between. In my judgement this is a poor farming country at best . . . .

There are many here at present who would get away if they could, but it is so far from any settlement, that they are not able to get away. There are only about two or three rains in the summer and fall seasons. The climate is very changeable; Thermometer ranges from 50 to 100 degrees. It is with much difficulty that persons can travel through the heat of the sun unshaded. It is also an extremely unhealthy climate, and is very relaxing . . . . All persons who come to this country subject themselves to numerous ills, and hardships and privations of every character.\(^1\)

Such unfavorable accounts failed, however, to halt the flow of emigrants completely. In 1841 a group, generally known as the Bidwell-Bartleson party, traveled by covered wagon along the Oregon Trail as far as Soda Springs in northeastern Idaho, where they split, half continuing on to Oregon, the other half making their way into California. There are no definite statistics on this party but it is commonly believed about sixty-four commenced the journey. This would result in an increase in the population of Oregon of between thirty and forty Americans.\(^2\)

The first really organised emigration of any size was that of 1842, partially organised and led by Dr. Elijah White. White had quarreled violently with Jason Lee both as to the operation of the Methodist mission on the Willamette and on the disposition and use of mission funds. As a result, he severed


Campbell was a Methodist minister attached to Lee's station on the Willamette.

\(^2\)It was the practice of these early emigrants to abandon their wagons at Fort Hall, and continue the journey to the Columbia by pack-train. This led to considerable straggling, so much so that the emigration usually lost the appearance of an organised group, and consisted rather in several small emigrations or even single family units. For the reasons for this procedure, see infra, p. 158.
connection with the mission and embarked on the Lausanne on its return to the United States in the summer of 1840. While in the States, White visited Washington, where he met President Tyler, Webster, Upshur, Linn, Spencer, and other government officials or friends of Oregon. His account of conditions in Oregon led these men to conclude that some American vested with authority was needed in the country. President Tyler refused to run the risk of appointing a governor or any civil magistrate that could be interpreted as a violation of the treaty then existing between the United States and England. The expedient was finally hit upon of appointing Dr. Elijah White, sub-Indian agent for the territory. As such he had no direct authority from the government; but if he were able to persuade Indians, Americans, or even the British that he was something of a magistrate, and if these disparate groups were willing to accept and cooperate with him, then he could act as such. White accepted the commission with a stipend of seven hundred fifty dollars a year, and with the guarantee that should Linn's Bill, then before Congress, pass, he would be elevated to the status of Indian Agent with the full pay of fifteen hundred dollars a year.\(^3\)

He was urged to return to Oregon as quickly as possible and, if he could, gather together as many Americans as were willing to emigrate to the country and take them with him.\(^4\) White set out for St. Louis and Independence, he

\(^3\) At the time of his visit to Washington, White had little intention of returning to Oregon. He attributes the idea of his returning, as a confidential agent to keep the government informed of events in the country, to three men: J. C. Spencer, Secretary of War, Lewis Linn, and President Tyler. MSS Banc. Coll., Dr. Elijah White, Government of and the Emigration to Oregon, 25–30.

\(^4\) White disclaimed the authorship of this idea also. He attributed it to the Secretary of War, John Spencer, who "... asked me if it would not be a
court, letting it be known in the course of his journey that an emigration to Oregon was being organized and would set forth that spring. Upon his arrival at Independence, he combed the town and the surrounding countryside for emigrants. He himself states that the most effective organ of propaganda at Independence was advertising through a newspaper that was established at that place. Then I rode around considerably through Platte County, & held little meetings encouraging the people to embark. I think we arrived there in March, & left early in May. Some of our party came from Arkansas. They got news of the proposed expedition through the press—through the Washington press I think—that I had been appointed, & that I had arrived safely at Independence, & was succeeding in raising an emigration.\(^45\)

He succeeded in enlisting a larger number than he expected or was thought possible at the time. One hundred fifty-two arrived in Oregon, representing the largest emigration to date.\(^46\) White's party left Independence in May, 1842, as he had promised, but it was disorganized and continuously rent by factions. White was voted out as leader of the expedition and Lansford W. Hastings, one of the emigrants, was elected captain. Hastings was not able to bring complete harmony to the expedition, and it traveled along in two hostile-ly parallel columns until it reached Fort Laramie. Here the traders advised them to get together if they wished to survive the passage through the hostile

\footnote{Ibid., 18-19.}

\footnote{Ibid., 24-25.}

\footnote{Ibid., 19. These are White's figures. Other estimates of the emigration of 1842 range from one hundred twelve upwards.}
A territory to the west. Moreover, soon after leaving Fort Laramie they
fell in with Jim Bridger and Thomas Fitzpatrick, the latter agreeing to guide
them through to the Columbia. Under the leadership of this experienced moun-
dain man, all factions disappeared and the emigration arrived safely in the
Willamette Valley, October 5, 1842.

The emigrants, whose knowledge of the British in Oregon was generally
drawn from Slacum's Report or Hall J. Kelley's castigations of the Hudson's Bay
Company, were pleasantly surprised at their first encounter with these foreign-
ers. One of them relates that:

At Fort Vancouver I was received a great deal better than I expected. I
met Dr. McLoughlin there on the 2nd of October 1842.

... it was on Saturday afternoon that I was there, and on Sunday at
dinner he called me in and placed me to his right, he sitting at the head. We
had a very good dinner. It consisted of everything you can imagine in
a new country or in an older one, from meats to pastries. They set brandy
and all kinds of liquors from the head to the foot of the table—from one
end to the other .... The Doctor was an abstemious man of the first
water, the most determined abstinance man you ever met in your life. He
did not drink a drop then and never in his life that I know of. He had
it freely on his table. It seemed to be an order of the company that it
should be on the table. The Doctor treated me very kindly. I was a
stranger. It was not the habit to open an account with any one except
their servants or men belonging to the Company. Yet I received any arti-
cle of clothing or anything I wanted just by asking for it, and had my own
time to pay for it.\textsuperscript{17}

The country itself they viewed with mixed emotions. Lansford W. Hastings,
erstwhile captain of the emigration, was not favorably impressed.

The country did not appear to us, to be in reality, that delightful re-
gion, which we had thus long and laboriously sought. Dismay and dissatis-
faction appeared to be visibly impressed upon every countenance, and deep
discontent pervaded every breast. All, however, soon obtained temporary
residences, Doctor McLoughlin kindly professed to render them any assist-
ance in his power. He proposed to sell goods on a credit, to all those
who were unable to make immediate payment. He also commenced building

\textsuperscript{17} MSS Banc. Coll., Sydney W. Moss, Pictures of Pioneer Times at Oregon
City, 19-20.
extensively, at the falls of the Willamette, and thereby gave immediate employment, at the highest wages, to all those who wished to labor. Many engaged in labor for the doctor, others for the mission, while others selected and settled upon their "claims," in the various portions of the country, improving them as they best could, under these very unfavorable circumstances. In the spring, it was found that the dissatisfaction had, in a great measure, subsided, yet, many were still, much dissatisfied, and determined to leave the country, as soon as an opportunity should present. Some desired to return to the States, while others determined to avail themselves of the first opportunity of going to California, to which latter country, many of them, have subsequently gone, where they are entirely satisfied.48

Life, for the first year at least, was extremely difficult and maintained almost exclusively on the subsistence level. As another of the emigrants related in after years,

They found Oregon a country destitute of supplies . . . . Happy was the man who could give an order on Ermatinger, or Abernethy. He labored three years & never saw but three dollars. It was all barter & trade. He made many foot tracks in the mud, but no one made him a pair of shoes . . . . In fact his pants & shoes were made of mud so that they might have gotten the whole measure of him.

It was "root hog or die," They had to struggle for existence, & the existence they had was of a poor & limited character. Once a year he used to go with a pack horse to get supplies that lasted him and his family for the year . . . . Both himself & his wife wore buck-skin. But with all that there was great liberality, & great hospitality . . . . No one was called upon to pay for a nights lodging, or a meal of victuals; & his horse always found a home on the prairie.49

Others liked the country and especially the reception they received from

the elder residents.

The new comers . . . were delighted with the beauty of the "Genesee-like Willamette valley," and the warm hearted hospitality of its inhabit-


Francis Ermatinger was a Hudson's Bay Company trader, operating a store at the Willamette settlement, soon to be known as Oregon City. George Abernethy, formerly a lay-assistant of the Methodist mission, was proprietor of a small store in the same place.
ants. With the latter subsequent expeditions were not so well pleased. This party, constituted of only one hundred and twelve persons, and, being the first from the states, great interest was excited; but they afterwards poured in in such numbers, that it was difficult to entertain them, saying nothing of the novelty being lost.50

As soon as he returned to the country, Dr. White embarked on his career as Indian agent, but with varying success. He got along well with the Indians and the Hudson's Bay Company cooperated with him in every way possible. It was in his roll as government agent among his own countrymen that he encountered opposition, resentment, and finally hatred. His Methodist brethren on the Willamette, of course, had little use for him as a minister or a government agent, and he eventually alienated the other Protestant missionaries by his homilies on public relations and by his intrusion into their work with the Indians.51

50 Allen, Ten Years in Oregon, 170. This testimony with regard to the Willamette settlers was at variance with others current in the United States at the time. One of the journals of the period states that the Hudson's Bay Company "... has always been adverse to colonization in Oregon, and but one settlement has been made under its auspices, west of the Rocky Mountains. This is on the Willamet, and is composed of low Canadians who have intermarried with the natives, and families of the half-breed. All its buildings and appliances are subordinate to the uses and interests of the company, and no inducements are held out to encourage a better class of settlers." Henry Sherman, "The Oregon Territory," The Merchant's Magazine and Commercial Review. Conducted by Freeman Hunt, New York, New York, VI, No. IV (April, 1842), 315.

51 On December 12, 1842, he wrote to Rev. Messrs. Spalding, Walker, and Halls, "Believing as I do, that in this dark heathen land where the whites are so greatly outnumbered by the Savages it is not only true policy, but christian duty, for all whites when they have occasion to speak of each other at all, to speak in such a manner as to convey no other idea than union respect and brotherly kindness. I therefore send you the following communication.

"And I am most respectfully requesting you and all associated with you in Missionary operations in this country to be examples in the above respect and in a special manner as no possible good can grow out of it and much injury must, not only to the interests of religion in general but especially to the objects of your greatest solicitude, I entreat you as a brother in like manner as I do all other protestant and Catholic [sic] Missionaries in this territory to be extremely cautious how you speak of each others religious tenets to Indians or ignorant unprincipled White Men. I pray you as you regard the peace tranquillity and past interests of the Colony and country, and the honour of
The rugged frontiersmen from the Missouri border counties, who formed the largest proportion of emigrants to Oregon in the early years, had nothing but contempt for his quasi-governmental jurisdiction. However, it is extremely doubtful whether any government agent or group of agents, official or otherwise, could have been able to command the respect and homage of these rigorous individualists. One of these early emigrants gives his reaction to White's authority as follows:

... none of his Harlequin acts affected to any visible extent the growth or prosperity of the country—advanced or retarded the growth or decay of political influences... he was only a spy with no authority to do more than keep the Government advised of what was transpiring in Oregon and his salary was paid out of the secret-service fund.

In virtue of an appointment to this despicable position he claimed to be Governor and Dictator of Oregon having all its people (except the H. B. Co.) under his authority. To the H. B. Co. he represented himself as being clothed with the power to hold treaties with all the Indian tribes of Oregon, to regulate their intercourse, with the whites and with each other. That he stood in the same relation to American settlers in Oregon, that Dr. McLoughlin did to British subjects—and for the expenses incurred in the discharge of his duties he was authorized to draw upon the Treasury of the U. S.

That he obtained their credence is proven not only by the countenance and assistance the H. B. Co. gave him in his dealings with the Indians but by advances to the amount of Six Thousand dollars for which they took his drafts upon the Treasury.

As there was no law authorizing Indian Treaties in Oregon, no Indian Agency established there, there could be neither agent nor sub-agent, con-

Our holy religion, do not utter a sentence, word, or tract, derogatory to the Christian character or sentiments of each other....

P. S. Should information reach you or either [sic] of you so authenti-
cated as to leave no reasonable grounds of doubt, of a violation of the within request be so good as to signify it to me at your earliest convenience, and I will feel much obliged, but be careful to so receive and treat the information as not to err yourselves, in word, look or action." MSS Coe Coll., The Elkanah Walker—Marcus Whitman Papers, XVII.

Two weeks later he wrote to Walker and Bells, "... you may say to your Chief and through him to his Subjects, that we will extraordinaries excepted visit them in April next in the mean time assure them if troublesome you have only to notify me and at any time Summer or Winter I will send Mr. McKay to redress your wrongs with sufficient force to do it." White to Walker and Bells, Wasconum, December 26, 1842. Ibid.
sequently no money in the Treasury to pay for these mythical acts, and creations. Of course the H. B. Co. found no one in Washington to honor Dr. White's bills. By a proper representation of the facts, the friends of Oregon in Congress after some years delay procured the passage of an act authorizing the payment of these bills. But in the meantime the Supreme head of the H. B. Co. The Board of managers in London passed an order, which besides being an imperative command for the future, was a sarcastic rebuke for the past. The "order" informed their traders in Oregon "that they did not understand Government Securities and forbade them to deal in them, and for the future to stick to their beaver skins."

Besides his work in organizing and setting in motion the Emigration of 1842, White made the further contribution of keeping the United States government faithfully informed of events in Oregon, and until his return to the States in 1845, his minute and painstaking reports to the Secretary of War were, his critics to the contrary, well worth the money invested in his unofficial and sub-rosa office.

In the latter part of 1842 there occurred a series of events that were to lead to one of the greatest misconceptions in Oregon history, namely, that Marcus Whitman saved Oregon for the United States. In that year word reached the Presbyterian missions in Oregon that the American Board of Commissioners for Foreign Missions contemplated reducing their contributions to the Oregon missions, closing down some of them and ultimately abandoning the field completely. The panic-stricken missionaries convened at Whitman's mission and finally agreed that he should return to the States to remonstrate with the Board in person. This he did, undertaking the unbelievable task of an overland

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53 Due partly to the unauthorized expenses he accumulated in Oregon and partly to the representations of his enemies in that quarter, White lost his commission as sub-Indian agent in 1846. He returned to Oregon in 1850, briefly engaged in land speculation and then moved on to San Francisco. He practiced medicine in that city until his death in March, 1879.
trip in the middle of winter with but one companion, A. L. Lovejoy, and a
side.

He was coldly received by the Board who disapproved of his leaving his
mission without permission, and the only concession that he was able to wring
from them was permission for himself and his fellow missionaries to carry on
their work if they so desired, but with no further support from the Board. They
even refused to pay the expenses of his journey to the United States or of his
return to Oregon. After visiting his family and friends and making a journey
to Washington to report to the government on conditions in Oregon, as was be-
coming the custom for all those returning from the country, Whitman attached
himself to the Emigration of 1843, which was assembling at Independence, Mis-
nouri, and arrived back at his mission in October, 1843.

In brief, this seems to have been the sum total of Whitman's activities
during the year 1842 to 1843. However, thirty years later, the story sprang up
that Whitman made this journey solely to save Oregon for the United States by
remonstrating with the government against making any concessions to the British
and by organizing the Emigration of 1843 to occupy the country for the United
States. This, coupled with accounts of the Whitman massacre of 1847, was cir-
culated with fanatic zeal and resulted in the general belief that the martyr
Whitman had secured Oregon for the United States single-handed. An example of
this can even be found in government documents as the following excerpt from a
lecture of Whitman's co-missioner, H. H. Spalding, shows.

On reaching the settlements, Dr. Whitman found that many of the now
old Oregonians—Waldo, Applegate, Hatree, Keyser, and others—who had
once made calculations to come to Oregon, had abandoned the idea because
of the representations from Washington that every attempt to take wagons
and ox teams through the Rocky and Blue Mountains to the Columbia had
failed. Dr. Whitman saw at once what the stopping of wagons at Fort Hall
every year meant. . . . The doctor told these men as he met them that
his only object in crossing the mountains in the dead of winter, at the risk of his life, and through untold sufferings, was to take back an American emigration that summer through the mountains to the Columbia with their wagons and their teams. The route was practicable. We had taken our cattle and our families through seven years before. They had nothing to fear; but to be ready on his return. The stopping of wagons at Fort Hall was a Hudson's Bay Company scheme to prevent the settling of the country by Americans, till they could settle it with their own subjects from the Selkirk settlement. This news spread like fire through Missouri. . . . The doctor pushed on to Washington and immediately sought an interview with Secretary Webster . . . and stated to him the object of his crossing the mountains, and laid before him the great importance of Oregon to the United States. But Mr. Webster lay too near Cape Cod to see things in the same light with his fellow-statesman who had transferred his worldly interests to the Pacific coast. He awarded sincerity to the missionary, but could not admit for a moment that the short residence of six years could give the doctor the knowledge of the country possessed by Governor Simpson, who had almost grown up in the country, and had traveled every part of it, and represents it as one unbroken waste of sand deserts and impassable mountains, fit only for the beaver, the gray bear, and the savage. Besides, he had about traded it off with Governor Simpson, to go into the Ashburton treaty, for a cod-fishery on Newfoundland.

The doctor next sought, through Senator Limb, an interview with President Tyler, who at once appreciated his solicitude and his timely representations of Oregon, and especially his disinterested though hazardous undertaking to cross the Rocky Mountains in the winter to take back a caravan of wagons. He said that, although the doctor's representations of the character of the country, and the possibility of reaching it by wagon route, were in direct contradiction to those of Governor Simpson, his frozen limbs were sufficient proof of his sincerity, and his missionary character was sufficient guarantee for his honesty, and he would, therefore, as President, rest upon these and act accordingly; would detail Fremont with a military force to escort the doctor's caravan through the mountains; and no more action should be had toward trading off Oregon till he could hear the result of the expedition.54

No foundation can be established for any of the above assertions, or others similar to them in circulation at the time. For example, the emigrant, Applegate, mentioned by Spalding, flatly contradicts the statement that Whitman was responsible for his journey to Oregon.

Dr. Whitman made no stay in Missouri and arrived at Washington in March 1843. The emigrants of that year were moving to the rendezvous in

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April, that they did so through the influence of Dr. Whitman is simply absurd. Dr. Whitman did not overtake my party until it reached the Platte. His presence in my camp was the first intimation I had that he was in the States, except a few families with Daniel Waldo the whole emigration had traveled together to the crossing of the Big Blue—If Dr. Whitman had influenced any of them to migrate they kept it to themselves,—if any of them knew he was in the States and was to be our guide upon the journey they were equally reticent,—there could be no motive to keep such a thing secret, so I conclude the mass of the emigrants were as innocent of knowing his whereabouts as myself. 

Whitman himself laid no claims to saving Oregon or even attempting to do so. There is no mention of any such crusade in his correspondence or in that of his contemporaries, whether fellow-missionaries or otherwise. On the contrary, Applegate maintained that

He was a true patriot and as ardent in his wishes to see Oregon secured to the U. S. as any American in it. But he did not attach any special importance to his own visit to Washington as having any weight in bringing about that event. Dr. Whitman was too intelligent not to know the Government at Washington was far better informed upon all questions relating to the Oregon boundary than he or any man could be located in the heart of the Indian country where frequently he was months together without hearing what was transpiring in the outside world, and far too modest to attempt to convince Daniel Webster of his "follies" of any kind.

And in another place states that

Dr. Whitman had no more to do with securing Oregon to the United States than any other intelligent American. The celebrated interview with Daniel Webster may have taken place, but if so, Dr. Whitman never mentioned it to Mr. Applegate. It was hardly possible for such a thing to have been without such mention for the two were very intimate and crossed the plains together on Dr. Whitman's return from that visit.

Perhaps the most conclusive proof that the reason compelling Whitman to make the journey to the States in 1842 was the fate of the mission and that alone is contained in a letter of Whitman's colleague, Rev. Elkanah Walker to Rev. Dr.

56 Ibid., 35.
57 Ibid., 3.
108

October 3, 1842. Nowhere in this letter is any mention made of Whitman even the secondary purpose of saving Oregon for the United States or promoting any emigration to this end. The whole letter is devoted to the mission, its fate, and Whitman's efforts in its behalf. If Whitman, according to this letter, had any intention of bringing anyone back to Oregon with him, he was more missionaries as a reinforcement for the mission. The object of Whitman's return to the States is clearly stated in that portion of the letter which reads as follows:

We found that there was a difficulty in sustaining the Mission as to [sic] many had left and as the reinforcement sent to the Mission had stopped by the way. In this state of things a proposition was made by Dr. Whitman and supported by Mr. Spalding for him to return to the States this winter and confer with the committee and conduct a reinforcement out next summer. The proposition was made to Mr. Bells and myself just as we were on the eve of leaving to return to our place . . . . After more conversation on the subject and feeling that something must be done and that with as little delay as possible we came to this conclusion, that if Dr. Whitman could put his station in such situation that it would be safe to leave it, and make proper arrangements, we would consent to his going.

We do not approve of the manner in which this question was decided and nothing as it seemed to us but stern necessity lead [sic] us to decide as we did. It seemed like death to put the proposition in force and death to remain in the state in which the Mission was. I have no doubt if his plan succeeded it would be one of great good to the Mission and country. It is to be expected that a Romish influence will come in which will [be] most difficult for the Mission as now sustained to with stand. As we are now situated we are much straitened in our mode of operation and cannot exert that influence that we could if we had more men, especially those of the right kind. We need more lay members such as mechanics and farmers . . . .

As it is now expected that Whitman will visit you, you will be able to confer with him. We have perfect confidence in his views of missionary operations and the course best to pursue in regard to settler. He will be able to give you correct information as to what kind of men is needed and how many. We are not without our doubts that he may fail to get through. In order to repair as far as possible the evil that would result from a failure, a copy of this will be forwarded by way of the Islands.58

58 Walker to Green, Tehimakian, October 3, 1842. "The Oregon Missions as
The "Whitman Legend," as it was later called, flourished for generations. It was only in the early part of the twentieth century that scholars, curiously concerning the sources of such a claim, succeeded in exploding it and re-establishing Whitman's stature to the normal, hard-working, patriotic, and God-fearing that he was.59

That the interest of the people of the United States had awakened to the opportunities offered by Oregon and to the threat to their peaceful possession of the country, is evidenced not only by the increased number of emigrants in 1842 group, but also by the flood of memorials and petitions that poured in Congress from all sections of the country and from all classes of people,


Further discussion of the Whitman Legend would prove fruitless in this context as it becomes involved in a large and disproportionate controversy. One example will be given, however, of how some of the items of the Legend started. In a manuscript entitled "Marcus Whitman, M. D.: Proofs of his Work in Saving Oregon," Rev. Myron Eells, gives as the source of Whitman's exact conversation with Webster and the subsequent codfishery story, a Mr. Moore of Marion County, Oregon, who got it from Rev. H. H. Spalding. Eells himself takes it from the Danville, New York, Advertiser for May 4, 1865, which copied it from the Sacramento, California, Union for November 16, 1864. MSS Banc. Coll., Myron Eells, Marcus Whitman, M. D.; Proofs of his Work in Saving Oregon, 7.

A further check of the sources of other portions of the Legend have proved them to be based on similar hearsay, rumor, copying, and, ultimately on nothing.

requesting that the Government take positive action in asserting United States ownership and sovereignty over that territory.

Seventy citizens of Oregon added their voices to those of their countrymen in a Memorial presented to the Senate on June 4, 1840, by Lewis Linn, in which they requested "... the extension of the jurisdiction and laws of the United States over that Territory ..."60 A typical petition received by Congress this time from citizens of the United States is that of one hundred eighty citizens of Missouri, presented to the Senate by Lewis Linn on March 26, 1842, and requesting the settlement of the Oregon Territory, for the following reasons:

1st. On account of the apprehended danger of Great Britain wresting it from the United States, unless occupied by citizens of the United States. 2d. They consider the ownership and inhabitation of that country of the highest importance to American commerce, especially that on the Pacific ocean. 3d. It will furnish a new home and a new field for the enterprising emigrant. 4th. It will not only add to the strength and glory of the American people, but will furnish homes for millions of intelligent and happy citizens. 5th. Many of them desire to remove these [sic] with their families, provided the Government will extend to them a parental hand. To ensure the settlement of it, they pray for the passage of a law containing the following stipulations on the part of the Government to the settlers. 1st. That a military post be placed in the Territory adequate to defend the settlers from the British and Indians; 2d. That Government give to each settler, being the head of a family, who shall actually reside on the land donated one year, and in the territory five consecutive years next succeeding such settlement, 640 acres of land.61

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This petition is variously known as the Farnham Memorial, since Thomas J. Farnham brought it back to the States with him in 1840; the Leslie Petition, from Rev. David Leslie, one of its signers; and, for obvious reasons, the Petition of 1840.


For similar petitions presented to the Senate between January 6, 1840, and
The government of the United States, though in need of this prodding by citizenry to take a more aggressive part in the contest for Oregon, could be accused of doing absolutely nothing. In 1838 one of the largest and best equipped scientific expeditions to date had been despatched on a round-world voyage of exploration, under the command of Commodore Charles Wilkes of the United States Navy. One of his more specific orders was to explore and investigate thoroughly the territory of Oregon when his globe-circling expeditions should arrive in that vicinity.

On April 26, 1841, Wilkes anchored off Cape Disappointment at the mouth of the Columbia. After one look at the sand-bar across the mouth of the river, Wilkes was convinced that this entrance would never make a practical or safe port of entry for any kind of shipping. His subsequent investigations of the coast, north to the forty-ninth parallel, further convinced him, and later contributed much to convincing the United States government, that should they ever except the British line of the Columbia as a boundary, they would surrender every practical harbor on the northwest coast from fifty-eight degrees north latitude to San Francisco.


On March 26, 1842, Lewis Linn also presented a Memorial from certain settlers of Oregon territory "... asking that Congress will grant and confirm to them the lands on which they have settled, estimated at four leagues square, for the establishment of a military post, or some kind of territorial government at or near their place, to protect them from the oppression and insults of the Hudson's Bay Company." U. S. Cong., Senate, Cong. Globe, 27th Cong., 2nd Sess., 1841-1842, March 26, 1842, XI, pt. 1, 361. U. S. Cong., Senate, Senate Journal, 27th Cong., 2nd Sess., 1841-1842, Serial No. 394, 2h6.

62 Wilkes, U. S. Exploring Expedition, IV, 293.

63 Ibid., 296. This is evident from the fact that soon after the return of
Wilkès found that the only worth-while anchorage for all types of vessels in the Straits of Juan de Fuca, and particularly in Puget Sound.

Nothing can exceed the beauty of these waters, and their safety: not a sheal exists within the Straits of Juan de Fuca, Admiralty Inlet, Puget Sound, or Hood's Canal, that can in any way interrupt their navigation by a seventy-four gun ship. I venture nothing in saying, there is no country in the world that possesses waters equal to these. 64

He began his inland investigations at Fort Nisqually on Puget Sound and throughout the month of May, 1841, traveled in a southerly direction to Fort Vancouver on the Columbia. His description of the Puget Sound Agricultural Company and its operations, as well as this company's effect on the economy of the American settlement on the Willamette, provides an insight into conditions in the disputed territory at the time.

I have mentioned these agricultural establishments as connected with the Hudson's Bay Company, and they are in reality so; but as their charter precludes their engaging in these operations, another company has been organized, under the title of the "Puget Sound Company," the shares of which are held by the officers, agents, and servants of the Hudson's Bay Company, and its officers are exclusively chosen from among them. Dr. M'Loughlin, for instance, chief officer and governor of Fort Vancouver, on the part of the Hudson's Bay Company, is also a director of the Puget Sound Company, and has the entire management of its concerns; his salary is five hundred pounds.

The expedition on June 10, 1842, Daniel Webster observed to Edward Everett, United States Minister in London, that "A division of this territory might naturally be suggested, and at first blush the Columbia River might seem to present itself as a convenient line of division. But there are great peculiarities about this river. It affords very small accommodations to commerce, in comparison with its size, or volume of water. For nine months in the year the navigation of its mouth is regarded as impracticable, and for the rest quite uncertain and inconvenient. If we should consent to be limited by the river on the north, we shall not have one tolerable harbor on the whole coast. The Straits of St. [sic] Juan de Fuca, and the inland waters with which they communicate, undoubtedly contain all the good harbors between the Russian settlements and California." Webster to Everett, Washington, November 28, 1842. The Writings and Speeches of Daniel Webster, 16th ed., 15v., Boston, 1903, XVIII, 153-154.

64 Wilkes, U. S. Exploring Expedition, IV, 305.
The capital of the Puget Sound Company is five hundred thousand pounds, divided into shares of one hundred pounds each; only two hundred thousand pounds of this have been paid in. The operations of this Company are in consequence large; they began by making large importations of stock from California, and some of the best breeds of cattle from England; they have also entered into farming on an extensive scale, using as labourers the servants of the Hudson's Bay Company, who are bound by their contracts to do all manner of service that may be required of them, even to the bearing of arms.

This Company have the supplying of all the forts and stations of the Hudson's Bay Company on the west side of the American continent, and also furnish the Russian ports with grain, butter, and cheese; of the former article the Russians take about fifteen thousand bushels. It is also their intention, when they shall have succeeded in breeding a sufficient stock of cattle and sheep, to export hides, horns, tallow, and wool, to England, in the return ships, which now go home comparatively empty, as the furs occupy only a small portion of the capacity of the ship. In this way it may readily be perceived that they will be enabled to drive a profitable trade, particularly when it is considered how little care the cattle require in this territory, in consequence of the grass and natural hay which the soil affords at all seasons. It is the prospect of the advantageous results to be derived from these operations, that has induced the Hudson's Bay Company to change their trading establishments into large agricultural ones. For some years previous to our arrival, they had not been able to meet their own wants, and at the same time fulfil their contracts with the Russians. They were therefore obliged to purchase from the settlers in the territory, as well as send to California, to procure the requisite quantity of agricultural products. A demand was consequently created for wheat, and all that could be raised in the Willamette settlements was bought for six shillings (seventy-five cents) a bushel, and paid for in drafts on their stores in goods, at fifty per cent. advance on the first London cost. This gave an encouragement to the small farmers, that was fatal to meet with grievous disappointment the next season; for the Company was able not only to meet their engagements, and their own wants, but had, besides, a surplus. The prices consequently would be merely nominal, unless raised by the influx of new settlers. Whether the latter cause had any effect in creating a market, I know not; but I understand that in 1842 some of the settlers fed their horses upon their finest wheat.65

It is therefore easy to understand, to some extent, the resentment that later arose against the Hudson's Bay Company and this subsidiary. For to maintain these large scale operations the Puget Sound Agricultural Company had not only occupied the best farming and grazing lands north of the Columbia, but the

65Ibid., 307-309.
at company, by their restrictions on trade, prevented the American settler from disposing of his produce in a free market and bound him to their own arbitrary and fluctuating demands.

In July of 1841 Wilkes dispatched an expedition to the east of the Columbia River, into territory that was indisputably that of the United States. This group found that, compared to the country west of the Columbia, this territory was almost worthless as far as farming was concerned. William D. Brackenridge, a horticulturist, who accompanied the expedition noted that as an agricultural country to me it appears almost positive [sic] that to take the upper lands (or those above Walla Walla) on an average, that Ten acres out of a Hundred would not produce Rye enough to cover expense of Seed and Labour . . . And that not more than Two acres out of one Hundred would produce Wheat that would pay the farmer for his trouble . . . . —Nature seems to have designed the upper part of the Oregon more as a pastoral, or country for the raising of Cattle. That part of it pass'd over by us between Okanagan, by way of the Coule[s] to the River Spokane, & from that over to the Kus-Kutskii [Clearwater River, Idaho], could not be surpassed as a sheep Country by any in the world . . . .

With regard to the natives, Wilkes found that although they still made war on one another, the authority of the Hudson's Bay Company officers was very much respected and that their efforts to maintain peace in the country were successful. His own experience was that through the influence of the company, a white man might travel with impunity throughout any portion of the country where their posts were located. The knowledge that should any accident befall him the company would organise a war-party and hunt down the offender, rendered him immune from attack by the Indians.

Hence, it came as no surprise to Wilkes to find that Fort Vancouver was a

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only in name. In describing Dr. McLoughlin's residence he notes that between the steps are two old cannon on sea-carriages, with a few shot, to speak defiance to the natives, who no doubt look upon them as very formidable weapons of destruction. I mention these, as they are the only war-like instruments to my knowledge that are within the pickets of Vancouver, which differs from all the other forts in having no bastions, galleries, or loop-holes. 68

The same good order and discipline that existed among the Indians was also evident among the retired employees of the company residing in the vicinity of Fort Vancouver. This is explained by the hold the company retained on them even after their retirement from the service.

They are engaged for five years, and after their time has expired the Company are obliged to send them back to England or Canada, if they desire it. Generally, however, when their time expires they find themselves in debt, and are obliged to serve an extra time to pay it; and not unfrequently, at the expiration of their engagement, they have become attached, or married to some Indian woman or half-breed, and have children, on which account they find themselves unable to leave, and continue attached to the Company's service, and in all respects under the same engagement as before. If they desire to remain and cultivate land, they are assigned a certain portion, but are still dependent on the Company for many of the necessaries of life, clothing, etc. This causes them to become a sort of vassal, and compels them to execute the will of the Company. In this way, however, order and decorum are preserved, together with steady habits, for few can in any way long withstand this silent influence. The consequence is, that few communities are to be found more well-behaved and orderly than that which is formed of the persons who have retired from the Company's service. That this power, exercised by the officers of the Company, is much complained of, I am aware, but I am satisfied that as far as the morals of the settlers and servants are concerned, it is used for good purposes. For instance, the use of spirits is almost entirely done away with. Dr. M'Laughlin has acted in a highly praise-worthy manner in this particular. Large quantities of spirituous liquors are now stored in the magazines at Vancouver, which the Company have refused to make an article of trade, and none is now used by them in the territory for that purpose. They have found this rule highly beneficial to their business in several respects: more furs are taken, in consequence of those who are engaged having fewer inducements to err; the Indians are found to be less quarrel-

68 Ibid., 327. For another function of this ordnance, cf. supra, 72.
For detailed descriptions of Fort Nisqually, the Hudson's Bay Company'sredits farm, and Fort Vancouver see Wilkes, U. S. Exploring Expedition, IV, 306-309, 315-316, 326-336.
somes, and pursue the chase more constantly; and the settlers, as far as I could hear, have been uniformly prosperous . . . .

The settlers are also deterred from crimes, as the Company have the power of sending them to Canada for trial, which is done with little cost, by means of the annual expresses which carry their accounts and books. 69

Wilkes was not so favorably impressed by the American Methodist missionaries resident on the Willamette.

There was a petty dispute between Mr. Waller and the Company, and he complained of them. It seems that the Company refuse to buy any beaver-skins, except from the hunters and trappers; and he accuses them of monoply in consequence. The Company, on the other hand, say that they have no idea of selling goods out of their own stores, for the purpose of enabling others to enter into competition with them; and that they will spare no expense to keep the trade, as long as they can, in their own hands. This is certainly not unfair. I cannot help feeling it is quite unsuited to the life of a missionary, to be entering into trade of any kind. To embark in traffic must, I think, tend to destroy the usefulness of a missionary, or divert his attention from the great cause in which he is engaged. I am very far from attaching any blame on this account to the missionaries, whose avowed object is to teach the arts of civilization, as well as the Word of God, and I have no doubt that they are doing all in their power to promote the latter object; but I am disposed to think, that any complaints against the Hudson's Bay Company for endeavouring to keep the trade in their own hands, comes with an ill grace from the members of a mission who

69Ibid., 329-330. For the source of a portion of this stock of liquor, cf. infra, p. 123, n76.

On the whole, Wilkes was favorably impressed by the moral tone in the country, and he was at a loss to account for rumors to the contrary then prevalent in the United States. "An opinion has gone abroad, I do not know how, that at this post there is a total disregard of morality and religion, and that vice prefigures. As far as my observations went, I feel myself obliged to state, that every thing seems to prove the contrary, and to bear testimony that the officers of the Company are exerting themselves to check vice, and encourage morality and religion, in a very marked manner; and that I saw no instance in which vice was tolerated in any degree. I have, indeed, reason to believe, from the discipline and the example of the superiors, that the whole establishment is a pattern of good order and correct deportment.

"This remark not only extends to this establishment, but as far as our opportunities went (and all but two of their posts were visited), the same good order prevails throughout the country. Wherever the operations of the Company extend, they have opened the way to future emigration, provided the means necessary for the success of emigrants, and rendered its peaceful occupation an easy and cheap task." Wilkes, U. S. Exploring Expedition, IV, 332-333.
are daily receiving the kindest attention and hospitality from its officer.

As for their primary objective in the country, the conversion and civilisation of the Indians, it seemed they were making little progress, at least in relation to money already spent and manpower expended.

We were extremely desirous of obtaining information relative to the future plans of these missionaries as to teaching and otherwise forwarding the civilisation of the Indian boys; but from all that we could learn from the missionaries, as well as lay members, my impression was, that no fixed plan of operations has yet been digested; and I was somewhat surprised to hear them talking of putting up extensive buildings for missionary purposes, when it is fully apparent that there is but a limited field for spiritual operations in this part of the country. The number now attached and under tuition are probably all that can be converted, and it does not exceed the number of those attached to the mission. I was exceedingly desirous of drawing their attention to the tribes of the north, which are a much more numerous and hardier race, with a healthy climate. It is true that a mission station has been established at Nisqually, but they are doing nothing with the native tribes, and that post is only on the borders of a charge, committed to their hands by a persevering and enlightened class of Christians at home, who are greatly interested in their doings and actions, they will be held responsible for any neglect in the great cause they have undertaken to advance, and in which much time and money have already been spent.

That all may judge of the extent of this field of missionary labours I will enumerate the numbers of Indians within its limits. Nisqually, two hundred; Clatsop, two hundred and nine; Chimooks, two hundred and twenty; Kilamukes [Klamath], four hundred; Callapuyas, six hundred; Dalles, two hundred and fifty: say in all this district two thousand Indians; and this field is in part occupied by the Catholics . . . . Of these, the Methodist missionaries have under their instruction, if so it may be called, twenty-five at the Willamette station; at the Dalles, and occasionally on the Kla-kamus river, are the only places where divine service is attempted. I would not have it understood that by these remarks I have any desire to throw blame on those who direct or are concerned in this missionary enterprise, or to make any imputations on the labourers; but I feel it a duty I owe my countrymen, to lay the truth before them, such as we saw it. I am aware that the missionaries come out to this country to colonise, and with the Christian religion as their guide and law, to give the necessary instruction, and hold out inducements to the Indians to quit their wandering habits, settle and become cultivators of the soil. This object has not been yet attained in any degree, as was admitted by the missionaries themselves; and how it is to be effected without having con-
stantly around them large numbers, and without exertions and strenuous efforts, I am at a loss to conceive. I cannot but believe, that the same labour and money which have been expended here, would have been much more appropriately and usefully spent among the tribes about the Straits of Juan de Fuca, who are numerous, and fit objects for instruction.\footnote{Ibid., 354-355.}

Wilkes found the American population in the Willamette valley, on the whole, prosperous and contented. He was firmly convinced that Oregon held forth great opportunities to emigrants and in illustration of this fact cites the example of one who, with a little initiative, had bettered his condition considerably.

Three years since, O'Neill came to the valley with only a shirt to his back, as he expressed it: he began by working part of his farm, and obtained the lean of cattle and other articles from Dr. M'Laughlin, all of which he has, from the natural increase of his stock and out of his crops, since repaid. He has bought the farm, has two hundred head of stock, horses to ride on, and a good suit of clothes, all earned by his own industry; and he says it is only necessary for him to work one month in the year to make a living; the rest of the time he may amuse himself. He spoke in the highest terms of Dr. M'Laughlin, and the generous aid he had afforded him in the beginning. This farm is the best we have seen, in every respect; it is not only well arranged, but has many advantages from

\footnote{Ibid., 354-355.}
ins location. The success of O'Neill is a proof of what good education and industrious habits will do, and it is pleasing to see the happiness and consideration they produce.\textsuperscript{72}

The total population of Oregon, from the forty-second parallel to fifty-fourth, Wilkes estimated to be around twenty-one thousand. Of these, he judged approximately twenty thousand were Indians, while he placed the number of half-breeds and whites at between seven and eight hundred. In this latter category were included one hundred and fifty Americans, though Wilkes admitted that this group had increased considerably through emigration since 1840.\textsuperscript{73}

And that he expected these emigrants to increase in number is evident from the following:

Those who have travelled the route from the United States to the Oregon Territory, seem to have but little dread for the war-parties of the Indians, who seldom now venture to attack any party of whites, however small. The great difficulty experienced by them, is in procuring food for

\textsuperscript{72}Ibid., 356. Not all, however, were as successful or as contented as O'Neill. "The next farm I stopped at was that of Mr. Walker, who came from Missouri, with all his family, last year: he did not like the country, and wished to go to California by the first opportunity. His principal objection, he told me, was to the climate, which was too wet for business. He said that the land was good, but only for crops of small grain, which there is no market for, nor is there a probability of one for some time. Indian corn cannot be raised: it was, however, a first-rate grazing country. He was a good specimen of a border-man, and appeared to think nothing of a change of domicile, although he is much past the middle age, with grown-up sons and daughters around him. He intended to go to California, and if the country did not please him, he would travel home by way of Mexico. His family consisted of eight or ten persons." Ibid., 363. In a footnote to his text, Wilkes remarks that "Mr. Walker subsequently joined the party I sent across to California, from the Willamette, and then entered the service of Mr. Suter [sic]." Ibid.

Wilkes also had occasion to notice the effect of national characteristics on the way of life of the Willamette settlers. "... those of French descent appeared the most contented, happy, and comfortable, those of the Anglo-Saxon race showed more of the appearance of business, and the 'go-ahead' principle so much in vogue at home." Ibid., 358.

\textsuperscript{73}Ibid., V, 180-181. Lt. George Foster Emmens, U. S. N., a member of the expedition, breaks down the non-Indian population south of the Columbia as follows:
their animals and themselves at the point where many other obstacles are to be overcome; but the way for the emigrant is far less toilsome, from the accounts of those who have gone through the hardships, than has been represented. It will not be many years before these difficulties will not be considered, and in all probability the new routes that will be found will render the travel much less fatiguing to both man and beast. One great impediment to the traveller, after this journey is performed, has been already removed; for, on his arrival in the Oregon, he now meets with his friends, and every thing that he can desire, to insure his comfort in

| Members of the American Methodist Mission—in No. | 20 |
| Wives of | Do | Do | Do | 20 |
| Children of | Do | Do | Do | 34 |
| | | | 74 |
| American A. B. C. F. Mission—Males | 6 |
| Do | Do | Females | 6 |
| Do | Do | Children | 18 |
| Other American Missionaries—Males | 4 |
| Do | Do | Females | 4 |
| Do | Do | Children | 9 |
| Foreign; Catholic Missionaries | 3 |
| Other American Male Settlers | 32 |
| Do | Wives | 21 |
| Do | Children | 31 |
| | 87 |
| Colored Men & their Wives | 9 |
| Canadians & Half breeds—Males | 60 |
| Do | Do | Wives | 52 |
| Do | Do | Children | 117 |
| | 259 |
| Exclusion of all settlers N. of the Columbia & including the Migrating Party composed of | 136 |
| Other Foreigners not included above—Males | 16 |
| Do | Do | Wives | 5 |
| Do | Do | Children | 5 |
| making a grand total of--------- | 622 [sic] [621] |
a new country; instead of, as formerly, depending upon the precarious supply furnished by the Indians.74

The relations of the Wilkes expedition with the Hudson's Bay Company in Oregon were extremely friendly. It is true that as Wilkes made no attempt to conceal the nature of his visit nor his status as a naval officer of the United States government, Dr. McLoughlin and others might have been tempted to extend themselves more than usual in the interests of diplomacy. But, in general, Wilkes and his men seem to have received little more largesse than was bestowed on previous visitors or even on the lowliest, half-starved emigrant.

As had others before him, Wilkes realized that a great deal of the antipathy for the British in Oregon was aroused by their business methods and their accidental hegemony in the country. However, he did not consider their practices extreme when considered as pure business enterprises, nor could he uncover any single instance of the Company's having abused their power over the inhabitants of the country.

The number of posts occupied by the Hudson's Bay Company in this territory is twenty-five; these are located at the best points for trade, and so as to secure the resort of the Indians, without interfering with their usual habits. Places are also occupied in the vicinity of their abodes during the most favourable part of the year, for obtaining the proceeds of their hunting. This is regulated with much skill; and the portion of the country once under their care is never suffered to become exhausted of furs; for, whenever they discover a decrease, the ground is abandoned for several years, until the animals have time to increase again.

A charge has been made against the Company, that they were desirous of exterminating the beaver south of the Columbia, and would continue to hunt them until every fur-bearing animal was exhausted. This from the information I received, I believe to be erroneous; the story has probably proceeded from feelings of rivalry on the part of those who spread the report.

Another charge made against them, of exciting attacks on the free trappers, who are generally from our borders, is to be received with many allowances. It has been made in many cases from interested motives; and I

74Wilkes, U. S. Exploring Expedition, IV. 474.
satisfied that nothing of this kind could emanate from Vancouver, or from any of the officers.

The whole conduct of Dr. M'Laughlin is totally at variance with such a course: every facility has been at all times extended to newcomers and settlers; it is sufficient that they are of good character, and the use of cattle, horses, farming utensils, and supplies, is invariably extended to facilitate their operations, until such time as they are able to provide for themselves.

During our stay at Vancouver, I had the pleasure of seeing many members of the Willamette Mission; but they were unable to give me much information. They invariably spoke of Dr. M'Laughlin in the highest terms; they were averse to his absolute rule over the whole territory, and, although it was considered by them as despotic, they could not adduce any instance of the wrong application of his power. He is notwithstanding extremely unpopular among all classes of our countrymen, but for what reason it is difficult to conceive.75

The Hudson’s Bay Company provided valuable aid to the expedition, not only in extending unlimited credit for provisions, but also in furnishing guides for the various exploring parties Wilkes dispatched throughout the country. Moreover, in conversation with the officers of the company, Wilkes was able to ac-

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75Ibid., V, 136-137. The predominance of the British in Oregon disturbed our countrymen, however, at least insofar as the ultimate fate of the country was concerned. After conversing with members of the Methodist Mission, Lt. Emmons wrote that they all appear "... to be contented in their little houses, & looking forward to a period when their little settlement would grow through their own efforts and the aid of our Government, become a flourishing colony.

"At present they feel much the want of Laws to protect & control, not indeed so much among themselves as their neighbors, who represent nearly all quarters of the globe, and have no particular standard of right & wrong. This demand of course increased with the growth of the country, and I trust that our Government will soon be convinced of the propriety of extending her jurisdiction over this beautiful portion of our country in such a manner that it will not only afford relief & protection to the American settler, but effectually to counteract foreign influence, which now predominates & is increasing."

"It appears to be the settled policy of Great Britain to extend her dominion wherever she can. And although our avowed policy (the wisdom of which I do not question) is directly the contrary, the policy of retaining all that rightfully belongs to us, and is of value, I presume will not be questioned.

"From the little knowledge I have acquired of this country, the wants & expectations of this people, I shall hereafter look with some solicitude to the final action of our Government." MSS Geo Coll., Lieut. George Foster Emmons, Manuscript Journals, August 11, 1841.
The expedition manifested its gratitude for such cooperation in many ways. One incident, mentioned by Wilkes, though of relatively small importance, certainly served to repay the courtesies extended the expedition. "Soon after the wreck of the Peacock, Captain Hudson, hearing that Dr. M'Loughlin was in want of hands to aid him in the harvest, despatched the Kanakas belonging to the Peacock up to Vancouver, to assist in gathering it. It afforded some little pleasure to contribute this aid, and thus in some small degree to repay the attentions and kindness of the Company's officers." Wilkes, U. S. Exploring Expedition, V, 123.

When Wilkes arrived on the northwest coast in April, 1841, he disembarked at Fort Wilkes and ordered the Peacock to proceed to the Columbia River and Fort Vancouver, there to await his arrival overland. It was while negotiating the bar at the mouth of the river and the treacherous channels inside, that the Peacock was lost. No lives were lost in the wreck, however.

Wilkes replaced the Peacock with the American brig Thomas H. Perkins, which he purchased from Dr. M'Loughlin for $9,000. The Thomas H. Perkins, under Capt. Thomas Varney, had appeared in the Columbia with a cargo of liquor for use in trading with the Indians. To keep this inflammable merchandise out of the hands of the natives, M'Loughlin bought out Varney, ship and all.

Before leaving the Columbia, Wilkes thoroughly reconditioned the Thomas H. Perkins and changed its name to the Oregon. Ibid., IV, 495-496.

The Original Manuscript Narrative, or Way-Journal, compiled by Midshipman Eld on this journey, may be found in the Coe Collection of the Yale University Library. A similar journal by Lt. Emmons, of which use has already been made, is in the same collection.

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prove a very pleasing part of my duty to make a due representation of it
to my government.

Your personal kindness and friendly attentions to myself and officers,
from our first arrival, and also to Captain Hudson and his officers after
the wreck of the Peacock, have laid me under many obligations, which I
trust it may be at some future day in our power to return.

We all would request through you an expression of your feelings for
the many attentions and kindnesses received, and the pleasures afforded us
by the officers of the Hudson's Bay Company's service, with whom we have
had any intercourse, which will be long remembered with pleasure.

With my sincere wishes for the health and happiness, and prosperity
of yourselves and families, I am, very truly,

Your obedient servant,

Charles Wilkes,
Commanding Exploring Expedition.

To John McLoughlin and
James Douglass, Esquires,

The Wilkes Expedition provided a more thorough survey of the Oregon Coun-
try than any heretofore made by any government, with the possible exception of
the Lewis and Clark Expedition. Moreover, Wilkes and his officers, leaving

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76 Wilkes to McLoughlin and Douglas, U. S. S. Brig Porpoise, Baker's Bay,

Wilkes fulfilled his promise of writing to his government and representing
the good offices tended him while in Oregon by members of the Company. In his
Narrative he states that "... I wrote a letter to our government, informing
them of the assistance we had received, stating the services these gentlemen
had rendered us, and asking that an expression of acknowledgement might be made
through the British minister at Washington, to the Directors of the Hudson's
Bay Company in England." Ibid.

Dr. McLoughlin was also well pleased with the conduct of the Expedition.
In a letter to the Directors in London, he reports "I am happy to be able to
say that Commodore Wilkes ... as well as all his people avoided dealing with
the Indians as much as they possibly could, Capt. Hudson after the loss of the
Peacock on learning from one of his Officers, that we were at our harvest and
very busy, sent forty of his men to assist in taking the grain in, and in the
same way any service we could render, we did so cheerfully." McLoughlin to the

79 The Lewis and Clark expedition was forced to spend the major portion of
the scientists accompanying the expedition the bulk of the technical work, interested themselves more in the inhabitants of the country and their relations one with the other. From this they compiled a sober and realistic set of facts and judgements, which when finally published in the United States presented a much clearer picture of conditions in Oregon than had thus far been presented to either the Government or the public. On all grounds, scientific, politic, and diplomatic, the Wilkes Expedition was well worth the energy poured into it by the individuals involved and the money expended by the United States Government.

Action in the United States Congress on the fate of Oregon was wholly confined to the Senate throughout this period. And Lewis Linn of Missouri was still the champion of United States sovereignty in that country. Undeterred by the fate of measures previously sponsored by him, he returned to the attack on February 6, 1840, with a resolution calling on the Secretary of War

... to send to the Senate his opinion of the expediency of establishing a line of military posts, at suitable places and distances from the Missouri river, near the mouth of the Platte, into the pass or passes of the Rocky mountains most usually traversed to descend into the valley of the Oregon or Columbia river; the effects of such a measure in giving encouragement and protection to the American fur trade; facilitating intercourse between the valley of the Mississippi and the great Western ocean; aiding and protecting trading caravans; overawing and holding in check various Indian tribes in front and rear of such posts; the number and kind of force necessary for such service; the probable cost of keeping up said posts; and whether it would be necessary to increase the military force

its efforts in remaining alive. Arriving in the country exhausted from the overland journey, and depending upon the Indians and their own hunting for sustenance, the Lewis and Clark expedition was physically incapable of making a thorough survey of the country. Wilkes, traveling by sea and drawing freely for supplies on the numerous Hudson's Bay Company posts in the vicinity, labored under none of these disadvantages, and was, consequently, able to perform the task more minutely and in much less time.
It should be noticed that in this resolution, Linn confined himself within the bounds of the Convention of 1827, calling for military posts only to the Rocky mountains on land that unquestionably belonged to the United States. This was at variance with at least the spirit of the Resolutions presented by him on December 18, 1839. The action within his own select committee, considering these former resolutions of 1839, no doubt convinced him that he should tread more warily in the presence of treaty commitments made by the United States Government. This is evident from the watered-down, innocuous, substitute his committee reported back on March 31, 1840, for his resolutions of December 18, 1839. These are summarised in the Congressional Globe as follows:

The substitute asserts the title of the United States; authorises the President to take such measures as may be necessary to protect the persons and property of citizens of the United States resident thereon, and to erect a line of military posts from Fort Leavenworth to the Rocky mountains for the protection of Indian traders; provides that when the boundaries are settled, one thousand acres of land shall be granted to each white male inhabitant of eighteen years of age; and for the appointment of an additional Indian agent.

The same caution characterised a Bill he introduced in the Senate, April 28, 1840. This bill merely called for the extension of a portion of the laws of the United States over the Territory of Oregon. This was Linn's final effort.

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80U. S. Cong., Senate, Senate Journal, 26th Cong., 1st Sess., 1839-1840, Serial No. 353, 160. For the action of the Senate on this resolution and the reply of Joel R. Poinsett, Secretary of War, see Ibid., 172, 202.

81Cf. supra, p. 60.


the first session of the twenty-sixth Congress and, as heretofore, nothing of it. His Bill and Resolutions died in Committee.

The second session was scarcely a month old when the Senate was again presented with a Bill from Linn. This time he called for "... the adoption of measures for the occupation and settlement of the Territory of Oregon, and for extending certain portions of the laws of the United States over the same." He realized that there were questions of much greater import at issue between the United States and Great Britain, than this concerning the Oregon territory, but he advocated settling them all at once, instead of piecemeal. If they settled them in the order of importance he believed Oregon might well be lost to the United States. In a speech to the Senate introducing the bill, January 8, 1841, he gave as his opinion

... that it would be better to put the whole of their claims on Great Britain together, and see what could be done with them; but he never expected that they would be amicably adjusted. The history of the British Government afforded him satisfactory evidence on this subject. He believed that every one there [Oregon] would be numbered with the dead before the British Government would amicably settle a question of this nature.

Due to the fact, however, that the United States was on the eve of negotiations with Great Britain concerning the much more pressing questions of the Maine Boundary and the Right of Search, members of the Senate did not consider it prudent to introduce for debate another highly controversial topic which might tend to jeopardize these discussions. Hence, no more was heard on the

84 Ibid., 2nd Sess., 1840-1841, Serial No. 374, 92.

85 U. S. Cong., Senate, Cong. Globe, 26th Cong., 2nd Sess., 1840-1841, January 8, 1841, IX, 89-90. For the report, on January 14, 1841, of a select committee composed of Linn (Mo.), Walker (Miss.), Preston (S. C.), Pierce (N. H.), and Sevier (Ark.), to whom had been referred Linn's bill, see U. S. Cong., Senate, Senate Journal, 26th Cong., 2nd Sess., 1840-1841, Serial No. 374, 105.
subject of Oregon in the twenty-sixth Congress.

In the twenty-seventh Congress, Linn employed a different tactic, directed at committing the United States Government to action on Oregon by the end of a year. Against this move the British could have no reasonable or legal objection since it was provided for by the Convention of 1827. On August 2, 1841, Linn submitted a resolution

That the President of the U. S. be requested to give notice to the Brit. Gov't., which the convention of 1827, between the two Governments, requires, in order to put an end to the treaty for the joint occupation of the Territory of Oregon, west of the Rocky Mountains, and which Territory is now possessed and used by the British Hudson's Bay Company, to the ruin of the American Indian and fur trades in that quarter, and conflicting with our inland commerce with the internal provinces of Mexico. 86

In the debate on Linn's resolution, August 17, 1841, Senator Thomas Hart Benton pointed out that British predominance in Oregon excluded all possibility of the United States ever becoming a commercial and naval power in the Pacific, and that for this reason

... the subject had acquired an additional degree of importance from the fact that Columbia river was the only port by which the territory could be safely approached, the coast being iron bound and perilous in all directions save that, which was the great gate through which the way was opened to the Pacific ... . He said our country looked to the accomplishment of a great navy as our best means of defence, and yet, instead of occupying that position, which of right belonged to us, we had allowed the only power to take it that could use it to our disadvantage. 87

Linn and his supporters in the Senate received a great deal of encouragement at the opening of the next session of Congress, when President Tyler, in

Message to Congress, particularly recommended that portion of the report of Secretary of War, John C. Spencer,

. . . which proposes the establishment of a chain of military posts from Council Bluffs to some point on the Pacific ocean within our limits. The benefit thereby destined to accrue to our citizens engaged in the fur trade, over that wilderness region, added to the importance of cultivating friendly relations with savage tribes inhabiting it, and at the same time of giving protection to our frontier settlements, and of establishing the means of safe intercourse between the American settlements at the mouth of the Columbia river and those on this side of the Rocky mountains, would seem to suggest the importance of carrying into effect the recommendations upon this head with as little delay as may be practicable. 88

It was evident that Tyler and his cabinet had little fear of disrupting the ensuing negotiations with England, as well as little regard for the finer points of the Convention of 1827, which prohibited a show of exclusive sovereignty on the part of either nation by such things as establishing ". . . a chain of military posts from Council Bluffs to some point on the Pacific ocean within our limits." Linn seized the favorable opportunity created by the President's message, to reintroduce his Resolution of the former session, calling for notice to be given to Great Britain "... in order to put an end to the treaty for joint occupation of the Territory of Oregon . . . ." 89

The Senate could not be accused of a lack of interest in Oregon at this time. Senator W. C. Preston of South Carolina was unable even to await the return of Wilkes's Expedition to the United States before he wished to know what they had learned in that territory. On April 1, 1842, he introduced a resolution that "... the President be requested to cause to be communicated to the Senate any information in the Navy Department concerning the coast of

89Ibid., 66.
in discussing Preston's resolution on April 7, 1842, James Buchanan of
Pennsylvania fired off a verbal blast against England that was to be in marked
contrast to his later timorous and awe-struck direction of the Oregon negotia-
tions as Secretary of State.

Thanks to the all-pervading arrogance and injustice of England, each por-
tion of our Union has now a separate just cause of quarrel against that
nation peculiarly calculated to arouse its feelings of indignation. We
have the Northeastern boundary question, the Caroline question, the Creole
question, the Northwestern boundary question, and, above all, the right of
search. Should we be forced into war in the present state of the contro-
versy, we shall be a united people, and the war will be conducted with all
our energies, physical and moral. In the present attitude of our affairs,
I say, then, 'let us settle all of these questions, or none. All, or
none, ought to be our motto.' If we must go to war, we could not desire a
more favorable state of the question than exists at present between the
two nations ... On all the questions in dispute between the two na-
tions, except the right of search, I would concede much to avoid war and
to restore our friendly relations, provided they can be adjusted. It is
my firm conviction that it is due to this country—due to its tranquillity
and prosperity, that all these questions should be settled together. 'All,
or none,' I again repeat.91

At the opening of the second session of the twenty-seventh Congress, Sena-
tor Linn, as usual, had introduced a Bill "To authorise the adoption of mea-
sures for the occupation and settlement of the Territory of Oregon; for extend-
ing certain portions of the laws of the United States over the same, and for
other purposes."92 In support of this bill, he stated on April 15, 1842,

... there could be no dispute about the right of the United States to
all the region south of the Columbia river—a right which Great Britain

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90Ibid., 262. Wilkes's Expedition did not arrive in New York until
June 10, 1842.

91U. S. Cong., Senate, Cong. Globe, 27th Cong., 2nd Sess., 1841-1842,
April 7, 1842, XI, pt. 2, Appendix, 265-269.

92U. S. Cong., Senate, Senate Journal, 27th Cong., 2nd Sess., 1841-1842,
Serial No. 394, 34.
had fully conceded. The only question was, as to the right of the United States to the territory north of the Columbia river . . . . this bill would not have the effect of creating any difficulties on that ground, as it merely appropriated a small sum to establish a chain of military posts on the undisputed territory, to protect American citizens already there, or about to emigrate thither. The Government of the United States was bound to extend to her own citizens thus settling, the protection, laws and institutions of the Republic.93

This point Linn was at least morally correct,94 but nevertheless until a treaty was signed establishing a definite boundary, the Convention of 1827 was still technically in effect, and this Convention excluded a show of exclusive sovereignty from the whole territory even that south of the Columbia.

Among the provisions of his bill, lumped under the phrase "... and for her purpose," was the usual land-grant of six-hundred forty acres for each male, eighteen or over. This also could be construed as an infringement of the Convention of 1827, if carried out. For, until the United States had the right to exercise exclusive sovereignty over any portion of the territory by reason of a definite boundary, she could not legally grant title to any portion thereof to her citizens. This was one of the more dangerous sections of Linn's bill, for its publication excited the popular imagination and the people did not stop to reflect on the legal niceties involved, but presumed their government had the right to grant the land. That this was the frame of mind Linn was striving to induce in the people of the United States, legal or otherwise, is evident from his defence of the land-grant clause on August 31, 1842. He maintained that six-hundred forty acres of land


94 Cf. supra, p. 54, n. 8.
pioneers of the desert. It was the principle upon which France and Spain, and indeed every other European nation who had made settlements upon this continent, had proceeded. It was upon this foundation the 'old thirteen' had been built up, and upon which policy they were enabled to contend successfully with the mightiest power in the world.95

Action was taken on Linn's bill, however, and his speech on the last day of second session of the twenty-seventh Congress served no other purpose than to publicize Oregon and stimulate public cupidity.

The Executive branch of the government, meanwhile, not only made its contribution towards furthering the interests of the United States in Oregon by means of the Wilkes Expedition, but was also maintaining a watch-dog attitude in case the British made any overt moves towards sovereignty in that area. An example of this is the promptness with which they followed up a rumor started by Thomas J. Farnham. While on his way back to the United States, Farnham had written from Hawaii on January 4, 1840, that the British Government had granted a large tract of land in Oregon to the Hudson's Bay Company, who, in turn, were granting and selling portions of it to individuals.

John Forsyth, United States Secretary of State, immediately ordered Andrew Stevenson, United States Ambassador to England, to request an explanation of this action from the British government.96 Thus the United States was prepared to take issue with Great Britain over the same action Senator Linn was advocating the United States undertake.


Stevenson duly made his request of Lord Palmerston, British Secretary of State for Foreign Affairs, who, in turn, sought information on the subject from the Colonial Office. Eventually Stevenson received the following reply from Palmerston, to the effect that

... no Grant of Land has been made to the Hudson's Bay Company of the nature of that alluded to by you. The only Grant ... is a Grant of the exclusive Trade with the Indians ... for a further term of twenty one years, upon surrender of a former Grant.97

The British, on the other hand, were equally sensitive to any manifestation of exclusive sovereignty on the part of the United States. In a letter to Lord Palmerston, February 26, 1840, J. H. Pelly encloses an extract from the St. John's, New Brunswick, Courier, for January 4, 1840, with a paraphrase of Linn's resolutions, presented to the Senate December 18, 1839.98 Pelly objects to these resolutions "... without any apparent reference to the claims of Great Britain to the Country in question ..." as being, to say the least, "... strange, summary and premature." He then proceeds to inform Palmerston

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For the correspondence on this subject see Stevenson to Palmerston, 32 Upper Grosvenor Street, June 13, 1840; Palmerston to Stevenson, Foreign Office, June 20, 1840; Stevenson to Forsyth, London, June 30, 1840; Stevenson to Forsyth, London, July 3, 1840. Ibid.

In 1821 the British Crown had granted to the Hudson's Bay Company an exclusive license to trade with the Indians in North America for a period of twenty-one years. This license was due for renewal in 1842, but the Hudson's Bay Company commenced negotiations for its renewal as early as 1837. It was these negotiations, then in progress, that Farnham mistakenly interpreted as a grant of Oregon to the Hudson's Bay Company.

The license was renewed in 1842 for a further term of twenty-one years.

For a record of the company's negotiations with the British Government at this time see Copy of the Existing Charter or Grant by the Crown to the Hudson's Bay Company ... with Copies or Extracts of the Correspondence which took Place at the Last Renewal of the Charter ..., London, 1842.

98 Cf. supra, p. 60.
The country in question termed by the U. States Govt. "the Oregon Country" we believe to be that valuable & extensive district watered by the Columbia River and its tributaries, which has been occupied by British Subjects in the pursuits of Trade & Agriculture for many years, that occupation being founded on the faith of the Claims of Great Britain to its Sovereignty, on its discovery by Expeditions fitted out specially for that object by the Nation and by enterprising British Subjects at a heavy outlay of capital in commercial pursuits.

The Hudson's Bay Company have greatly extended their Trade and Settlements on the Columbia River and its Tributaries, likewise on the North West Coast, and the interior country, employing upwards of one thousand British Subjects in their service, and under their auspices has lately been formed an Agricultural Settlement, upon an extensive scale, styled the Puget's Sound Agricultural Company with a Capital of £200,000, in a District of Country admirably adapted for that purpose, situated between the North Bank of the Columbia River and Puget's Sound, with a view of forming a large export Trade from thence to England in the Articles of wool, hides and tallow, and to the Sandwich Islands, other ports on the Pacific, and to the Russian Settlements in grain and other Agricultural produce.

Should the United States Govt. be permitted to carry the measures, proposed in those resolutions into effect, they will prove ruinous to the interests of the Hudson's Bay Company in that quarter, likewise to those of the Puget's Sound Agricultural Company, and deprive Great Britain of the only position on the Shores of the Pacific, that can be valuable to the Country, either for colonization or commercial pursuits, while the only safe and commodious harbours on that Coast will be in possession of jealous rival powers, giving to them the command of the Northern Pacific, and in a certain degree that of the China Seas, objects of the greatest Commercial and political importance to Great Britain.

Under those circumstances I beg respectfully to draw your Lordship's attention to the important subject in question and to entreat you will be pleased to watch over the interests of the Hudson's Bay Company and of the Puget's Sound Agricultural Company in any Negotiations that may be in progress, connected with the proceedings alluded to.

Palmerston forwarded this letter and extract to Henry Fox, British Ambas-

99Foley to Palmerston, Hudson's Bay House, London, February 26, 1840. Great Britain. MSS Public Record Office, London. Foreign Office II5, LXXIII. Library of Congress, Division of Manuscripts, Photostate, III. In the interest of brevity, this material will be henceforth referred to as follows: P. R. O., P. O. --, --. Lib. of Cong., Photo., --.
British Ministers in Washington at this time were able to handle any en-
quiries regarding the nature and fate of Linn’s measures promptly. For by the
time their despatches were ready, Linn’s resolutions or bills had died in Con-
gress. However, living in the midst of the nongeophobia, prevalent at that
time, was not easy for British diplomatic missions. In explaining the measures
and tions of Congress in reference to England, Fox observes that

... it is ... always to be borne in mind, that although this or that
American Administration may honestly and in good faith labour to avoid a
war with England, yet that no American in his heart desires that Canada
should remain a tranquil and satisfactory possession of the British Crown.
To see the British name and power expelled for ever from this Continent,
is still, and always will be the favorite and darling vision of every am-
bitious man throughout the United States.101

Such was the atmosphere in which diplomatic discussions on the subject of
Oregon were to be resumed for the first time since 1827. The special mission
of Lord Ashburton to the United States, in 1842, was not for the purpose of
dealing simply with the question of Oregon, but to treat of all matters affect-
ing British-American relations at that time, and especially that of the Maine
boundary, which was proving highly explosive. However, among these matters was
that of the Oregon boundary. On February 5, 1842, Ashburton received his in-
structions from Lord Aberdeen, the British Foreign Minister, on the subject of
Oregon.

This territory has formed a subject of less discussion, and has excited
less interest than the North Eastern Boundary; nor is it of the same po-
etical importance; but there is great reason to desire that all doubts
may now be set at rest, and the chances of future collision, if possible,
prevented . . . .

100 Palmerston to Fox, Foreign Office, London, March 7, 1840. Ibid.
101 P. R. O., F. O. 5, CCLXXIV. Lib. of Cong., Photo., pt. 2.
Your Lordship may therefore propose to the Govt. of the United States, as a fair and equitable adjustment of their respective claims, a Line of Boundary commencing at the mouth of the Columbia River; thence by a Line drawn along the middle of that River to its point of confluence with the Great Snake River; thence by a Line carried due East to the Rocky, or Stony Mountains; and thence by a line drawn in a Northerly direction along the said Mountains until it strikes the 49th parallel of North Latitude. The Southern bank of the Columbia River would thus be left to the Americans, and the Northern Bank to the English; the navigation of the River being free to both. It being understood that neither party should form any new Settlement within the Limits assigned to each, on the North or South sides of the River respectively.

Should Your Lordship find it impracticable to obtain the Line of Boundary above described, Her Majesty's Gov't. would not refuse their consent to a Line of Boundary commencing at the Rocky, or Stony, Mountains, at the point where the 49th parallel of North Latitude strikes those mountains; thence along that parallel to the point where it strikes the Great Northeasternmost branch of the Columbia River, marked in the Maps as McGillivray's River, thence down the middle of that River, and down the middle of the Columbia River to its junction with the Ocean. But Your Lordship will reject the proposal, formerly made by the American Government, in case it should be repeated, of following the 49th parallel of Latitude from the Rocky Mountains to the Ocean, as the Boundary of the Territory of the two States.

If the Government of the United States should refuse the proposed Compromise, and should nevertheless determine to annul the Convention of 1827, the rights of the British Gov't. to the whole of the Territory in dispute must be considered as unimpaired. The American Government should be informed, as they were in 1824, under similar circumstances, that any attempt to dispossess by force the British Occupants from any part of the Country now lawfully frequented by them, would be considered as a manifest infraction of the rights of Great Britain. 102

The British were obviously committed to pursuing a strong course on the subject of Oregon, securing as much as possible and making few, if any, concessions. On the other hand, the fact that they expected little compromise on the part of the Americans is obvious from their prior rejection of the anticipated American offer. This did not make Ashburton's task any easier in view of the current anti-British feeling in the United States, nor did Ashburton's own

MAP VII

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<th>British Offer</th>
<th>Alternate British Offer</th>
<th>U.S. Proposal to be Rejected, if Offered</th>
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ASHBURYTON'S INSTRUCTIONS, FEB. 8, 1842.
... technical prejudices enable him to exist in this atmosphere with any degree of
comfort. In a letter to Lord Aberdeen, April 25, 1842, he complained that

There is unfortunately with the greater portion of the American public both individually and collectively a singular jealousy of, and sensitive-ness to, every thing we do, and a consequent presumption to be imposed upon by incessant misrepresentations and exaggerations. This renders negotiations often difficult, and the minister of the day is frequently deterred from doing what he approves by the scrutiny of a lower description of public than that which influences opinion in any other part of the world, and of which all men here holding or seeking office stand dismally in awe. 103

Ashburton was optimistic, however, concerning the portion of his mission having to do with Oregon. "The Oregon or Columbia river Boundary, I hope to settle satisfactorily, and by this I mean to carry our line down to the river, which seems . . . to be the great desideration. I shall make no settlement in this case on any other terms." 104 But Ashburton's optimism was premature. A


104 Ibid. In the same letter, Ashburton describes the novel mode of settling their differences at the expense of a third party, suggested by Webster. "The Americans evidently attach great importance to their territory on the Pacific, although at present they have few if any settlers there . . . . What they are principally looking to is to have a harbour of their own on the Pacific. The mouth of the Columbia is a barred and indifferent harbour, but they say that the estuary to the North of it, entered, I believe, by the Strait of Juan de Fuca is the only good harbour on this part of the coast, and hence the obstinacy with which they have hitherto persisted in carrying the boundary line further North. In a preliminary conversation with Mr. Webster I told him plainly that I could make no arrangement in this matter which did not give us the joint use with them of the Northern branch of the Columbia River.—After complaining that this would leave them no harbour he intimated that this might be managed if they could make a settlement of boundaries with Mexico, so as to give them the harbour of San Francisco (a very good one I believe) in latitude 37°. I said that we could take no part in any arrangement of this description, but that although I had no power to enter upon the subject at all, I believed that we should make no objection to any arrangement of the kind, provided the session by Mexico were voluntary . . . .

"This acquisition of the harbour of San Francisco seems to have been a project of some standing; for Mr. Everett spoke to me of it before I left England. I doubt whether in any case we could interfere with effect to prevent this arrangement, unless it were attempted to be forced upon Mexico. We shall
The American exploring squadron, which has been absent for four years in the Antarctic and Pacific seas, is just returned and brings, I am assured, much information from various parts, and among others from the Columbia River, which has been well examined, as well as all the adjoining coast. I do not know whether this accession of information will influence in any way the opinions of this Government with respect to our Boundary in that quarter. It must be some time before we are at leisure to treat on that subject.

Two weeks later, Ashburton despaired of being able to accomplish anything on the subject of Oregon.

With reference to the subject of Boundaries, I am sorry to have to express my apprehension that I shall not be able to do anything with that on the Pacific. The exploring expedition just returned from a Cruise [sic] of nearly four years brings a large stock of information about the Columbia River. The public is at present busy with this subject and little in a temper for any reasonable settlement. It must therefore, I fear, sleep for the present; I shall not let any opportunity of treating it escape, but for the reason stated, combined with the powerless position of the Executive, this time does not seem favourable. I regret this much, because a new and troublesome Boundary question may grow up on that distant shore at no remote period.

I shall endeavor to procure the information reported by the officers of the expedition respecting the Columbia River. I understand generally that it is very unfavorable as to the harbour at its mouth, but that the Strait of Juan de Fuca is very highly praised in this respect. I presume it is this circumstance which induces the American Government to hesitate therefore probably do well to avail ourselves of the circumstances of this expectation to settle satisfactorily our own boundaries." Ibid.

about letting our Boundary come down to the River. 106

This situation did not please the British Government, which was as anxious
that of the United States to see an end to all points of difference between
the two nations. According to Edward Everett, United States Ambassador to
Great Britain, Sir Robert Peel

... was sorry to perceive that there was little prospect of agreeing as
to the boundary West of the Rocky Mountains;—that now was the time to ad-
just it, before the settlement of the country increased the difficulty of
an arrangement... 107

The Treaty of Washington, more commonly known as the Webster-Ashburton
Treaty, was signed at Washington, August 9, 1842, with no mention being made of
Oregon in its articles. Under the circumstances, this was probably the wisest
thing to do. The two negotiators were able to come to agreement on every arti-
cle on the agenda except Oregon, and it was well that some of those issues were
settled at once and without incident. An attempt to include Oregon at that
time would have resulted in a prolongation of discussions to the point where
the whole program would have been placed in jeopardy. The fact that it took
almost four years from the date of the signing of the Treaty of Washington to
complete negotiations on the subject of Oregon serves to show what would have
been the fate of the other points at issue had the inclusion of Oregon been a
sole qua non to the signature of the treaty.

President Tyler made this point in his message to the Senate, communicat-
ing the treaty to them for their approbation:

106 Ashburton to Aberdeen, Washington, June 29, 1842. Ibid.

107 Everett to Webster, London, August 1, 1842. MSS Nat. Arch., Dept. of
Sir Robert Peel was Prime Minister at the time.
After sundry informal communications with the British minister upon the subject of the claims of the two countries to territory west of the Rocky mountains, so little probability was found to exist of coming to any agreement on that subject at present, that it was not thought expedient to make it one of the subjects of formal negotiation, to be entered upon between this Government and the British minister, as part of his duties under his special mission.108

Neither party, however, was happy about the fact that there still remained source of disagreement between the two nations. Edward Everett informed Daniel Webster, on October 19, 1842, that

... Lord Aberdeen, in the conference which ensued after the exchange of the ratifications, observed that his only subject of regret, in connection with the treaty, was that the boundary between the two Countries on the Pacific Ocean had not been provided for; and expressed a strong wish that I might receive instructions on that subject ... 109

Aberdeen went further than merely expressing his regrets to Everett. On October 18, 1842, he informed Henry Fox that

The more important Question of the Disputed Boundary [Maine] between Her Majesty's North American Provinces and the United States being thus settled ... it has appeared to Her Majesty's Government that Both Parties would act wisely in availing themselves of so auspicious a moment, to endeavour to bring to a settlement the only remaining subject of Territorial Difference ... I speak of the Line of Boundary West of the Rocky Mountains ... Her Majesty's Government ... being anxious to endeavour to remove, so far as depends on them, all cause, however remote, of even contingent risk to the good understanding now so happily restored between Two Countries which ought never to be at variance with Each other, have determined to propose to the Government of the United States to meet them in an endeavour to adjust by Treaty the unsettled Question of Boundary West of the Rocky Mountains.

On the receipt of this Despatch, therefore, I have to desire that you will propose to Mr. Webster to move the President to furnish the United States Minister at this Court, with such Instructions as will enable him to enter upon the negotiation of this matter with such Person as may be appointed by Her Majesty for that object. And you will assure him at the


same time, that we are prepared to proceed to the consideration of it in a perfect spirit of fairness, and to adjust it on a basis of equitable compromise. 110

Fox carried out his instructions in person 111 and on November 15, 1842, sent to Aberdeen.

Mr. Webster began by saying, that upon a careful examination of the Question of the North Western or Oregon Boundary, he had found it to be surrounded with much greater difficulties than he at first expected. He told me that, as at present advised, the course he should recommend to the President, would be this: to direct Mr. Everett to inquire in the first instance from your Lordship, whether Her Majesty’s Government had any distinct offer to make for the settlement of the North Western line of Boundary: but he should not recommend, at this moment, that full powers should be furnished to Mr. Everett to negotiate a final settlement of the Question in London . . . .

Mr. Webster’s indecision in the present matter, and apparent desire to gain time, may, I suspect, be explained by the following personal consideration. It is believed to be in contemplation to remove Mr. Everett to the Mission at Paris, in the place of General Cass who will immediately return to America. In this case Mr. Webster will perhaps be named to the Mission in London, and he may wish to reserve for himself the care of negotiating in England a final settlement of the two chief Questions now remaining open between the two Countries, namely, the question of the Oregon Boundary, and that of the commercial intercourse between the United States and the British North American Possessions.

The Diplomatic changes and appointments here spoken of, and which I believe to be in contemplation, may, however, be affected by various combinations of American home politics that are not yet solved. 112
After consulting President Tyler, Webster drafted the following reply to British Ambassador: 

He directed me to say, that he concurred entirely in the expediency of making the question respecting the Oregon Territory a subject of immediate attention and negotiation between the two Governments. He had already formed the purpose of expressing this opinion in his message to Congress; and at no distant day a communication will be made to the Minister of the United States in London.113

In his Message to Congress, referred to by Webster, President Tyler commented on the failure of the Webster-Ashburton Treaty to settle the Oregon question and then implied that England was reluctant to treat of the matter, but that he would do everything in his power to secure a prompt and satisfactory settlement.

It would have furnished additional cause for congratulation, if the treaty could have embraced all subjects calculated in future to lead to a misunderstanding between the two Governments. The territory of the United States, commonly called the Oregon territory, lying on the Pacific ocean, north of the 42d degree of latitude, to a portion of which Great Britain lays claim, begins to attract the attention of our fellow-citizens, and the tide of population which has reclaimed what was so lately an unbroken wilderness, in more contiguous regions, is preparing to flow over those vast districts which stretch from the Rocky mountains to the Pacific ocean. In advance of the acquirement of individual rights, to these lands, sound policy dictates that every effort should be resorted to by the two Governments to settle their respective claims. It became manifest, at an early hour of the late negotiations, that any attempt for the time being satisfactorily to determine those rights would lead to a protracted discussion which might embrace, in its failure, other more pressing matters, and the Executive did not regard it as proper to waive all the advantages of an honorable adjustment of other difficulties of great magnitude and importance, because this, not so immediately pressing, stood in the way. Although the difficulty referred to may not for several years to come involve the peace of the two countries, yet I shall not delay to

113 Webster to Fox, Washington, November 25, 1842. Ibid.

At the same time Fox notified Aberdeen, that some instructions were being sent to Everett in London, but that he was unaware of their contents. He further informed the Foreign Secretary that his despatch of October 18, 1842, together with his own correspondence with Webster on the subject of Oregon were about to be communicated to Congress in anticipation of a renewal of negotiations. Fox to Aberdeen, Washington, November 27, 1842. Ibid.
urge on Great Britain the importance of its early settlement. 114

The inference that the initiative must be taken by the United States if a settlement of the Northwest boundary was to be arrived at, and the parallel im-

sion that Great Britain would have to be prodded into negotiation, were

assertions made by Tyler for his own ends and with no basis in fact. 115

Moreover, the Message contained the veiled threat, that although President

Tyler would willingly engage in negotiation, he did not anticipate a favorable

solution, hence, the United States should undertake defensive measures of a

more concrete nature.

The suggestions in reference to the establishment of means of communica-
tion with our territories on the Pacific, and to the surveys so essential
to a knowledge of the resources of the intermediate country, are entitled
to the most favorable consideration. While I would propose nothing inco-
sistent with friendly negotiations to settle the extent of our claims in
that region, yet a prudent forecast points out the necessity of such mea-
sures as may enable us to maintain our rights. 116

Although Fox protested the President's choice of words to Webster, nothing

114 Message of President Tyler to the Senate and House of Representatives,
1842-1843, Serial No. 412, 7-8.

115 How Tyler could phrase his speech in such a manner, in the face of
Aberdeen's despatch of October 18, 1842, and the subsequent correpsondance of
the British Ambassador with the U. S. Government on the subject of reopened
discussions on Oregon as soon as possible, is a mystery, the explanation of
which can only be found in the eccentricities of Tyler's character.

Henry Fox was deeply chagrined at the tone of the Message and wrote to
Aberdeen, "Your Lordship will ... be surprised [sic] ... at the inexact and
unfair manner in which the Message describes the state of the negotiations for
the adjustment of the Oregon Boundary. The language of the President leaves it
to be inferred that an early settlement of this question is urged by the Gov-
ernment of the United States, rather than by that of Great Britain." Fox to
Aberdeen, Washington, December 12, 1842. P. R. O., F. O. 5, CClXXVII, Lib. of
Cong., Photo., pt. 2.

116 Message to Congress, December 7, 1842. U. S. Cong., Senate, Senate
of it. In a special Message to the Senate on December 23, 1842, in reply to a Resolution of that body of December 22, 1842, requesting the President if not inconsistent with the public interest to inform the Senate of the nature and extent of the 'informal communications' which took place between the American Secretary of State and the British special minister, during the late negotiations in Washington city, upon '... the territory west of the Rocky mountains'; and also to inform the Senate what were the reasons which prevented any agreement upon the subject at present,' and which made it inexpedient to include that subject among the subjects of formal negotiation,"117 Tyler used the selfsame tone as in his Annual Message of December 7, 1842.

In my message to Congress ... I remarked that 'in advance of the acquirement of individual rights to these lands, sound policy dictates that every effort should be resorted to by the two Governments to settle their respective claims'; and also stated that I should not delay to urge on Great Britain the importance of an early settlement. Measures have already been taken, in pursuance of the purpose thus expressed, and under these circumstances I do not deem it consistent with the public interest to make any communication on the subject.118

On this note of discord, negotiations for the settlement of the Oregon boundary temporarily came to a halt. The interruption resulted, not from anything inherent in the Oregon question, nor anything connected with United States-British relations, nor from anything in United States foreign policy as a whole, but from the internal, political chaos that was increasing in the Executive Department of the United States Government at the time. This condition, coupled with one unfortunate incident that might be attributed to natural

117 Ibid., 41, 44.
118 Ibid., 48. The British Ambassador again took exception to Tyler's amendments and again reported the matter to the Foreign Office. Fox to Aberdeen, Washington, December 29, 1842. P. R. O., F. O. 5, CCCLXXVII, Lib. of Cong., Photo., pt. 2.
completely bewildered the British and made the expediting of even rou-
day-to-day, legation business a monumental task in itself, without becom-
involved in issues of a more intricate and international character.
CHAPTER III

AMERICAN OCCUPATION OF OREGON, 1843-1844

The Oregon boundary dispute contained within itself all the elements necessary for a bloody conflict. The territory at stake, including the incomparable harbors of the straits of Juan de Fuca and Puget Sound, the unlimited potentialities of the Columbia River and the natural resources of farming, grazing, and timber lands, would have been, in itself, worth fighting for. The mixing of two peoples, who, as the result of two wars, were rapidly developing into traditional enemies, needed only an incident of violence to propel them at one another’s throat. And, finally, the monetary value of the British Hudson’s Bay Company, threatened with extinction, postulated a resistance to compromise, which, if stubbornly adhered to, could have led only to a settlement by force. Yet the dispute was ultimately resolved without recourse to armed violence. How did this come about? And what was the principal reason for a show of reasonableness in the midst of factors all tending toward unreasonableness? The explanation can be found only in the type of people involved on both sides, in the territory itself.

The Hudson’s Bay Company officers, for the most part, were well educated men, endowed with attributes of shrewdness, prudence, and administrative ability—qualities that were absolutely required by the Company itself in its upper echelons. The bulk of Americans migrating to Oregon in 1843, 1844, 1845, and 1846, were, as a whole, a responsible type of people, notably different from
frontier type that settled other portions of the United States. It was
fortuitous mingling of these two types, at this particular time and in this
particular locality, that resulted in a peaceful settlement of the Oregon issue.

The American emigration of 1843 was composed chiefly of farmers of ability,
tradesmen and artisans with a desire of bettering themselves by acquiring a
stake in the land and professional men who, for one reason or another, sought
to acquire personal prestige in a hitherto unexploited country. The motives
impelling these people to leave often well-established homes and make the tortu-
rous overland trip to Oregon were as numerous as the individuals involved.
Many were land-hungry and were willing to gamble that eventually one of Lewis
Linn's bills, with its liberal land-grant clause, would become the law of the
land. One early settler recalled that while at home in Missouri "It was almost
a nightly occurrence . . . to talk about Linn's [sic] bill granting a tract of
land to the settlers."3

The hard times and minor panic of the early 'forties led others to strive
to better their lot, no matter what the cost. Referring to the hard times of
1842, an early pioneer maintains that

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1 In later years, when asked how it happened that such a high class of peo-
ple came to Oregon in the early days, a pioneer lady replied simply that "You
had to know something to know there was such a place as Oregon." University of
Washington Library. MSS Coll., Arno Dosch, Oregon's Beginnings, 6h2.

2 This emigration was variously estimated at 875 to 1000. For a fairly ac-
curate list of the members of the emigration of 1843, and an estimate of the
number making the journey, see Peter H. Burnett, Recollections and Opinions of
an Old Pioneer, New York, 1880, 1h1-1h2.

3WSS Banc. Coll., John Minto, Early Days of Oregon, 1878, 7-8. With indi-
vidual variations, other early settlers were also attracted to Oregon by the
land-grants in Linn's bills. For further examples see Ibid., Sydney W. Moss,
Pictures of Pioneer Times at Oregon City, 1878, 11-12, and William Shaw, Mis-
sissippi and Columbia River Valley Pioneer Life Compared, 1878, 6.
This state of things created much discontent and restlessness among a people who had for many generations been nomadic, and had been taught by the example of their ancestors to seek a home in a 'new country' as a sure way of bettering their condition.4

A less spectacular, but possibly more powerful motive for moving to Oregon, stemmed from the very size of farm families of the period. No doubt this was a consideration to which very few of the emigrants themselves ever adverted. One of them notes that "My family was a family of boys, and they were getting to be of age, and I was not able to settle them in Missouri. Land began to get up, and it was hard to get, and I thought by moving to a new country my boys could shift for themselves."5

Others just drifted into Oregon with no apparent motive whatever. J. W. Nesmith, who later became a prominent citizen and public figure in the country, accounts for his presence as follows:

It is pretty hard to say what first directed my attention here. I was a homeless boy. My object in coming here was to find my way to South America, & I heard that whalers came to this coast; I supposed they put in at every port. When I arrived here I found there never had been a whaler that put into the mouth of the Columbia and there never has been any since. So I stayed.6

4 MSS Banc. Coll., Applegate, Views of Oregon History, 31. Coupled with this motive was another compelling factor peculiar to the Missouri farmer, namely, the lack of easy access to the markets of the world. One of the emigrants of 1843 listed this, among others, as his reason for going to Oregon. "The idea of getting near to the sea so that they could send out what they raised into the markets of the world cheaply, was a leading motive .... " Ibid., Minto, Early Days of Oregon, 7.

5 Ibid., Shaw, Mississippi and Columbia River Valley Pioneer Life Compared, 7.

6 MSS Banc. Coll., J. W. Nesmith, Reminiscences, 1878, 2. The only reason another member of the 1843 emigration could give for traveling to Oregon was the interest in the country stirred up in him by reading James Fenimore Cooper's Shoshone Valley. Ibid., W. W. Watt, First Things. Starting of the First Woolen Mill and First Direct Shipment of Oregon Wheat, 1878, 10.
Though Oregon emigrants in these early years were often portrayed in contemporary history and political oratory as ardent patriots embarked on a crusade to save Oregon from the British, it is doubtful whether many risked their lives and fortunes for that end. There might have been an extreme patriot here and there who migrated with the intention of doing his part to occupy Oregon for the United States, but such a motive was certainly not common. An emigrant of 1843 describes his fellow-emigrants as being

... frontier people raised without the opportunities of education probably half of them did not know that Oregon was claimed by any country except the U. S. and the better informed had no fears that in the settlement of the boundary question, the part of Oregon South of the Columbia, to which they were going would fall under British rule. And certainly knew that the settlement of a few hundred Americans in that part of Oregon S. B. had already showed a willingness to relinquish to the U. S. would have a feather's weight in determining the place of the boundary between these nations. Hence I do not believe a single man, woman or child, made the long and arduous journey across the plains, to secure their ideal Oregon only to their country, but to possess it themselves.7

The United States government itself had no direct influence in the formation and setting in motion of these emigrations to the Pacific coast, nor did

7Or. Hist. Soc. Lib. MSS Coll., Letter of Jesse Applegate to John Minto, December 12, 1883. That other objects were uppermost in the minds of these people, though they were by no means averse to clothing their true motives with an aura of patriotism, is evident from the following: "We had barely passed the summit of the Rocky Mountains when nothing of the beautiful Oregon of our imagination was in sight, but a dreary sage plain which seemed to stretch interminably before us, when some of the patriotic gentlemen ... circulated two petitions, one of them addressed to the Congress of the U. S. prayed that it, grant to each of us men one section, to each of our wives, and to each of our children a half section of land in that 'beautiful Oregon' to which we were going—not for wresting the country from G. B. but as a reward for opening the way to a distant part of our own country so that it might be peopled.

"The other petition was addressed to the President of the U. S. praying him to appoint the circulators of the Petition, Governor, Secretary, Judge, Sup. Int. of Indian affairs, etc., of the Territory of which they were going to be the founders. For the discharge of the duties of the offices they had assigned to each other they informed him they were specially fitted. And in proof of their patriotism declared their readiness to 'sacrifice themselves upon the altar of their country' upon the terms therein set forth." Ibid.
people involved consider themselves a vanguard of United States sovereignty.

I never heard that the government desired to colonise [sic]. It was all a private movement and we came on our own responsibility. We had not any assurance that the Government would assist or protect us in any manner.

Fremont's Company which fell in after us I understood was employed by the Government. But we did not travel together and we knew nothing of their going when we were making up a company. 8

The journey to Oregon in these early years, though always an exhausting experience to those participating, was made immeasurably easier and less dangerous by the advice of others who had preceded them and had learned the hard way.

... you must not start with less than $75. apiece which, if you are prudent in traveling, will afford you about $25. or 30. on hand when you arrive at Independence.

If you arrive at Independence before the party are ready to start, apply your selves to some kind of business among the farmers to get cattle—Do not fail to secure a few head of heifers from 1 1/2 to 2 years old or perhaps what would be better would be a young cow with a heifer calf some 2 months old, the last mentioned being the best description of stock to start with—You should if possible get each a good young mule well broke to ride and a Spanish saddle, bridle and spurs. Mules are generally better adapted to the trip than horses although a good one of either with proper care will carry [sic] a man the whole journey—But in order to this they must on no occasion be ridden out of a slow trot—and must have a chance to feed on every possible occasion—I used when riding frequently to take the bridle off my horse and let him feed as he went along—I speak more particularly on this subject because I recollect [sic] several of the boys in our party were afoot before we were out 2 months just for want of care to their animals—You should furnish yourself with a good blanket to put under your saddle and take the most especial care of your Horse's back as on that all depends ... If you could only get your provisions furnished and your clothes carried and your riding horses found for your services and the privilege of having a few head of your own at the same time, think you are doing well and devote your attention strictly to your business—But if you should furnish your own horses etc., and have to pay for your services let it be paid in stock either there or when you arrive at a fixed price—and above all let whatever contract you do make be made in writing—Do not promise to do too much for the sake of great wages for the fatigue attendant upon the journey is very great and have it understood that with the exception of taking care of & herding the cattle & your own horses your time is your own whenever you are in camp—Lay in 2 good blankets besides your saddle blanket and if possible 1 Doy. check shirts—I had more service from a twilled red flanel [sic] shirt than all the

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rest I had—when it got dirty I would at noon go swimming and take my shirt in with me and give it a good washing, ring it out & put it on, where it would soon get dry & be clean—but whatever you wear your selves, check shirts are necessary to exchange at the forts & with the Inds. Lay in a few good butcher knives for your own use and a few common ones for trade. Don't forget a stock of common tobacco, plenty of ammunition and as many small beads, strips of red cloth, flints, fishhooks, thread, course [sic] needles, awls, etc. etc., which you will need to buy ropes, mocamas, buffalo robes, salmon, etc. of the Inds. . . . .

It will not be necessary to give here a detailed description of the overtrip to Oregon. There are sufficient histories of the Oregon Trail and sufficient accounts of the hardships and adventures encountered on that long trip without adding another compendium of events. A few observations might

9 Medore Crawford to John D. and Ronald Crawford, n. p., n. d., University of Oregon Library, MSS Oregon Coll., Medore Crawford, Papers, 1842-1891. Other earlier settlers in Oregon attempted to help those coming later by sending their suggestions to newspapers in the United States. This was the method used by Philip Legit Edwards who migrated to Oregon with the Rev. Jason Lee in 1834. "I would advise emigrants to encumber themselves with little more than they will need for the journey. It is frequently asked by those who intend going to the country: 'What will I need when I arrive there?' This question admits but one safe and sensible answer. You would need everything there that you would need here in the same pursuits. But what proportion of all this can be taken across the mountains? The answer is: Comparatively nothing. Then we must resort to other means of supplying a colony in the Oregon with necessaries. As yet the Hudson's Bay Company liberally supplied the infant settlement. But I am not prepared to say what stress may be placed upon their disposition or immediate ability to supply a great number of emigrants. In my opinion, the safer course, on all occasions when justified by the number of emigrants, would be to freight a vessel with supplies from the United States . . . . To think of transporting the implements of agriculture and mechanics across the Rocky Mountains is utterly preposterous . . . ." Edwards to the St. Louis Liberty Banner, Richmond, Missouri, September 15, 1842. Reprinted in the St. Louis New Era, May 25, 1843. Edwards further warned prospective emigrants of underestimating the task they were undertaking in traveling overland to Oregon. "Some people think that when they reach Lewis's river the difficulties of the trip are all surmounted, and that they will have nothing to do but jump into boats and canoes, and glide down the stream to the mouth of the Columbia. This opinion is wholly wrong. The most difficult part of the journey is yet to be performed. Lewis's river is so obstructed by rapids and falls, that the Hudson's Bay Company, with the most experienced boatmen, never think of navigating it." Ibid.

10 It is possible to get a colorful and, on the whole, accurate account of the Oregon Trail and the incidents attendant upon a journey thereon, from the...
made, however, as an aid to a better understanding of the relationship of early emigrations to the Oregon boundary dispute itself. It must be ad-
mitted that the occupation of Oregon by American settlers was the factor that insured the country, or at least the disputed section thereof, to the United States. Had these early emigrations perished along the way or been allowed to arrive to death upon their arrival in Oregon, the American occupation of Oregon would doubtless have come to a halt. In this event, the lapse of ten, fifteen, or even of twenty years would have enabled the British to so firmly establish

journals and diaries of almost any pioneer who made the trip. Outstanding amongst these is that of Jesse Applegate, A Day with the Cow Column in 1843. Jesse A. Applegate, Oregon Pioneer of 1843. Recollections of My Boyhood, ed. with introduction and notes by Joseph Schafer, Chicago, 1931. Others of a similar nature are: MSS Banc. Coll., John Burck McClane, First Wagon Trains to Oregon, 1878; Overton Johnson and William H. Winter, Route Across the Rocky Mountains. Reprinted with preface and notes by Carl L. Cannon, from the edition of 1846, Princeton, 1932; Thomas J. Farnham, Travels in the Great Western Prairies, the Anahuac and Rocky Mountains, and in the Oregon Territory, 2v., London, 1843.


Other standard works on the Oregon Trail and the early emigrations to that country include the following: Brevet Capt. John C. Frémont, Report of the Exploring Expedition to the Rocky Mountains in the Year 1842, and to Oregon and North California in the Years 1843-4, Washington, 1845; Francis Parkman, The Oregon Trail, Sketches of Prairie and Rocky-Mountain Life, 8th edition rev., Boston, 1883; James Christy Bell, Opening a Highway to the Pacific, 1838-1846, New York, 1921; Fred Lockley, Oregon Trail Blasters, New York, 1929.
selves in the territory north of the Columbia that, in all probability, it
did now be a part of the Province of British Columbia.

That the hardships of the journey could easily have proven fatal to these
early pioneers is evident from accounts of their experiences along the trail.
The greatest danger they faced was a shortage of food and drink, for both men
and animals, at the precise points where tremendous physical effort was called
for, either to survive or to continue on their way. An example of the super-
human efforts required at times is the crossing of the North Platte River by
the Emigration of 1843. One of the members of the expedition recalls that

The teams were all chained together in one long row. Then a long rope was
fastened to the foremost team and 30 or 40 men placed on the opposite
shore to pull upon the rope and thus urge and help the whole line across.
It was a dangerous experiment. The water came up to the middle of the
wagon beds, and the whole party landed and came out two and a quarter miles
below the starting point on the opposite shore. 11

As a result of similar exertions at various points along the way coupled
with a lack of food, these early emigrants usually stumbled into Fort Vancouver

11 Univ. of Ore. Lib., MSS Oregon Coll., William T. Newby, Diary and Account
Books, 1843, 1861-1864, Newspaper clipping: "Newby's Account of Crossing the
Country in 1843." Some writers give Dr. Marcus Whitman credit for engineering
this crossing of the North Platte, but Newby denies this, maintaining that
Whitman was not even with the expedition at this point, and did not join it un-
til after the crossing of the South Platte River. Ibid.

That Dr. Whitman was a great help to the emigrants, once he joined the
party, is evident from the following eulogy of his efforts. "From the time he
joined us on the Platte until he left us at Fort Hall, his great experience and
indomitable energy were of priceless value to the migrating column. His con-
stant advice, which we knew was based upon a knowledge of the road before us,
was—'travel, Travel, TRAVEL—nothing else will take you to the end of your
journey; nothing is wise that does not help you along, nothing is good for you
that causes a moment's delay.' His great authority as a physician . . . saved
us many prolonged and perhaps ruinous delays . . . and it is no disparagement
to others to say, that to no other individual are the emigrants of 1843 so much
indebted for the successful conclusion of their journey as to Dr. Marcus Whit-
man." Jesse Applegate, A Day with the Cow Column . . . ., ed. Joseph Schafer,
Chicago, 1934, 18-19.
hausted and half dead from starvation. At this point, Dr. McLoughlin proved their salvation. He extended unlimited credit for food and clothing and, for those who were physically incapable of covering the last few miles to Fort Van-

ouver, he dispatched whole brigades of Hudson's Bay Company men and boats to bring them in. The emigrants were unanimous in giving McLoughlin credit for saving their lives at the end of their journey.

Dr. McLoughlin [sic] was the father of the country, and if it had not been for him the American emigrants would have starved to death . . . . Dr. McLoughlin [sic] . . . was one of natures [sic] noblemen. He had nothing more to gratify than his desire to save them from starvation. He fed without money. He was one of the finest men I ever saw.12

Another member of the 1843 emigration gives similar testimony.

You will find very few such men as the old Doctor. I saw him trust an immense number of men there. He never asked them if they could ever pay or not. He gave them all the goods they wanted. We had his boats for 9 days. I wanted to pay him but he would not have a cent. I told him we had damaged his boats. He said they would 'soon mend that, soon mend that.' He was a magnificent old fellow; there are very few men better than he. We could hardly have lived if it had not been for the Hudson's Bay Co. They had plenty of goods and sold them very cheaply. They sold goods a heap cheaper than we had ever bought them for in the states.13

12 MSS Banc. Coll., George F. Chadwick, The Public Records at Salem, 1878, 4-5.

13Ibid., Daniel Waldo, Critiques, 1878, 3-4. So numerous are the testimonials of gratitude to Dr. McLoughlin in this regard that it would prove impossible to record them all. Similar in vein to the two excerpts given above are the accounts of the following: MSS Banc. Coll., J. M. Bacon, Mercantile Life at Oregon City, 1878, 20; Minehah Ford, The Pioneer Road Makers, 1878, 19-20; Roderick Finlayson, The History of Vancouver Island and the Northwest Coast, 1878, 75; Medorem Crawford, The Missionaries and Their Work, 1878, 6-7; F. N. Compton, Forts and Fort Life in New Caledonia under Hudson's Bay Company Regime, 1878, 2; P. C. Kaiser, Narrative, 8; F. W. Pettygrove, Oregon in 1843, 1878, 2-8; J. Quin Thornton, Oregon History, 1878, 7-11; Daniel Waldo, Critiques, 1878, 12-13; Dr. Elijah White, Government of and the Emigration to Oregon, 1879, 8; Col. James Clyman, Note Book in Possession of Col. James Clyman of Napa County, Calif.: Journey from Iowa to Oregon, 1841-6, 5; Joel Palmer, Conducting the Wagon Trains. Flanking Mt. Hood and Cariboo, 1878, 16; Jesse A. Applegate, Recollections of My Boyhood, ed. Joseph Schafer, Chicago, 1934, 56; Allen, Ten Years in Oregon, 220-221; Burnett, Recollections, 142-145.
Of all the hardships Oregon emigrants had to cope with between 1843 and 1846, trouble with the Indians was not one of them. There is no account of any full-scale Indian attack on any emigrant train throughout this period—the modern novel and cinema to the contrary. There were a few instances of altercations with various bands of Indians attempting to make off with the pioneer's cattle and horse herds, and a casualty now and then on both sides, because of trigger-happy individuals, but nothing serious. Certainly the danger always existed, and a slight incident on occasion could very easily have led to a massacre. This might have happened in the following encounter with a band of Indians on the Snake River:

One afternoon somewhere in that level country, when there were only father's three wagons in the party ... off in an easterly direction we could see horsemen coming towards us. When we first saw them, the ponies did not look larger than grasshoppers, and there were only a few of them visible, but directly more appeared in sight, and the numbers continued to increase until the plain was swarming with them. They approached us at a gallop and gathered into a hoard as they came nearer. They did not whoop nor gesticulate as they approached; they were not painted and had no weapons in their hands. They did not slacken their pace until they had completely surrounded our little party. They were in such great numbers and crowded so closely about the wagons and teams that we could not move on. But they were very friendly and we learned in some way that they were visiting us to see white women and children, for they had never seen any before. They peered into all the wagons from the ends and both sides, and caught hold of the wagon covers on the sides and raised them so they could look in. There was a host of them around the wagon I was in, lifting the sides of the cover and peeping in at mother and us children. We were not afraid of them for they all looked pleasant and much interested. Some were squaws, riding astride of saddles which had very high horns before and behind ... Besides a desire to see women and children, it seems they wanted tobacco, which was given in small quantities to a few, who appeared to be big Snakes. We were not detained by them more than thirty minutes, I should think. They rode away and we traveled on.\(^{14}\)

Had one of the emigrants lost his nerve and fired on these Indians the result can easily be imagined.

\(^{14}\) Jesse A. Applegate, Recollections of My Boyhood ..., 27-28.
Of a more serious nature was a projected attack on the Americans thwarted by Dr. McLoughlin. McLoughlin gives a detailed description of this incident, which serves to explain, in part, why there were no Indian troubles in Oregon prior to the settling of the boundary question.

In 1843, about 800 immigrants arrived from the states, I saw by the looks of the Indians, that they were excited, and I watched them. As the first stragglers were arriving at Vancouver in canoes, I was standing on the bank,—nearer the water there was a group of ten or twelve Indians. One of them bawled out to his companions, "It is good for us to kill these Bostons!" Struck with the excitement I had seen in the countenances of the Indians since they had heard the report of the immigration coming, I felt certain they were inclined to mischief, and that he spoke this loud as a feeler to sound me, and take their measures accordingly. I immediately rushed on them with my cane, calling out at the same time, "Who is the dog that says it is a good thing to kill the Bostons?" The fellow trembling excused himself, "I spoke without meaning any harm, but the Dalles Indians say so." "Well," said I, "The Dalles Indians are dogs for saying so, and you also," and left him, as if I remained longer, it would have had a bad effect. I had done enough to convince them I would not allow them to do wrong to the immigrants with impunity.

From this Indian saying in the way he did, that the Dalles Indians said "it would be good to kill Bostons," I felt it my duty to do all I could to avert so horrid a deed.

Mr. F. L. Edwards . . . sent me a letter by General W. M. McCarver, stating he had given a letter of introduction to me to P. H. Burnett, Esq. I immediately formed my plans and kept my knowledge of the horrid design of the Indians secret, as I felt certain that if the Americans knew of it, these men acting independent of each other would be at once for fighting, which would lead to their total destruction, and I sent 2 boats with provisions to meet them. Sent provisions to Mr. Burnett, and a large quantity of provisions for sale to those who would purchase, and to be given to those who had not the means, being confident that the fright I had given . . . the Indian who said it was a good thing to kill the Bostons, was known at The Dalles before our boats were there, and that with the presence of the Hudson Bay Company people, and the assistance they afforded the immigrants, would deter the Indians from doing them any wrong, and I am happy to be able to say, I entirely succeeded.

At first, I thought these Indians were excited by some Iroquois Indians in the Hudson's Bay Company's service, and tried to find if so, but found nothing to enlighten me on the subject. About a month after, Dr. Whitman from his mission at Walla Walla [cane] to Vancouver, as the Dalles was on his way, and as he had seen the principal men there, it occurred to me, that he might have heard of it, and told him what I heard the Indian say, and how I had alarmed him—what I had done to deter them—and my suspicions that all this sprung from some of our rascally Iroquois, and that I was anxious to find that rascal out to punish him as an example to
deter others. "Oh," says the Doctor, "I know all about it." "You do Doctor?" said I. "Yes," said the Doctor, "and I have known it for two years." "You have known it for two years and you told me nothing, pray tell me his name." The Doctor seeing that I was on the wrong scent, said, "his name is Thomas Hill." After thinking for some time, I replied the Hudson Bay Co., had no man of that name in their service. "Oh," says the Doctor, "Tom Hill, the Shawnee!" This Indian, it is said, has been educated at Dartmouth College in the states, had told the Indians that a few Americans had come to settle on their lands, that the Shawnees allowed them, but when the Americans were strong enough, they drove the Shawnees off, and now the Shawnees have no lands, and had urged the Indians to allow no Americans to settle on their land, which advice the Indians about Walla Walla say, the Cayuses are following to this day, and the Indians more inclined to follow by killing the immigrants who first came, and which I believe they would have done, but for the decided and cautious manner that I acted. And the reason the Indian made use of the expression he did, was because I punished the murderers of the Smith party, and before acting, they wanted to know how I would treat them. And most certainly, if I had not been most anxious for the safety of the immigrants, and to discharge to them the duties of a Christian, my ear would not have caught so quickly the words "it is a good thing to kill these Bostons," and acted as I did. In fact, if the immigrants had all been my brothers and sisters, I could not have done more for them. I fed the hungry, caused the sick to be attended to and nursed,—furnished them every assistance so long as they required it, and which some have not paid to this day, though abundantly able, and which if they do not pay, I am answerable to the Hudson's Bay Company. It may be said, and has been said, that I was too liberal in making these advances. It is not so, but it was done judiciously and prudently. 15

15 MSS Banc. Coll., John McLoughlin, Private Papers, 1825-1856: Northwest Coast, 15-19. This account is substantiated by McLoughlin's daughter who was an eyewitness to the event. Ibid., Mrs. Dan Harvey, Life of John McLoughlin, H.

P. H. Burnett, mentioned above by McLoughlin, gives his analysis of the attitude of the Oregon Indians towards the Americans, and why it contrasted with the attitude they had towards the Hudson's Bay Company and those already settled in Oregon. "The Indians soon saw that the Company was a mere trading establishment, confined to a small space of land at each post, and was, in point of fact, advantageous to themselves. The few Canadian-French who were located in the Willamette Valley were mostly, if not entirely, connected by marriage with the Indians, the Frenchmen having Indian wives, and were considered to some extent as a part of their own people. But, when we, the American immigrants, came into what the Indians claimed as their own country, we were considerable in numbers; and we came, not to establish trade with the Indians, but to take and settle the country exclusively for ourselves. Consequently, we went anywhere we pleased, settled down without any treaty or consultation with the Indians, and occupied our claims without their consent and without compensation. This difference they very soon understood. Every succeeding
The Hudson's Bay Company was long accused of doing everything in its power to obstruct American settlers in their occupation of Oregon. But a closer examination of the facts has resulted in a minimizing of these accusations. What is there was for them seems to center around the Hudson Bay post of Fort Hall and the activities of its chief trader, Captain James Grant. One thing is certain, as an Englishman Grant tried to persuade as many of the emigrants as possible to continue on into California rather than Oregon and used all the arguments he could accumulate to this end. But as for using force, refusing them supplies or interfering with their journey in any way, Grant was innocent of any charges made against him in later years. The emigrants held Grant in almost as high regard as they did McLoughlin, Douglas, or other Hudson's Bay men who rendered them assistance in their difficulties.

We stopped at Fort Hall ten days with—Major [sig] Grant; he was chief factor [sig] . . . . I liked him very much. He was generally kind to the emigrants. He used all the influence he could, while he was a gentleman, to get us to go to California. He told us that if we must go to Oregon we must leave our wagons there. Through the influence of Dr. Whitman they decided to go on with the wagons to Oregon. Grant was convinced that it was impossible to bring wagons through the mountainous and broken country to the west of Fort Hall. Consequently, he ad-

fall they found the white population about doubled, and our settlements continually extending, and rapidly encroaching more and more upon their pasture and cames grounds. They saw that we fenced in the best lands, excluding their horses from the grass, and our hogs ate up their cames. They instinctively saw annihilation before them." Burnett, Recollections, 149-150.

16MSS Banc. Coll., John Burck McClane, First Wagon Trains to Oregon, 2-3. That there were two schools of thought among the Americans on the subject of Captain Grant is evident from the following: "Grant told me California was a better country than Oregon; that Oregon was no farming country. I did not believe it. I think they did not want us here. I know he did not. I think Grant was an enemy of the Americans anyhow; but I do not think Dr. McLoughlin or Douglas were." Ibid., Shaw, Miss. and Col. River Valley Life Compared, 13.
vised the emigrants to leave their wagons there and continue their journey by pack-train.

I consulted Mr. Grant as to his opinion of the practicability of taking our wagons through. He replied that, while he would not say it was impossible for us Americans to make the trip with our wagons, he could not himself see how it could be done. He had only traveled the pack-trail, and certainly no wagons could follow that route; but there might be a practical road found by leaving the trail at certain points.\(^\text{17}\)

It was this advice that later saddled Grant with the onus of attempting to prevent the American settlement of Oregon. However, even early American settlers in the country thought it impossible to bring wagons west of Fort Hall.

Philip L. Edwards wrote on September 15, 1842:

I have been frequently asked whether I considered it practicable to perform the expedition with wagons.

I answer, that, for my opinion, about two thirds of the trip might be thus accomplished; and to the remaining part I am so far from believing that any sort of wheeled vehicle could be rendered available, that, in my opinion, in many places it would be very difficult, perhaps nearly impossible to get them along empty. And, were I to join a company of emigrants, I should always prefer horses and mules to any other mode of conveyance; and, inconvenient as it may seem, I should always prefer packing the few necessaries of the Journey to the encumbrance of wagons. If the latter are employed at all, let them be light but substantial, and drawn by horses and mules. Let it be also understood that they are to be abandoned by the way. But even this might, in many cases, be advisable, as women and children might thereby perform the first part of the journey with greater facility, and become gradually inured to its fatigues.\(^\text{18}\)

In this instance, due credit must be given to Dr. Whitman for convincing the emigrants of 1843 of the possibility of taking their wagons through to Oregon and thereby opening up a wagon road from Independence, Missouri, to the Pacific. Suffice it to say on this point, that the arrival of wagons in Oregon passed Captain Grant, Dr. McLoughlin, the British in general, and even the

\(^{17}\)Burnett, Recollections, 117.

\(^{18}\)Edwards to the St. Louis Liberty Banner, Richmond, Missouri, September 15, 1842. Reprinted in the St. Louis New Era, May 25, 1843.
Americans already settled there. The fortitude and ingenuity of the American pioneer reduced sceptics to silence on all sides.\textsuperscript{19}

The arrival of such a large body of new inhabitants put a serious strain on the infant Oregon economy. Though the original residents were as hospitable and generous as heretofore they simply did not have the wherewithal to accommodate such a large group. This led to a certain amount of ill feeling on occasion.

I remember that while we were at the mission of Dr. Whitman . . . he was most ungenerously accused by some of our people of selfish motives in conducting us past his establishment, where we could procure fresh supplies of flour and potatoes. This foolish, false, and ungrateful charge was based upon the fact that he asked us a dollar a bushel for wheat, and forty cents for potatoes. As our people had been accustomed to sell their wheat at from fifty to sixty cents a bushel, and their potatoes at from twenty to twenty-five cents, in the Western States, they thought the prices demanded by the Doctor amounted to something like extortion . . . . So obstinate were some of our people, that they would not purchase of the Doctor. I remember one case particularly, where an intimate friend of mine, whose supplies of food were nearly exhausted, refused to purchase . . . . The consequence was, that I had to divide provisions with him before we reached the end of our journey.\textsuperscript{20}

\textsuperscript{19}Dr. McLoughlin was especially impressed and thenceforth considered the Americans capable of anything. He remarked to one of them that "The devil is in the Americans, the devil is in your people . . . . They will turn their oxen and wagons [sic] down to the Mouth of the Columbia and go over into Japan next; the devil is in them . . . ." MSS Banc. Coll., Rev. J. L. Parrish, Anecdotes of Intercourse with the Indians, 1878, 104.

\textsuperscript{20}Burnett, Recollections, 126–127. In spite of the services rendered the 1843 emigration, Whitman seems to have made enemies of a certain number of his fellow-travelers. His one-time friend, Daniel Waldo, was especially bitter at the end of the journey. "Whitman lied like hell. He lied to me like hell at Wallatpu. He wanted my cattle and told me the grass was all burnt between his place and the Dalles. I told him I would try it anyhow. The first night I left the Dalles I found the finest grass I ever saw, and it was good every night. He did not try to buy mine but he tried to buy others. I started out and travelled with him. I fed him the first part of the road. He had nothing to start with but a boiled ham . . . . I reckon he expected that ham to last him and his boy all the way across. After we crossed the Snake River I had to feed him again. I did not like it much. But he was a very energetic man and I liked him for his perseverance. He had not much judgement but a great deal of
Even the departmental headquarters of the Hudson’s Bay Company at Fort Vancouver felt the strain. Dr. McLoughlin noted that

When the immigration of 1843 came, we had enough of bread-stuff in the country for one year, but as the immigrants reported that next season there would be a greater immigration, it was evident that [if] there was not a proportionate increase of seed in (1843-1844) there would be a famine in the country in 1845, which would lead to trouble, as those that had families, to save them from starvation, would be obliged to have recourse to violence to get food for them. To avert this, I freely supplied the immigrants of 1843 and 1844 with the necessary articles to open farms, and by these means averted the evils. In short, I afforded every assistance to the immigrants as they required it, and by management, I kept peace in the country.21

McLoughlin duly reported this influx of Americans to the directors in London, and noted the fact that among them were men of property and standing in their own country. He also expressed the belief that many of them would continue on to California the following year as so many of the emigration of 1842 had recently done.22 However, even with this diversion of a portion of each

perseverance. He expected the emigrants to feed him and they did. He was bound to go there and took the chances." MSS Banc. Coll., Waldo, Critiques, 16-17.

21MSS Banc. Coll., John McLoughlin, Private Papers, 1825-1856: Northwest Coast, 19-20. The necessity of supplying this new population, and of witnessing the rapid American occupation of the country, may have resulted in there being some truth to the statement in an American periodical that "The treatment of American 'visitors' by Dr. McLoughlin, the chief-factor, was formerly very gentlemanly and hospitable. Recent movements have somewhat changed his feelings and conduct, as well as that of all the factors of the company. They are now very watchful of strangers, though in their presence they still profess friendliness, if only 'visiting.'" "Oregon," The United States Magazine and Democratic Review, XII, 350.

22McLoughlin to the Gov., Dep. Gov., & Committee of the H. B. Co., Fort Vancouver, November 15, 1843. McLoughlin, Letters, Second Series, 1839-1844, 139-140. It was a report such as this that doubtless inspired a pro-British writer to hazard the opinion that "... it is merely under the name of going to Oregon, where they possess certain rights, that they emigrate to California, where they possess none; but they will soon try to create the right of possession, as their countrymen did in Texas." George D. Warburton, Hochlega; or, England in the New World, ed. Eliot Warburton, Esq., 2v., N. Y., 1845, II, 195.
Emigration to California, McLoughlin soon anticipated the filling up of the arable land south of the Columbia, and looked forward to the time when circumstances would force them to cross the Columbia and cause them "... to intrude on points, considered within our limits, from being improved in some way by us, or covered by the Company's Stock." 23

Hence, he urged the directors to seek some form of protection for the company and its interests from the British Government and that locally "... we should be empowered to take such measures, as may appear to us, necessary for the Security of our property, until the question of jurisdiction be settled by treaty." 24

In the meantime, McLoughlin intended to do everything in his power to render the Americans benevolent and counteract any opposition by laying ourselves out to supply the wants of these people, as long as we find they can pay, at the same time, situated as we are, we must to keep on good terms with them, make them some advances, if we did not, looking on us with a jealous eye, and knowing that we have driven away all the traders, from the Country, and considering they look on us as intruders on their soil, as to hear them talk, they consider 54° North, as the boundary, and that at least we ought not to pass 49° North. It might be with these feelings, if we did not act prudently, some harm might happen. It came to my knowledge last year, that one of the Americans, said, if there were men to join him he could take Vancouver, no person minded him, but if we made ourselves unpopular, and such a thing happened, where could we get redress, I do not apprehend such an event, in the least, but still we must be prudent. 25


24 Ibid.

25 McLoughlin to the Gov., Dep. Gov., & Committee of the H. B. Co., Fort Vancouver, November 18, 1843. Ibid., 159-160. McLoughlin did not consider his tactics purely defensive measures, however, but also good business and good politics under the circumstances. "... it is certain that, there will be a greater or less influx of people, from the United States every year, and the
A year later McLoughlin seemed well satisfied with the Americans in Oregon and evidently anticipated no immediate trouble with them. Reporting the expected arrival of the emigration of 1844 to the directors in London, McLoughlin noted that

The Immigrants on the way to this place are said to amount to twelve hundred persons, with about two thousand head of horned cattle, and between five and six hundred sheep; and I am happy to hear from those of them who are arrived, that they heard from their Countrymen who came last year and left this in June to return to the States, in consequence of not finding the Country such as they expected, that the reports spread against us in the Papers in the States were false, as these reports had excited strong prejudices against us.

The population in the Wallamette with this Immigration will be above four thousand persons.

The Immigrants who came last year have set to work most industriously, which I attribute in great part to their having no spirituous liquor, and which so far they seem most anxious to keep out, as they have passed a Law to prevent its being brought among them or distilled in the Country.

About forty Immigrants have gone this year to California, a few of those come here intend to proceed there next Spring . . . .

Although relations between the Americans and British in Oregon remained peaceful, and the great proportion of the emigrants of 1843 and 1844 were deeply grateful to the Hudson’s Bay Company for the help extended to them on their arrival, still there were those who resented the company and considered themselves imposed upon by the fact that they were forced to deal with the British in any way. This minority group was composed chiefly of single men, who, having no dependents, were asked to work out their credit with the company on the spot. Some did, others did not—and all of them chafed under this forced labor

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Some they were willing to credit for a hundred pounds of flour whilst others they refused to credit. Those who could obtain this moiety of flour proceeded to the towns of Linton and Oregon City . . . . Those who could not obtain provisions enough here at Fort Vancouver to enable them to go on their way were obliged to stop and work for this company at anything they would set them and at such prices for their labor as they saw fit to pay them in the necessaries of life for themselves and families. Whilst those who arrived at Oregon City were enabled to get plenty of wheat & peas from our countrymen living there who took pleasure in furnishing us with whatever we wanted and they had to spare, their situation being so much better than ours having been here for a year & perhaps some of them longer.27

The natural inconveniences of a frontier community were also attributed to the company, but through what process of reasoning it is difficult to determine. And the fact that the Hudson's Bay Company expected payment for supplies seemed to come as a shock to some who had visualized Oregon as some form of Utopia flowing with milk and honey, where work was unheard of.

The flouring mill of Hudson's Bay Company being to [sic] far off to carry our wheat there to have it ground we did after a while manage to obtain some flour & other necessaries by furnishing them with shingles which we made here & transported to Vancouver by water for which we were paid three dollars the thousand, for in flour, molasses & such things that they had & we wanted. There was a degree of illiberality manifest on the part

27 MSS Banc. Coll., Samuel Hancock, Thirteen Year's Residence on the Northwest Coast, Containing an Account of the Travels and Adventures Among the Indians, their Manners and Customs and their Treatment of Prisoners, and also a Description of the Country, 84.

Among these were many mountain-men, independent trappers from the Rocky Mountains or ex-employees of the American fur companies. The routine drudgery of working for a living was particularly distressing to this class. "Having been so long accustomed to the idle life of the Rocky Mountains, they were not at first pleased with the hard work and drudgery of farming. Meek told me that soon after their arrival in Oregon they applied to Dr. McLoughlin to purchase supplies on credit. This application the Doctor refused. They still urged their request most persistently, and finally asked the Doctor what they should do. He replied in a loud voice: 'Go to work! go to work! go to work!' Meek said that was just the thing they did not wish to do." Burnett, Recollections, 65. For short biographical sketches of some of these men who later became prominent citizens of Oregon, e. g., Black Harris, Joseph L. Meek, Osborne Russell, and Robert Newell, see Ibid., 166-168.
of this trading concern which to say the least was very inconvenient for some of the poor emigrants to encounter here at their journey's end. Notwithstanding they had buffeted all the hardships of getting here with the determination of remaining & by dint of hard work and industry establish themselves comfortably and respectfully upon the land thereby giving a character to the country besides placing themselves in situations ultimately by which this same trading concern might be largely benefited. Still they were indisposed to extend any accomodation although having it so abundantly in their power. Whoever managed to get along as independently as possible having as little business with this concern as we could, yet were obliged to have some as there was no other place where things that we were obliged to have could be had. 28

National tensions also existed and were a potential threat to the peace of the country at all times. An American citizen of British ancestry before his arrival

... had no idea then of the differences between the Hudson's Bay Company's people & the settlers here. I saw that when we came here. I saw that when by chance we would get into a mixed canoe together, here, when we would immediately count among ourselves who were British & who were Americans. And I remember being rated roundly by some English sailors for taking sides with the Americans. Being born in Great Britain they could not comprehend my position ....

When I left England I did not even know of the existence of a western shore of America. 29

These differences were magnified with the arrival of the immigration of 18th, for the simple reason that the Hudson's Bay Company was physically incapable of supplying this emigration on the same scale and with the same lavish charity with which it had supplied the one of the previous year. This, combined

28 MSS Banc. Coll., Samuel Hancock, Thirteen Year's Residence on the Northwest Coast . . ., 84-85.

29 Ibid., John Minto, Early Days of Oregon, 1878, 3. Other Americans considered the French-Canadian, ex-employee of the company, a low-grade human being and were irritated by his presence in the country. "... I've often thought that the H. B. Co. has been condemned & vilified for everything but what they ought to have been condemned for, that is saddling the country with a lot of ill prepared citizens—some of whom I've seen at the polls that could not tell who was president or whether Washington was an Englishman or an Italian." Ibid., George B. Roberts, Recollections, 1878, 20.
with the common anti-British feeling that every American brought into the country, resulted in bitterness and temporary ill-feeling. A member of the 1843 emigration observed that

It was most fortunate for us that two such noble men were managers of the Company at the time of our arrival. Our own countrymen had it not in their power to aid us efficiently. Many of them were immigrants of the preceding season; others were connected with the missions; and, altogether, they were too few and poor to help us much. The Company could not afford to extend to succeeding immigrations the same credit they did to us. The burden would have been too great. This refusal led many to complain, but without sufficient reason.30

30Burnett, Recollections, 115. One of the most pressing needs of the new emigrants was clothing. "The problem of clothing had become a very serious one. Tents and wagon covers that had seen service from the Mississippi to the Columbia would shed rain when made into coats. Lined with the remnants of some old woolen garment, and with a broad collar and cuffs faced with the fur of beaver or otter, these garments would pass without criticism even though their ancestry might be known to every one by indelible marks that had been on the tent or wagon cover. It would be a mistake to suppose that this was regarded as humiliating or a real hardship. Necessity demanded very plain attire among the first settlers and custom sanctioned it. Buttons for these coats were made of pewter cast in moulds cut in blocks of soapstone. Old spoons, plates and other pieces of worn out table ware that had seen service around many a camp fire on the plains and in the mountains were used for this purpose. Garments were sometimes made of the wool-like hair of the wolf . . . . The skin of the deer, when tanned by the Indians, was soft and pliable and was used by the pioneers. Coats and trousers of buckskin were worn, but I confess to a prejudice against buckskin . . . . In a climate where it never rains a buckskin suit might be comfortable, but in the climate where we lived, such garments often proved wretchedly disagreeable. Trousers, after frequent wettings and dryings would assume a fixed shape that admitted of no reformation. This malformation did not appear when a man was sitting, which was, for this reason, his favorite posture; but when he arose the appearance to an inexperienced eye was that he was not yet up, for the knees of his trousers did not respond to the straightening of his legs but held the shape of the sitting posture, and the seat of the trousers did likewise." Jesse A. Applegate, Recollections of My Boyhood . . ., ed. Joseph Schaefer, Chicago, 1931, 79-81. For further details of the hardships and sufferings of some of the emigrants of 1843 during their first winter and summer in Oregon see Ibid., 61-79. The experiences of the emigrants of 1843 can be duplicated for each succeeding emigration but with a slowly decreasing intensity of distress. The increased American population was better able to help take care of their own, and the Hudson's Bay Company, after the initial impacts of the emigrations of 1843 and 1844, eventually caught up with the demand in the country. For a glimpse of economic and social conditions in Oregon in 1843 and 1844, as well as trade and credit practices throughout the
These differences and difficulties for the most part, however, resulted from the growing pains and adjustments peculiar to a new community. With the passage of time and as the population became settled in their new homes, this friction between British and Americans, between old settlers and new, gradually decreased and almost disappeared. Burnett, in commenting on the impact of new surroundings on his fellow emigrants, notes that

It was interesting to observe the influence of new circumstances upon human character. Among the men who went to Oregon the year I did, some were idle, worthless young men, too lazy to work at home, and too genteel to steal; while some others were gamblers, and others were reputed thieves. But when they arrived in Oregon they were compelled to work or starve. It was a dire necessity. There were no able relatives or indulgent friends upon whom the idle could quarter themselves, and there was little or nothing for the rogues to steal; and, if they could steal, there was no ready way by which they could escape into another community, and they could not conceal themselves in Oregon. I never saw so fine a population, as a whole community, as I saw in Oregon most of the time while I was there. They were all honest, because there was nothing to steal; they were all sober, because there was no liquor to drink; there were no misers, because there was no money to heard; and they were all industrious, because it was work or starve.31

The emigrants of 1843 and 1844, as a whole, liked the country and intended making it their permanent home. Others approached the subject with reservations. A newly arrived Baptist Minister was "... well satisfied about this country and have realised all my expectations, but I do not think that any person, having a good home in the United States, would be justified in crossing..."


31 Burnett, Recollections, 180-181. Peter Hardeman Burnett was well qualified to contrast frontier populations on the Pacific Coast. Burnett at one time held the post of Chief Justice of the Oregon Provisional Government and was, later, the first Governor of California. He left Oregon for California in 1848. McLoughlin, Letter, Second Series, 1839-1844, 140 m.
the mountains for all that is to be gained here . . . ."32

By the end of 1844, the Americans in Oregon were well settled and had all the outward aspects of a thriving community. This can only be attributed to their indomitable spirit, hard work, and the effect of the frontier on the American character.

Our population is rapidly increasing, and the country is making progress in wealth and refinement. I have never yet before seen a population so industrious, sober and honest as this. I know many young men who were the veriest vagabonds in the states, who are here respectable and doing exceedingly well.33

The American settlement at the Willamette Falls was now dignified by the title of Oregon City and other communities were springing up in the vicinity. Among these was the present metropolis of Oregon, the city of Portland.34

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32Letter of Henry Sewell to T. W. Ustick of St. Louis, Missouri, July 7, 1844. "Minutes West Union Baptist Church," ed. J. Orin Oliphant, Ore. Hist. Soc. Quar., XXXVI, 2h8-2h9. Others were definitely outspoken in their dislike of the country. "When I saw this part of the country I did not like it and I never have liked it, though I have been here 34 years. The climate is the objection I have to it. I do not object to the country or the land. It is too damp and cold for me and too rainy. The winters generally are very unpleasant . . . ."

"When I first saw it I did not like it because it was so lonely, so deserted, out of creation, out in the wilderness. There were no roads, no bridges, and it was hard to get to your place, and here among the Indians we were eating boiled wheat for breakfast, dinner and supper, and the same the next day, wearing buckskin breeches and buckskin shoes little better than brown paper, having hardships that no body knows about now. To say what I have come through in this country for 34 years together, you could not realize anything of it." MSS Banc. Coll., Horace Holden, Oregon Pioneering, 1878, 3-4.


34If credence may be placed in F. W. Pettygrove's account of the founding of Portland, the town came by its name in a rather bizarre manner. "During '44 A. L. Lovejoy and myself located the present site of Portland and commenced chopping down the timber and clearing the land for the purpose of laying off the site, it being the head of navigation on the Willamette River . . . . A discussion arose one evening between Lovejoy and myself with regard to the name
During this same period, the Hudson's Bay Company inadvertently proved to be the means by which the first Americans crossed the Columbia and settled on Puget Sound. According to William F. Tolmie, one of the chief-traders of the Hudson's Bay Company, the company had given employment at Fort Vancouver to the better behaved of the American frontiersmen settled around, in shingle making for house use and export to the Sandwich Islands. In 1844 it encouraged some of these,—Messrs. Kimball, Simmons, Crockett, Jones, Bush (colored), Gordon & others to settle on Puget Sound, and engage in the same business. This was the commencement of the American settlement of Puget Sound. 35

With the expansion of American settlements it was inevitable that difficulties should soon arise with the Hudson's Bay Company. The first point of conflict proved to be the mushrooming settlement of Oregon City. Here Dr. McLoughlin had preempted most of the water rights and a large part of the surrounding countryside pursuant to the orders of George Simpson in 1842. 36

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35 MSS Banc. Coll., William F. Tolmie, History of Puget Sound and the Northwest Coast, 1876, 21. Tolmie had been on a leave-of-absence since 1840, and upon his return was amazed at the change that had taken place in the country. "In going up the river and through the settled country in 1843, after an absence of nearly three years, he found signs everywhere of progress and increasing population. The Americans were steadily gaining ground, thereby increasing the H. B. Company's uneasiness and trouble. The settlers annoyed the H. B. Co. by being very slow in paying their debts, & by encroaching upon the Company's cultivated and well stocked lands, at and around Fort Vancouver, Cowlitz, and Esqually." Ibid., 15.

36 Cf. supra, p. 86.
ieving the territory south of the Columbia would ultimately be awarded to the United States in a boundary settlement, McLoughlin had staked out the claims to this land in his own name but for the use of the Hudson's Bay Company. This British outpost in territory they considered indisputably their own, both baffled and chagrined the American inhabitants of Oregon City.  

Under the leadership of Robert Shortess, one of Farnham's "Peoria Party" of 1839, a memorial to Congress was drafted in an attempt to undermine McLoughlin's claims on the Willamette. The wording of this petition was such that it accused the Hudson's Bay Company of every crime from murdering American citizens in wholesale lots to cheating them by using false measures in weighing their grain. As condensed in the Congressional Globe, sixty or seventy residents of the Territory of Oregon set forth

... the great injuries to which they are subjected by the British authorities there; and among other things, that they are driven from their homes by the Hudson's Bay Company; and that a Dr. McLaughlin, an English subject,

37 This situation finally reached the American press and did little to calm fears of British designs on the whole of Oregon. "A town is growing up at the falls of Willamette. Dr. M'Laughlin, the British commander of Fort Vancouver, claims the site by right of discovery, or having established a post there some years since. He has laid out a town, and is now selling lots, giving deeds, etc. He warns American citizens not to interfere with his claims. The American settlers are very much perplexed by his interference on the south side of the river. The Willamette furnishes an immense water power suitable for machinery. Two grist and saw-mills are by this time built at that place—one owned by Dr. M'Laughlin, who by means of his great wealth is determined to break down the American owners of the other mills. The settlers are patient, expecting the United States to protect the rights of her citizens in her own territory... If emigrants should continue to pass into the Oregon for a few years as rapidly as they have the present year, the people will soon be able to protect themselves from the rapacity of the British Hudson's Bay and North Western Fur Company. The settlement has now a military company, well commanded." This article was printed originally in the Springfield, Illinois, Journal and later reprinted in the London Times for December 15, 1843. McLoughlin enclosed the Times clipping in his letter to the Gov., Dep. Gov., and Committee of the H. F. Co., July 19, 1845. McLoughlin, Letters, Third Series, 1844–1846, Appendix A, 256–257.
was in the habit of selling and making deeds for land which belonged to the United States alone, and from which the American citizens were driven. 38

That the accusations in the memorial were blatant falsehoods was recognized on all sides, but so aroused was this group of citizens over McLoughlin's land-claim that honesty and truth were ignored. Elijah White, the sub-Indian Agent in Oregon and the only American with a vestige of authority from the United States government, attempted to remedy the damage to some extent, by reporting to the War Department on April 1, 1843

A petition started from this country today, making bitter complaints against the Hudson's Bay Company and Gov. McLoughlin. In referring to it—as a copy was denied—I shall only say, had any gentleman disconnected with the Hudson's Bay Company been at half the pains and expense to establish a claim to the Willamette falls, very few would have raised an opposition. His half measure I know to be exact according to the English imperial standard. The gentlemen of this company have been fathers and fosterers of the colony, ever encouraging peace, industry and good order, and have sustained a character for hospitality and integrity too well established to be easily shaken. 39

These accusations against McLoughlin and the Hudson's Bay Company were so unreasonable that the major portion of the American population would have no

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39 White to Crawford, April 1, 1843. Allen, Ten Years in Oregon, 200-201. This portion of White's report was referred to by Senator David R. Atchison of Missouri when he presented the Shortess Petition to the Senate on February 7, 1844. But as Atchison had copies of McLoughlin's NOTICE OF SALE OF LOTS, and DEEDS and BONDS to purchasers, which were attached to the petition, he concluded that "... one side or the other had stated a falsehood as to the conduct of the Hudson's Bay Company. He believed it could be easily shown, from the papers he then submitted, that this agent and not the petitioners, had told the lie. The petition clearly proves the lie on the agent." U. S. Cong., Senate, Cong. Globe, 28th Cong., 1st Sess., 1843-1844, XIII, pt. 1, 237.

For McLoughlin's own correspondence with Shortess and other American settlers on the subject see McLoughlin, Letters, Third Series, 1844-1846, Appendix A, 251-256.
part in them at all. As a result the movement quickly collapsed from lack of public support and the clamor eventually died down. By November, 1843, Elijah White was able to report to James M. Porter, Secretary of War, that

The little unhappy differences between the American settlers and the Hudson's Bay Company, arising from the last spring's petition to our government, has been healed, and we have general quiet—both parties conducting very properly towards each other at present.

Incidents such as this convinced responsible Americans in Oregon that some form of civil government was necessary. Some organisation was required that could represent the mind of all the people and hold in check the activities of irresponsible minorities and individuals. Other considerations also entered into their desire for some form of government. For example, a qualified authority was needed, that would sooner or later have to deal with the Indians in the Oregon country in the name of the American residents, an impartial land-office would soon be needed to refereee claim disputes that were bound to arise as the country was occupied, and, with the rapid increase in population, a criminal code with its attendant enforcement agencies would undoubtedly be needed.

These subjects had been a topic of conversation in the colony ever since the project of a civil government had been abandoned in June, 1841, on the advice of Commodore Wilkes. They were also considered in two meetings called on February 2 and March 6, 1843, to discuss ways and means of ridding the settlement of the wolf-packs, bears, and panthers that were making inroads on the

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\(^{11}\) Allen, *Ten Years in Oregon*, 220.

\(^{12}\) Cf. supra, pp. 93–94.
settlers' stock.\(^3\) It was decided in the latter of these two meetings that a committee should be appointed to investigate the necessity of some form of government and to submit their recommendations to a general meeting of settlers at Champoeg on May 2, 1843.\(^4\)

The Committee duly reported in favor of organizing a provision government, but when the proposition was to be voted on, a great deal of confusion ensued among the assembled settlers. Many were still unalterably opposed to the formation of any government and two attempts to take voice votes failed when the secretaries were unable to determine the results over the shouting and arguing that was taking place. Finally, those for and against were divided into two groups and counted. By a slender margin, variously estimated at between two

\(^3\) There is great divergence of opinion as to whether these so-called wolf-meetings were organized primarily to protect the local livestock, or whether the wolves were but an alleged excuse for once more promoting the organization of a civil government. In either case, the point is of minor importance. For a general description of the meeting of February 2, 1843, and the foundation of the Oregon Provisional Government see MSS Banc. Coll., Evans, History of Oregon, 258-261.

\(^4\) The Officers and Committee that had been chosen at the meeting at the Methodist Mission, February 18, 1842, were held over for this purpose and entrusted with the task of preparing the report for the meeting of May 2, 1843. The Officers were: David Leslie, Chairman, Sidney Smith, Secretary, and Gustavus Hines, Secretary. The Committee was composed of the following: Rev. F. H. Blanchet, Rev. Jason Lee, David Donpierre, Mr. Charleven, Robert Moore, J. L. Parrish, Etienne Lucier, and William Johnson. Biennial Report of the Secretary of State of Oregon. With an Appendix Containing Names of All the Officers of the Territory and State of Oregon and Senators and Representatives in Congress with Brief Biographical Sketches of as Many as Could be Obtained from Reliable Sources and Members of the Oregon Executive Committees and Legislative Assemblies from 1824 to 1899. Submitted to the Twentieth Legislative Assembly for the Fiscal Years Ending December 31, 1897, and December 31, 1898. H. R. Kincaid, Secretary of State, Salem, Oregon, 1899, 25.

The May 2, 1843, meeting was to be held in a Hudson's Bay Company grain warehouse on the bank of the Willamette River at Champoeg Prairie, approximately thirty miles southwest of the present city of Portland, Oregon.
and five, it was agreed to organize a provisional government. 45

45 A great deal of legend and misrepresentation grew out of this meeting, much of which persists to the present day. Joseph Meek, the ex-mountain-man, is described as having dramatically stepped forth in the midst of the confusion, and called for all patriotic Americans to rally around him in favor of the provisional government. In spite of the fact that this scene is immortalized in Oregon literature and art, it seems to have no foundation in fact.

Rev. F. N. Blanchet and the French-Canadians were long accused of an attempt to block the organisation of a provisional government by voting solidly against it. By reason of the fact that Dr. McLoughlin and the H. B. Co. opposed the project, a large proportion of the French-Canadians did vote against the movement or abstained from voting entirely. But as Robert Newell, an American present at the meeting, pointed out in 1866, if the French-Canadians were organised against the provisional government they could have defeated it by weight of numbers. On the contrary, the French-Canadians who voted in favor of the proposition proved the margin of victory for the adoption of the provisional government. Newell gives five votes as this margin of victory, and among other French-Canadians voting in favor of the proposition, he lists: Jarvis, Lucier, Billeque, Berbier, Ladaroot, and Donpierre. Ore. Hist. Soc. Lib. MS Coll., Robert Newell, Letter to the Editor of the Oregon Herald, December 9, 1866.

Rev. F. N. Blanchet and the French-Canadians were the victims of another misrepresentation arising out of an accident. In 1844, Rev. Louis Antoine Langlois drew up a petition for the French-Canadians, addressed to the Congress of the United States, begging that body for "... such legislative aid as may at once supply their wants and accord with the dignity of the great nation of which they are a part." They ended their petition by praying "... that the star-spangled banner may be planted in and unfurled over this territory, and kept standing and floating over it in a manner worthy the dignity and power of the nation." This petition was in French and dated March 4, 1844. For the text of the original petition in French, with an English translation, see P. J. Frein, "Translation of Address by Canadian Settlers," Ore. Hist. Soc. Quar., III, 338-340.

When Lafayette Grover, an emigrant of 1851, edited the early government papers of Oregon, he mistakenly gave the date of the petition as March 4, 1843. Moreover, his English translation of the original did not contain the signatures of either the attesting Oregon Government officials or the petitioners.

Using Grover's text as a basis, and without quoting the text either in original or translation, the bigoted and wholly unreliable W. H. Gray in his History of Oregon, substituted Rev. F. N. Blanchet for Rev. L. A. Langlois as the author, changed the date still further to May 2, 1843, and represented the work as a formal protest against the organization of a provisional government. W. H. Gray, A History of Oregon, 1792-1849. Drawn from Personal Observation and Authentic Information, Portland, Oregon, 1870, 273-276, 310, 311, 352, 352. Gray's version was accepted for years until an examination of the original petition and its signatures was made. It was then discovered that two men, Charles F. Pickett and S. M. Holderness, had signed the petition as attesting Secretaries. Both Pickett and Holderness were members of the emigration of
and a legislative committee were then chosen. Robert Moore was elected speaker or chairman, and George W. LeBreton was elected Territorial Recorded and 'ex-officio' clerk. Nine members were chosen for the legislative committee: Robert Shortess, David Hill, Dr. Robert Newell, Alanson Beers, Thomas Hubbard, W. H. Gray, James O'Neill, Robert Moore, and William Daugherty. These officials were to draw up a code of laws for the Oregon Government and submit it for approval by the settlers at a public meeting to be held on July 5, 1843.\(^6\)

This committee held two meetings, May 16 to 19, and June 27 to 28, 1843, and drafted a set of organic articles based on the Northwest Ordinance of 1787 and the Statutes of Iowa Territory.\(^7\) These organic articles, which constituted a Bill of Rights for the people of Oregon, together with those portions of the Northwest Ordinance and the Statutes of Iowa Territory which were considered applicable, formed Oregon's first written constitution and, as such, was accepted at the public meeting of July 5, 1843.\(^8\)

The new constitution provided for religious liberty, the right of habeas corpus, trial by jury, moderate fines, representative government, maintaining

1843, and that emigration had not started for Oregon by May 2, 1843. From this point it was not difficult to trace the misrepresentation back to Grover's mistake, and Gray's version was completely discredited. For further details of the French–Canadian Petition of March 1, 1844, see Oregon State Library. Correspondence Files. Letter of J. Neilson Barry to David C. Dunway, June 14, 1948.

\(^6\) For further details of the meeting of May 2, 1843, see MSS Banc. Coll., Evans, History of Oregon, 265–267. For the Minutes of this meeting see Ibid., McLoughlin, Private Papers, 1825–1856, Series IV, Memorial to Congress, 80–83.

\(^7\) For the first Legislative Assembly and Constitutional Convention in Oregon, May 16, 1843, see Ibid., Evans, History of Oregon, 267–271.

\(^8\) For the Minutes of this meeting see MSS Banc. Coll., McLoughlin, Private Papers, 1825–1856, Series IV, 83–86.
schools, safeguarding morality, justice for the Indians, and the prohibition of slavery. Four counties or administrative districts were erected and a militia authorized, which in the beginning was to consist of three companies of mounted riflemen.\textsuperscript{49}

Since this government was to be only temporary or provisional, the executive power was administered by a committee of three members. In this way the settlers hoped to avoid giving the impression that they had set up an independent government on the Pacific Coast. They intended their government to be a mere stop-gap until such time as the United States assimilated them and organized a de facto Territorial Government.\textsuperscript{50} The judiciary and subordinate govern-

\textsuperscript{49}For the actual Code of Laws and first acts of the Oregon Provision Government see The Oregon Archives: Including the Journals, Governor's Messages and Public Papers of Oregon, from the Earliest Attempt on the Part of the People to Form a Government Down to, and Inclusive of the Session of the Territorial Legislature Held in the Year 1849. Collected and Published pursuant to an Act of the Legislative Assembly, passed January 26, 1853. By LaFayette Grover, Commissioner, Salem, Oregon, 1853, I-219.

\textsuperscript{50}Members of the Emigration of 1843, arriving after the organization of this government, found that the population, for the most part, was opposed to the idea of any form of government independent of that of the United States. "This Government . . . is intended only to be temporary, and subject to the disposition of the Government of the United States, whenever she extends her jurisdiction over the Territory. The people of Oregon, generally, have no disposition to set up an independent government; but on the contrary, they are exceedingly anxious to be taken into the care and under the protection of the United States . . . . This government was extended over all the country between the parallels of 42 deg. and 54 1/2 deg. from North Latitude, and west of the Rocky Mountains to the Pacific Ocean, and made a residence of six months necessary to Citizenship." Overton Johnson and William H. Winter, Route Across the Rocky Mountains. Reprinted, with preface and notes by Carl L. Cannon, from the edition of 1866, Princeton, 1932, 73-74. And this accounted for the form their government eventually assumed. "By making its basis the 'Ordinance of 1787' . . . besides its other excellent provisions was intended to settle the question of Slavery West of the Rocky Mountains as it had in the N. Western States East of them.

"By vesting the legislative and executive powers in simple committees, was to avoid as far as possible even the appearance of an independent and permanent
government offices were, however, drawn up on conventional lines and on the model of the Territory of Iowa.

This first government had several major weaknesses which prevented it from ever operating efficiently. A three-man executive postulated confusion from the very beginning. Moreover, no provision was made for taxation. There were to be no public buildings and such expenses as were incurred by the government were to be met by voluntary contributions. Added to these flaws in the government itself, was the extrinsic fact that a sizable portion of the population did not want a government in general and refused to recognize this form in particular. As no sanctions were provided to enforce allegiance on these recalcitrants—to say nothing of enforcing it on the strongest organization in the country at the time, namely, the Hudson's Bay Company—this first government was almost inoperative from its inception.

But reforms were not long in coming. With the arrival of the emigration of 1843, the American population was more than doubled and the defects of the provisional government became more and more manifest as it repeatedly failed to cope with the exigencies of the situation. Moreover, the emigration of 1843 brought with it men who considered themselves admirably endowed for administering this government and remedying its defects. A member of that emigration government.

"And by extending its jurisdiction to the whole of Oregon, up to the time the United States took possession of the country ignored the right of Great Britain to any part of it." MSS Banc. Coll., Applegate, Views of Oregon History, 39.

In November, Elijah White reported these activities of the settlers to Secretary of War Porter. He notified Porter that they had consulted him as to the expediency of forming a government for Oregon and that he had "... encouraged the measure, as it was so manifestly necessary for the collection of debts, securing rights in claims, and the regulation of general intercourse among the whites." Allen, Ten Years in Oregon, 217.
described the political atmosphere in Oregon soon after their arrival.

The large overland immigration of 1843. The arrival by water of the Chenamus Capt. Couch with a stock of general merchandise from Boston, promised a speedy settlement of the country independent of the H. B. Co. and the Methodist Mission as well.

The Oregon question was also attracting a large share of the public attention at home and its speedy settlement, demanded by the people.

These causes stimulated those who came to Oregon to better themselves politically to display extraordinary zeal and activity for the welfare of the people and to put in practice those other arts of the demagogue to secure their own advancement.

Some of these were elected to the Legislative and Executive Committees for the year 1844. The few and simple duties prescribed to these committees by the Organic law were far too limited for the display of abilities and statesmanship which they hoped to obtain the credit of possessing, and not understanding that the apparent defects of the organic law, were its wisest provisions—Without warrant first obtained from the people to do, and without submitting their work when done to their sanction or rejection—Proceeded to remodel the organic law itself to an extent amounting to its subversion.

The jury of 12 which were to be elected annually to see to the administration of the Provisional Govt. and enact laws necessary to carry it into effect—was abolished, and a Governor to hold office 4 years and a Legislature elected annually substituted for it. These and some other changes in the mode of administration, seemed to the people unnecessary for the short time the Provisional Govt. was expected to last, and favored the establishment of an independent Government.

But the resolution confining the "Jurisdiction of the Provisional Govt. to the South side of the Columbia river" gave just cause of alarm to every patriotic American in Oregon.

These changes in the direction of an Independent Government which the H. B. Co. was known to favor, and the withdrawal of jurisdiction from the North side of the Columbia, was in effect refusing protection to Americans who located North of the Columbia to make farms or follow any other business, and was an acquiescence of the American settlers to the claim of the H. B. Co. to exclusive possession to that side of the river.—In effect making the Columbia the boundary between the U. S. & G. B. These impolitic and unpatriotic acts thoroughly aroused the conservative class, which greatly outnumbering the mere demagogues and their followers in Oregon . . . they determined these wrongs should be righted no matter at what cost.51

Besides arousing the ire of the Oregon population by overhauling the Or-

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51MSS Banc. Coll., Applegate, Views of Oregon History, 40-42. Some of these individuals had manifested their political ambitions before ever reaching Oregon. Cf. supra, p. 148, n 7.
ganic Law of 1843 without their consent, two measures enacted by the legisla-
ture of 1844 brought forth violent criticism. The first was the restricting of
the jurisdiction of the provisional government to the south side of the Colum-
bia river, the second was the action revamping the structure of the government
along the lines of an independent republic. This latter objective was ar-
ried at by the simple expedient of contracting the executive from three men
to one. George Abernethy was then chosen the first governor of Oregon.

52 There were those in Oregon who were desirous of bringing the Hudson's
Bay Company into the government on the basis of an independent government, as a
means of stabilizing the administration and acquiring unanimous support in the
country. The proponents of government in general had carried on informal dis-
cussions with the officers of the company from the beginning, in an attempt, if
not to secure the active participation of that organisation, at least to avoid
its positive opposition. Applegate maintained that this exchange of ideas
"... produced salutary, if they may not be called great public results—Re-
moved prejudices due to the mere circumstances of birth and education, and re-
placed them with mutual esteem and respect, and cemented private friendships
between men of different nationalities that endured through life.

"The gentlemen of the H. B. Co. who took part in these discussions were in
scholarly attainments, and general reading far ahead of their American oppon-
ents.

"But counterbalancing this, Col. Benton had placed within the reach of
every American who cared to know, the grounds both of law and fact of the Amer-
ican claim to Oregon, and his deductions therefrom were unquestionable, besides
this the American's had the training and general political knowledge a free
History, L2.

Since those who favored an independent form of government were well repre-
sented in the legislature of 1844, it is not surprising that many of their sug-
gested changes were incorporated in the reformed government. For the work of
this legislature and the amending of the Organic Law of 1843 see Burnett,

53One of the early residents describes Abernethy as ". . . a man who at
one time stood very well in society here. He stood well as a general thing in
society at all times except in the way of his business transactions. He became
very much involved and went into very heavy speculation . . . . He was a good
many hundred thousand dollars in debt when he died. He came here as a Mission-
ary and got charge of the Missionary stores and used that for his own benefit a
good deal, or at least he was always accused of it and I presume it was true
. . . . He came here in 1839 or '40, as a methodist. He had charge of the
Mission mill . . . . The first thing you knew he owned it. It was built by
Other measures were passed by the legislature of 1844, designed to strengthen this inept government. Among these was a new land law, a prohibition against the manufacture of liquor, a provision added to the law forbidding slavery, requiring the expulsion of all negroes and mulattoes from the territory and a law calling for legal taxation which was to be met by the payment of wheat, since there was no adequate supply of specie in the country.

Although it was generally admitted by the settlers that the government, as originally constructed, left much to be desired, still the work of this legislature in 1844 was roundly censured for its dictatorial and undemocratic tampering with the Organic Law without the consent and explicit approval of the people. This seemed to be the primary objection to the work of the legislature of 1844. One of the early settlers maintains that

... as the whole code had been enacted by the people, 'and the Legisla-

the missionary society, and these things belonged to the Missionary society. He was just selling goods for them. It was always supposed that the missionaries did not get much of the proceeds. He lived very highly ...

"Abernethy was very popular in those days and he made an excellent governor." MSS Banc. Coll., J. M. Bacon, Mercantile Life at Oregon City, 1878, 14-15.

5\1One aspect of the new land law secured "... to each man one square mile of land and a bill is before the Legislature now in session to secure such claims to any person long enough without being in actual possession to go to the United States & back, provided the owner of such claim shall put on small improvement and pay to the Government a small tax annually.

"This will enable mechanics to hold their claims and work at their trade in town at the same time." MSS Banc. Coll., Medoreen Crawford, Papers, 1842-1891, Letter to John D., and Ronald Crawford, 1844.

5\2Writing in 1864, Applegate stated that "The Constitution" of 1843 was good enough as to principle, but it was defective in both power and machinery to give it force and effect. A Treasury supported by voluntary contributions is soon empty, and men no more than frogs will long reverence a king log that has no power to enforce obedience." Applegate to Matthew P. Deady, November 6, 1864. Ore. Hist. Soc. Lib. MSS Coll., Letter of Jesse Applegate to M. P. Deady, November 6, 1864.
tive Committee had nothing to do worth mentioning: it should have done that 'nothing' and adjourned.

If however it found legislation needed, and its power to legislate in its opinion defective, the way was open to an appeal to the sovereign people without revolution. The whole people had enacted the Code as the Legislative Committee of 1844 found it, the people had given no power to it or any other body to set it or any part of it aside—why the people did not do this, was not a matter for the Committee to question. But when these nine men proceeded to abolish a government by which alone they had been raised above the level of private citizens, and proceeded to erect a new one, without so much as saying 'by your leave' to the people, they committed a high political crime that might have brought the most serious disasters upon the colony. That it did not so result was mainly owing to the prudence, forbearance and good sense of the people they had so grossly insulted. 56

One salutary result of the efforts of the legislature of 1844 was the lessening of opposition from the Hudson's Bay Company. Dr. McLoughlin reported to the directors in London that

When the Americans first proposed an organization, I objected; but the most respectable of the Americans observed that we had hitherto lived in the Country in a peaceable manner, but that now there were people among


In a letter to his brother, Applegate criticises in greater detail the enactments of this legislature. "... as there were many of us who 'would seek the bubble reputation even in the canon's breach,' the legislature contained many aspiring spirits. P. H. Burnett the leader of that body declared in one of his speeches that 'we are the boys that can make a better constitution than that of the U. S.' Of course the crazy fabrick [sic] under which they met did not suit Gentlemen of such high political pretensions. Without even examining the battered bits of paper which they had sworn to support or consulting the people went to work upon a constitution to suit themselves.

"They made a Governor, Judges, Clerks, Treasurers, etc., etc., levied a tax the non-payment of which worked corruption of blood and disfranchisement equal to an interdict of the Pope. The unfortunate delinquent could not hold any office, be heard in any court, or vote at any election. Any poor negro so unfortunate as to be compelled to come here by his master 'was to be whipped every six months still doubling the punishment (in geometrical proportion) until he ran away or died under its infliction. Finally fearing the tax law would not work, they seized a dead man's estate (Swing Young) paid themselves off and built a jail with the balance. Truly Mons. Rollin says that God blesses the judgement of princes he means to destroy for this jail is the only living monument of the work of these great lawgivers." Jesse Applegate to Lisbon Applegate Polk County, Oregon Territory, February 15, 1846. MSS Coe Coll., The Letters of Jesse Applegate, February 15, 1846.
us, and more would come in, on whose account it was absolutely necessary to organize... I no longer opposed the organization,—and the Canadians joined it.\textsuperscript{57}

But this had little effect on the temper of the people. Throughout the year 1844-1845, the rise of political parties in Oregon became evident. Supporters of the independent type of government sought to justify and perpetuate the work of 1844, while their opponents, condemning the actions of the 1844 legislature, called for a review of all its works and took a firm stand on the Organic Law of 1843 with possible future amendments. Thus, on all sides, a second revision of the infant provisional government was anticipated for 1845.

Life in Oregon was further enlivened at this time when members of the Methodist Mission "jumped" McLoughlin's land-claims at the Willamette Falls. McLoughlin had staked out this claim as far back as 1829. In that year he had a group of Hudson's Bay Company employees build three log-houses on the site and prepare the ground for a saw-mill. Since a saw-mill on this spot was not yet needed by the company, McLoughlin halted work on the project and had the land sown in potatoes for the 1830 season. In the spring of 1832, he again took up work on the mill and had a mill-race blasted through the rock to the projected mill site. Work was not resumed until the spring of 1836 when it was necessary to replace the houses built in 1829, but subsequently burned by the Indians. Two years later, in July, 1840, Reverend Jason Lee asked McLoughlin if he might build a mission house on his claim and if he might use some of the lumber stored there for that purpose. McLoughlin granted Lee permission to build his mission and to use the materials requested but at the same time he

pointed out that he reserved title to the claim, a title that was good as far back as 1830. Lee built his mission house on McLoughlin's claim and with McLoughlin's lumber.

In 1841 another member of the Mission, Felix Hathaway, commenced building a small house on the island in the Willamette which was also a part of McLoughlin's claim. McLoughlin gave him formal notice that he was infringing on his claim and then proceeded to build a small house of his own on the island. Hathaway ceased his poaching for the time being, although McLoughlin was to have trouble with him later on the same score.

When the mission building on McLoughlin's claim was completed, Lee put the Reverend Alvan F. Waller in charge, and the following year McLoughlin learned that Waller had set up a claim to the land in opposition to his own. McLoughlin immediately remonstrated with Lee, but received little satisfaction. In a letter dated November 28, 1842, Lee informed McLoughlin "... that a Citizen of the United States by becoming a Missionary does not renounce any civil or political right, I cannot contradict any man in these matters tho' I had not the most distant idea when I stationed Mr. Waller there that he would set up a private claim to the Land."  

58 For the details of these transactions see MSS Banc. Coll., McLoughlin, Private Papers, 1825-1856, Series IV, 7-9.

59 For an account of McLoughlin's dispute with Hathaway and early troubles with Waller see Ibid., 9-10. McLoughlin became definitely aware of Waller's counter-claim when Stephen Meek approached him with the intention of purchasing a lot on the claim. McLoughlin told him to make his selection and they would close the deal when McLoughlin arrived at the Falls a few days later. Meek did so, but informed McLoughlin on his arrival that Waller had opposed his making a selection and had informed him that McLoughlin had no right to sell off lots on his (Waller's) claim. Ibid., 10.

60 Lee to McLoughlin, November 28, 1842. McLoughlin, Letters, Third Series
In the spring of 1843 John Ricord, a lawyer from the United States, passed through Oregon on his way to the Sandwich Islands. Hearing of this disputed land-claim, Ricord first approached McLoughlin with an offer to make McLoughlin's whole claim legally good according to the land-laws of the United States, if McLoughlin would: first, concede to Waller the title to the two lots he then held, plus other lots in McLoughlin's claim not to exceed five acres; second, give to Jason Lee, on behalf of the Methodist Mission, title to certain lots in his claim in Oregon City to be chosen later; third, that McLoughlin would run the line of his claim so as to exclude the island in the Willamette, thereby giving title to a private Company of Citizens who had lately erected a grist-mill on the site; 61 and, fourth, pay him, John Ricord, £300 for services rendered in thus establishing McLoughlin's claim beyond further legal attack. This appeared to McLoughlin to be nothing less than a case of collusion and extortion, and he refused Ricord's services. Ricord thereupon openly espoused the cause of the Methodist Mission and, on December 20, 1843, issued a proclamation To The People of Oregon in the name of the Reverend Alvan F. Waller. In this document, he contrasts the rights of the two claimants, maintaining that the legality of Waller's claim rests on the following grounds:

1st He was a Citizen of the United States of full age and possessed of a family when he first came to reside on the premises.
2nd He built a house upon them and moved his family into it, thus becoming in fact and in Law a householder on the Land.
3rd He cleared, fenced and cultivated a portion of it, during two years and six months before he was disturbed in his actual possession.
4th And that he is not at this moment continuing to cultivate his

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61 These Citizens were mostly lay-members of the Methodist Mission, headed by George Abernethy and Felix Hathaway. For details of this company see McLoughlin, Letters, Third Series, 1844–1846, Appendix A, 218–219.
Farm is not his fault since it was wrested from him. 62

While the illegality of Dr. McLoughlin's claim results from the following:

1st He is a British subject, owing allegiance to a Foreign power and has so continued to be ever since the spring of A. D. 1840 for this reason alone he could not acquire Preemption to lands in the United States.

2nd He is the Chief Officer of a Foreign Corporate Monopoly for this reason alone he could not acquire preemption to lands in the United States.

3rd He does not now and never did reside on the Land in question but on the contrary he resides and has always continued to reside on the North side of the Columbia River, the section of country actually in dispute between the two Governments, about twenty miles from the Land claimed by Mr. Waller and there he is obliged to remain so long as he continues to be Chief Factor.

4th He is not in fact the claimant. The Hudson's Bay Company a Foreign Corporation, is in fact the claimant while Dr. McLoughlin only lends his name well knowing that a corporation, even though it be an American one, cannot acquire a preemption. This is evidenced by the employment of men to be his agents, and to sell Lots for him, who are at the same time partners in, and receiving Dividends and salaries from the Company.

5th The pretension of Dr. McLoughlin arose, if at all two years and six months after the actual settlement of Mr. Waller and therefore they are in direct violation of the Treaty of A. D. 1827, converting the mutual and joint occupancy into an exclusive occupancy of British subjects.

6th The Treaty of Joint occupancy 1827 does not and was never intended on the part of the United States to confer any rights of Citizenship upon foreigners. The power to confer such rights is by the constitution, reserved to Congress and the right to acquire title by preemption is peculiar to Citizens. 63

Ricord concludes the proclamation by warning the Americans in Oregon that

"... upon the same principle contended for by Dr. McLoughlin any of you may incur the risk of being ousted from your Farms in this Colony by the next rich Foreigner who chooses to take a fancy to do so, unless in the first instance you come unanimously forward and resist these usurpations."  64

At this juncture, James Douglas, Elijah White, and other friends of Mc-

62 Ibid., 196-197.
63 Ibid., 197-198.
64 Ibid., 198.
Loughlin convinced him that he should settle with Waller and the Methodist Mission, in the interest of preventing further unrest and hard feelings among the people of Oregon. This he did in April, 1844, giving five acres of his land and five hundred dollars to Waller and fourteen lots to the Methodist Mission.65

The Methodists, however, were not through extorting money from McLoughlin. In June, 1844, the Reverend George Gary arrived in Oregon to take over the superintendency of the mission from Jason Lee. The Methodist Board of Missions had for long wondered at the growing criticism of the Oregon mission in Methodist circles, in the public press, and in published accounts of Oregon. Since this criticism seemed to center about the total failure of the work of the missionaries among the Indians, their predilection for engaging in secular enterprises, and their lavish expenditure of the Board’s money with little to show for it, it was decided to send out a new superintendent. Upon his arrival he was to evaluate the work being done and if he found this criticism to be well founded, he was to close up the mission and liquidate its assets.66

Gary discovered the criticism to be only too well founded. As a result of a meeting held at the Willamette mission on June 3, 1844, he came to the following conclusions:

They have erred in reference to the prospects of benefitting [sic] the Indians of this territory. They are not so numerous as was expected, and are more migratory than was expected. And these improper views have led the Board to too high hopes of their situation as a people.

Second, these mistaken views have led the Board into too heavy appropriations of missionaries and persons.

Thirdly, They seriously fear the missionary work here is more secular than it ought to be to benefit essentially the benighted and destitute of

65Ibid., 214-215.

these ends of the earth.

Fourth: They have long been afflicted that they have so little information concerning this mission in detailed particulars, concerning its fiscal and spiritual condition and interests.

Fifthly: They, the Board, purpose in my visit to the mission to learn how the mission stands in reference to its pecuniary affairs, and especially its moral and religious character and spiritual influence upon community in general and upon the Indians in particular.

Sixthly. They are under the necessity of retrenchment. Their finances are low, and though they have made various efforts to cancel their debts, as yet the debts are lessened but little. One of two things must follow; a riper field for harvest in the moral vineyard must present itself to wake up the missionary zeal and action of the church at home, or the appropriations must be much lessened, they are driven by necessity to the latter.

Seventhly. We cannot draw for any more from their funds than they authorize; in so doing I am sure we should betray our trust and jeopardize our character.67

After further investigation, Gary decided that the best thing under the circumstances, was to abandon the field entirely and to dispose of all Methodist property in Oregon, realizing as much as possible in the process. While thus engaged, Gary approached Dr. McLoughlin and offered to sell back to him the Methodist holdings so recently wrested from him in his controversy with Waller. McLoughlin explained to Gary the manner in which this property had been acquired by the Mission and pointed out that in all fairness it should be returned to him outright and that he should be required to pay for only such improvements as had been made by the Mission. The only concession that Gary would make, however, was to give McLoughlin the first opportunity to buy the property.68 As for the other aspects of the case, Gary informed McLoughlin that "... the only difference between You & me in this affair is that I view it as a point of business and that you do not."69

69Ibid., 219.
Realising that further negotiation was futile, and that more delay would possibly result in Gary selling the property to others, McLoughlin finally bought back his own property, together with the improvements, for the sum total of $6,000.

Such was the treatment Dr. McLoughlin received at the hands of people he had befriended and assisted since their first arrival in Oregon. With a great deal of justice on his side he wrote:

... let the people judge if I am not the aggrieved sic party I am the first who attempted to cultivate and to introduce Civilisation into the Country & I am certain every one will admit that I have done my utmost to assist new beginners who required help, & now I am the first whose rights are invaded & that by Missionaries who came here expressly for the purpose of teaching the religion of Christ, which proclaims peace and good will to men. For the sake of that religion whose ministers we are in duty bound to respect, I am sorry to state that the first violation of the rights of another in this Country is committed by a Minister of the Gospel who are commanded to teach "thou shalt not covet thy neighbours house nor his ass nor any thing that is his." Let the community judge if this command in this instance is obeyed.\(^70\)

The American population in general was disgusted at the action of the mission in thus plundering one who had befriended so many of them. In a letter to the Directors in London, McLoughlin described Ricord, his proclamation, and the whole sordid attempt to defraud himself and the Hudson's Bay Company of their holdings, observing that

If the people have been quiet & peaceable it is not because that Gentleman has not done his utmost, as may be seen by the proclamation, to excite discord & encourage violence amongst us, and though it pains me to give any testimony unfavourable to the Clergy of the Methodist Mission, yet I am bound in truth to say that they as a body were the 'primum mobile' of all the trouble I have had in this affair ... But I have great pleasure in observing ... that all the American Citizens except a few disapproved of the part taken by that body in my case, and also condemned Mr. Records [sic] proceedings; many members of the Methodist Church were so much disgusted with Mr. Waller's conduct that they would not go to hear him preach.

\(^{70}\) Ibid., 213-214.
and several went the length of withdrawing their names entirely from that
Church."  

While an uneasy peace settled over individual and political tensions in
Oregon, the United States government was again considering the fate of the coun-
try. In his annual Message to Congress on December 5, 1843, President Tyler
commented on the relations between the United States and Great Britain and
pointed out that

A question of much importance still remains to be adjusted between
them. The territorial limits of the two countries in relation to what is
commonly known as the Oregon Territory, still remains in dispute. The
United States would be at all times indisposed to aggrandize themselves at
the expense of any other nation; but, while they would be restrained by
principles of honor, which should govern the conduct of nations as well as
that of individuals, from setting up a demand for territory which does not
belong to them, they would as unwillingly consent to a surrender of their
rights. After the most rigid, and, as far as practicable, unbiased exami-
nation of the subject, the United States have always contended that their
rights appertain to the entire region of country lying on the Pacific, and
embraced within the forty-second and fifty-fourth degree and forty minutes
of north latitude. This claim being controverted by Great Britain, those
who have preceded the present Executive, actuated, no doubt, by an earnest
desire to adjust the matter upon terms mutually satisfactory to both coun-
tries, have caused to be submitted to the British Government propositions
for settlement and final adjustment, which, however, have not proved here-
tofoke acceptable to it. Our minister at London, has, under instructions,
again brought the subject to the consideration of that Government; and,
while nothing will be done to compromit the rights or honor of the United
States, every proper expedient will be resorted to in order to bring the
negotiation, now in the progress of resumption, to a speedy and happy
termination. In the meantime, it is proper to remark, that many of our
citizens are either already established in the Territory, or are on their
way thither for the purpose of forming permanent settlements, while others

71 McLaughlin to the Gov., Dep. Gov., and Committee of the H. B. Co., Fort
Vancouver, August 4, 1844. Ibid., 2.

Even Gary felt this public resentment against the Mission, although he had
been in the country only a few months. In his diary he notes "Our title as a
Mission to the claims of land, is, in my opinion, just good for nothing at all.
Such is the state of public feeling in reference to the Mission having many
sections of good land not occupying them themselves, and not suffering others
to occupy them. A strong reaction is about meeting us, and the sooner we are
freed from these land claims, the better, if I judge right." "Diary of Rev.
are preparing to follow—and, in view of these facts, I must repeat the recommendation contained in previous messages, for the establishment of military posts at such places, on the line of travel, as will furnish security and protection to our hardy adventurers against hostile tribes of Indians, inhabiting those extensive regions. Our laws should also follow them, so modified as the circumstances of the case may seem to require. Under the influence of our free system of Government, new republics are destined to spring up, at no distant day, on the shores of the Pacific, similar in policy and in feeling to those existing on this side of the Rocky Mountains, and giving a wider and more extensive spread to the principles of civil and religious liberty.72

Tyler's repeated "... recommendation ... for the establishment of military posts ... on the line of travel ..." had been acted upon by the government to a certain extent, before Tyler again called the attention of Congress to the subject.

On May 29, 1843, an expedition under the leadership of Lieutenant John C. Frémont of the United States Army Engineering Corps, left the junction of the Missouri and Kansas Rivers for Oregon. One of the objects of this expedition was to examine various sites along the emigrant trail that might later prove suitable for the erection of the military posts repeatedly recommended by Tyler.73

Frémont, following in the wake of the emigration of 1843, made sundry side


73 This was not Frémont's first journey over part of this route. In 1842 he commanded an exploring expedition that proceeded as far as the Rocky Mountains but did not cross them or enter the Oregon country. On this occasion, Frémont thoroughly explored the South Pass of the Rocky Mountains, which proved of incalculable value to succeeding Oregon emigrations, and was the route most commonly used by them in surmounting this geographical barrier. After exploring the eastern slope of the Mountains for some distance to the south, Frémont returned to the United States. This whole expedition took place within the year 1842. For the details of this first expedition see Brevet Captain John C. Frémont, Report of the Exploring Expedition to the Rocky Mountains in the Year 1842, and to Oregon and North California in the Years 1843-4, Washington, 1845.
trips to chart the country and examine prospective military sites, and consequently did not overtake the emigrants until August 22, 1843. He describes their camp between Thomas's fork and Tullick's fork of the Bear River as presenting

... a picture of home beauty that went directly to our hearts. The edge of the wood, for several miles along the river, was dotted with the white covers of emigrant wagons, collected in groups at different camps, where the smokes were rising lazily from the fires, around which the women were occupied in preparing the evening meal, and the children playing in the grass; and herds of cattle, grazing about in the bottom, had an air of quiet security, and civilized comfort, that made a rare sight for the traveller in such a remote wilderness.

In common with all the emigration, they had been reposing for several days in this delightful valley, in order to recruit their animals on its luxuriant pasturage after their long journey, and prepare them for the hard travel along the comparatively sterile banks of the Upper Columbia.74

Being lighter equipped and unencumbered with the women, children, and baggage of the emigrant train, Frémont soon left the emigrants far to the rear. Upon his arrival at Fort Hall, he immediately coveted that post as an excellent relief station for future emigrations.

Beyond this place, on the line of road along the 'barren' valley of the Upper Columbia, there does not occur, for a distance of nearly three hundred miles to the westward, a fertile spot of ground sufficiently large to produce the necessary quantity of grain, or pasturage enough to allow even a temporary repose to the emigrants. On their recent passage, they had been able to obtain, at very high prices and insufficient quantity, only such assistance as could be afforded by a small and remote trading post—and that a foreign one—which, in the supply of its own wants, had necessarily drawn around it some of the resources of civilisation, but which obtained nearly all its supplies from the distant depot of Vancouver, by a difficult water carriage of 250 miles up the Columbia river, and a land carriage by pack horses of 600 miles. An American military post sufficiently strong to give to their road a perfect security against the Indian tribes, who are unsettled in locality and very 'uncertain' in their disposition, and which, with the necessary facilities for the repair of their equipage, would be able to afford them relief in stock and grain from the produce of the post, would be of extraordinary value to the emigration. Such a post (and all others which may be established on the line to Ore-

74 Ibid., 133-134.
gon) would naturally form the 'nucleus' of a settlement, at which supplies and repose would be obtained by the emigrant, or trading caravans, which may hereafter traverse these elevated, and, in many places, desolate and inhospitable regions. 75

Again delayed by the objects of his expedition, Frémont did not arrive at Dr. Whitman's mission until October 24, 1843. Here he found "... a fine-looking large family of emigrants, men, women, and children, in robust health, all indemnifying themselves for previous scanty fare, in a hearty consumption of potatoes, which are produced here of a remarkable good quality." 76

Three days later, at the junction of the Walla Walla and Columbia rivers, Frémont encountered another group of emigrants busily building Mackinaw boats under the direction of Jesse Applegate "... in which they proposed to continue their further voyage down the Columbia."77

Upon his arrival at Fort Vancouver in November, Frémont found "... many American emigrants at the fort; others had already crossed the river into their land of promise—the Wallah冶金 valley. Others were daily arriving; and all of them had been furnished with shelter, so far as it could be afforded by the buildings connected with the establishment. Necessary clothing and provisions (the latter to be afterwards returned in kind from the produce of their labor) were also furnished. This friendly assistance was of very great value to the emigrants, whose families were otherwise exposed to much suffering in the winter rains, which had now commenced, at the same time that they were in want of all the common necessaries of life."78

75Ibid., 163.
76Ibid., 182-183.
77The difference between land and river travel at this point was immediately apparent. On October 28, 1843, Frémont noted in his journal "The country today was very unprepossessing, and our road bad; and as we toiled slowly along through deep loose sands, and over fragments of black volcanic rock, our laborious travelling was strongly contrasted with the rapid progress of Mr. Applegate's fleet of boats, which suddenly came gliding swiftly down the broad river, which here chanced to be tranquil and smooth." Ibid., 184.
78Ibid., 191. Frémont was very much impressed by the type of American he
Of his own reception at Fort Vancouver, Frémont provided the following account.

I immediately waited upon Dr. McLaughlin [sic], the executive officer of the Hudson's Bay Company in the territory west of the Rocky mountains, who received me with the courtesy and hospitality for which he has been eminently distinguished, and which makes a forcible and delightful impression on a traveller from the long wilderness from which we had issued. I was immediately supplied by him with the necessary stores and provisions to refit and support my party in our contemplated winter journey to the States; and also a Mackinaw boat and canoes, manned with Canadian and Iroquois voyageurs and Indians, for their transportation to the Dalles of the Columbia. In addition to this efficient kindness in furnishing me with these necessary supplies, I received from him a warm and gratifying sympathy in the suffering which his great experience led him to anticipate for us in our homeward journey, and a letter of recommendation and credit for any officers of the Hudson's Bay Company into whose posts we might be driven by unexpected misfortune.

Of course, the future supplies for my party were paid for, bills on the Government of the United States being readily taken; but every hospitalable attention was extended to me, and I accepted an invitation to take a room in the fort, "and to make myself at home while I staid." 79

He left the Dalles of the Columbia on his homeward journey, November 18, 1843. Although planning to return to the United States that winter, Frémont did

encountered among the emigrants of 1843. While still at Fort Vancouver, he noted that "This gentleman (Peter Burnett), as well as the Messrs. Applegate, and others of the emigrants whom I saw, possessed intelligence and character, with the moral and intellectual stamina, as well as the enterprise, which give solidity and respectability to the foundation of colonies." Ibid., 192.

The emigrants were equally impressed with Frémont. Burnett relates that "He was then about thirty years old, modest in appearance, and calm and gentle in manner. His men all loved him intensely. He gave his orders with great mildness and simplicity, but they had to be obeyed. There was no shrinking from duty. He was like a father to those under his command. At that time I thought I could endure as much hardship as most men, especially a small, slender man like Governor Frémont; but I was wholly mistaken. He had a small foot, and wore a thin calf-skin boot; and yet he could endure more cold than I could with heavy boots on. I never traveled with a more pleasant companion than Governor Frémont. His bearing toward me was as kind as that of a brother." Burnett, Recollections, 135.

not attempt to cross the Rocky Mountains at that season of the year. This consideration together with an irresistible impulse to explore California, caused him to set out in a southerly direction and ultimately to travel the length of the present State of Oregon, almost the length and breadth of California, and through the present states of Nevada, Utah, Wyoming, and Colorado before he finally arrived at Kansas, Missouri, July 31, 1844. 80

Frémont's expedition ranks neither with that of Lewis and Clark as an exploring venture, nor with that of Commodore Wilkes in scientific achievement and political analysis. The speed with which Frémont covered the ground encompassed by his expedition precluded any exhaustive study of the country or its people. He did fulfill the objects of his expedition, however. He linked the Wilkes survey to the rest of the United States by investigating the intervening country, and he evaluated the military potentialities of the Oregon Trail both as to the location of posts and as a highway to the Pacific.

The publicity the Frémont expedition received before, during, and after the journey was out of all proportion to its actual accomplishments. 81 However,


81 The Oregon emigrants particularly resented the achievements attributed to Frémont. In an Address to the Oregon Pioneer Association in 1874, J. W. Nesmith complained that "In the eastern states I have often been asked how long it was after Frémont discovered Oregon that I emigrated there. It is true that in the year 1843 Frémont, then a lieutenant in the engineer corps, did cross the plains, and brought his party to the Dalles in the rear of our emigration. His outfit contained all the conveniences and luxuries that a government appropriation could procure, while he 'roughed it' in a covered carriage, surrounded
Fremont's publicity actually contributed more to the American occupation of Oregon than any other previous enterprise of like nature. Coming at the precise time it did, it convinced the public, and, especially those who were considering emigration to Oregon, that the United States government was intent on retaining Oregon even to the extent of using the military if necessary. From this time on, emigrants traveled to Oregon with the firm conviction that they were merely moving to another part of the United States, and with absolutely no fear of ever being allowed to come under British domination.

The legislative branch of the United States government was giving some little consideration to the problem of Oregon at the same time. Moreover, the tenor of the legislation proposed and the comments of its proponents did little to counteract the sense of confidence instilled in the people by the Frémont expedition.

The third session of the twenty-seventh Congress was scarcely two weeks old when Lewis Linn introduced a bill designed to assert the sovereignty of the United States in that country. His bill called for "... the adoption of measures for the occupation and settlement of the Territory of Oregon, for extending certain portions of the laws of the United States over the same, and for other purposes . . . ."82

by servants paid from the public purse. He returned to the States, and was rewarded with a presidential nomination as the 'Pathfinder.' The path he found was that made by the hardy frontiersmen who preceded him to the Pacific, and who stood by their rifles and held the country against hostile Indians and British threats, without government aid or recognition until 1849, when the first government troops came to our relief." Oregon Pioneer Association, Transactions, 1875, 60.

The land-grant clause attached to this bill was much more prodigal and elaborate than any heretofore proposed by Linn or any member of Congress. It required

That provision hereafter shall be made by law to secure and grant six hundred and forty acres, or one section 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 five consecutive years, or to his heir or heirs-at-law, if such there be, in case of his decease. And to every such inhabitant or cultivator, being a married man, there shall be granted, in addition, one hundred and sixty acres to the wife of said husband and the like quantity of one hundred and sixty acres to the father for each child under the age of eighteen years he may have, or which may be born within the five years aforesaid; 'Provided,' That no sale, alienation, or contract of any kind shall be valid of such lands before the patent is issued therefor; nor shall the same be liable to be taken in execution or bound by any judgement, mortgage, or lien of any kind before the patent is so issued; and all pretended alienations or contracts for alienating such lands made before the issuing of the patents shall be null and void, against the settler himself, his wife, or widow, or against his heirs-at-law, or against purchasers after the issuing of the patents.\textsuperscript{83}

The debate on Linn's bill and on similar measures in this and subsequent sessions of Congress marked the first drawing of lines of battle on the subject of Oregon. The western states espoused the program of occupying Oregon immediately, in spite of treaty provisions and no matter what the cost. This stand was directed by the people of those states and was especially evident in the Senate where their senators, following the instructions of the State legislatures, and ultimately the will of the people, breathed fire at Great Britain from every quarter. Senator Thomas Hart Benton of Missouri, the foremost exponent of western war-hawk policy, considered war with England over Oregon or any other issue merely the signal for the total dismemberment of the British Empire. In a speech to the Senate, January 12, 1843, he maintained that the United States had beaten England twice before when the country was much less

\textsuperscript{83}\textit{Ibid.}, 147-148.
populous and much less prosperous than it was at the present time. Now with eighteen million people, increasing at the rate of three percent a year, what would be the fate of England should she provoke a war with the United States, "... what might be the consequence to herself at home—at her own doors? What the effect of twenty or thirty thousand of our choicest spirits poured into Ireland, to assist that nation to recover its independence? ... When that war with us comes, which is so often threatened, the price she will have to pay for it is not alone the loss of her Hudson Bay territories and the Canadas, but the dismemberment of her own kingdom by the independence of Ireland."81

Since the threat of war posed no problem for Benton, he could see no sense in wasting time negotiating the question. Moreover, on each and every occasion the United States had engaged in negotiation with England she had come off the loser, as witness the recent settlement of the Northeastern boundary. As a result, he advocated assuming full sovereignty over Oregon immediately. With regard to the moral issues involved "It is enough for us to know we are right, for us to do whatever we think it is our best interest to do with our own property. Nobody has a right to be offended at this. If any other power takes offence at what we propose to do with our own property, that should be no reason why we should not do it ... ."85

Lewis Linn himself was convinced that the two previous conflicts with Great Britain had, to some extent, been indecisive and until the United States proved itself in a third war, the country would not arrive at national maturity.

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85 Speech to the Senate, February 2, 1843. Ibid., 234.
In a speech on January 3, 1843, he maintained that

We are too prone to pay undue deference to our old mother country. . . We cannot, in spite of our reason and our recollections, cast off our colonial deference to her authority. We never will get free from her arrogance till another opportunity occurs of proving our independence—another contest, in which she will be as much humbled as she was in the last. He did not desire to see another contest with Great Britain. But he firmly believed we would never, in the face of heaven and the world, stand as freemen, till we had another conflict; and, though he did not desire it, yet he never would take one step backward to avoid it.86

Senator Benjamin Tappan of Ohio seconded the position of his western colleagues and proposed settling the whole problem in Oregon itself by planting "... fifty thousand rifles there, in hands that knew how to use them; and no more would be heard of British claimants, or British claims to that territory."87 Tappan had even less confidence in negotiation than had Benton, and his one great fear was that "... by-and-by some Secretary of State will be found proposing the line of the Rocky Mountains as the Western boundary of our glorious Union. Yes, and proposing it when we dare not involve the nation in a war. He would trust to no such contingency. He would settle the country immediately, and hold it."88

The opposition to this carefree assumption of sovereignty in Oregon came what may was provided by Senators from the old, established seaboard states both north and south. Two things dictated caution on their part in any diplomatic dispute with Great Britain: first, in the event of war, the eastern sea-

86 Ibid., 105.

87 Ibid., 150. Senator Benton also advocated this solution, but his occupying force would require the presence of women and children "... because it would give the strongest bonds which could be given for the faithful defence of the country. The man of family has far more responsibility on him to defend his wife and children." Ibid., 106.

88 Ibid., 150.
board would be the principal battleground with attendant loss of life and de-
struction of property; second, the vested interests of the eastern seaboard at
that time were primarily based on trade with England and her colonies, all of
which would be destroyed by armed conflict or even rumor thereof. Hence for
the most part, senators from the eastern states took a dim view of the fire-
eating heroics of their western colleagues. They considered themselves and the
people they represented just as patriotic as the people of the west, and would
resist any aggression on the part of England to the last man, but in a case
such as this, they considered as much could be gained by negotiation as by war
and at a much lesser cost, especially to themselves. As a result, they advocated
measures that would obviate the necessity of war and still not place the
national honor in jeopardy.

One of the leaders of this conservative group was John C. Calhoun of South
Carolina. Calhoun could see no advantage accruing to the United States by
abandoning negotiation and resorting to force, especially since he was not con-
vincing that the United States could defend Oregon against the British both by
reason of the distance involved and by reason of the inadequacy of the American
military establishment. Should the United States lose their present footing in
Oregon through armed conflict, the only way of reestablishing themselves would
be by negotiation with the victor. And negotiation under those circumstances
would not be nearly as propitious as the bargaining position the country now
enjoyed. Calhoun considered American occupation of the country by emigration
as the surest and at the same time the most peaceful method of establishing
United States sovereignty. For the successful prosecution of this method he
considered that
Time would do more for us than any legislation we could devise. The rapid advance of our population in number and progress westward, had been such within the past thirty years, as to justify the calculation that the period cannot be far distant when even the Rocky Mountains cannot stop its onward march. We gain strength by time. The British, on the contrary, will be weakened by those circumstances which will operate most favorably to us.89

Calhoun's colleague from South Carolina, George H. McDuffie, took issue with the proposition that the United States was the only one with a true and exclusive claim to the Oregon country, and pointed out that Great Britain also maintained a claim to the territory. "By whom," he asked, "were these conflicting claims to be settled? By one of the interested parties? Certainly not."90 Moreover, McDuffie could not conceive of the United States adopting measures that would lead directly to war over a territory that could never by the greatest possible stretch of the imagination be a part of the United States. Finally,

... does any man seriously suppose that any State which can be formed at the mouth of the Columbia river, or any of the inhabitable parts of that territory, would ever become one of the States of this Union? I have great faith—no one had much greater—in the power of the representative principle to extend the sphere of government; but I confess that, even in the most sanguine days of my youth, I never conceived the possibility of embracing within the same Government people living five thousand miles apart.91

McDuffie did not think much of the territory itself nor of the opportunities it was alleged to offer.

If any man who is to go to that country, under the temptations of this bill, was my child—if he was an honest and industrious man, I would say to him, for God sake, do not go there. You will not better your condition. You will exchange the comforts of home, and the happiness of civilized

89Speech to the Senate on Linn's bill, January 31, 1843. Ibid., 227.
90Speech to the Senate on Linn's bill, January 25, 1843. Ibid., 198-199.
91Ibid., 199-200.
life, for the pains and perils of a precarious existence. But if I had a
son whose conduct was such as made him a fit subject for Botany Bay, I
would say, in the name of God, go. This is my estimate of the importance
of the settlement.\textsuperscript{92}

In this instance, western oratory proved victorious. On February 3, 1843,
Linn's bill passed the Senate by the narrow margin of twenty-four to twenty-two
and was ordered sent to the House of Representatives for its approval. However,
the House failed to take action on the bill before the session ended and al-
though Linn had at last seen one of his bills pass the Senate, he failed to see
it become the law of the land.\textsuperscript{93}

\textsuperscript{92}Ibid., 200.

\textsuperscript{93}The passage of Linn's bill by the Senate caused the British Minister in
Washington a great deal of anxiety. He could not understand how so many Sena-
tors on the conservative side of the question could vote for a bill that obvi-
cously carried within itself the threat of war. Senator William S. Archer of
Virginia, however, dispelled his fears by explaining to him "... that several
Senators, who, when they examined the Bill, altogether disapproved of it, never-
theless voted for it, because they had promised Mr. Linn of Missouri, who in-
troduced the Bill, to do so, as an act of private friendship towards himself:
—for that Mr. Linn's reelection to the Senate, by the State of Missouri, de-
pended upon his procuring the passage of the Oregon Bill through the Senate
this year; and upon his reelection depended his only means of livelihood, which
consist of the wages or 'per diem' as Senator, and of the large allowance in
mileage for the annual journey to and from the distant State of Missouri.—The
People of Missouri have naturally a peculiar interest in the Oregon Question,
because they believe that if Great Britain were expelled from the North Western
Territory, the chief profits of the Fur Trade would fall into their hands."
Letter of H. S. Fox to Lord Aberdeen, Washington, March 8, 1843. P. R. O.,
F. O. 5, CCCXCI, Lib. of Cong., Photo., pt. 2.

The education of British Ministers to the United States in American poli-
tics inevitably led to disillusionment, but the Foreign Office was thoroughly
used to it by this time and discounted a large percentage of the bombast in-
volved, thereby being slow to take exception to statements and legislation in-
imicable to British interests. Fox informed Aberdeen in the same letter that
"The explanation given to me by Mr. Archer is of course not to be considered as
official: but I believe it to be exactly true: and I also believe that many a
Public Act is done in this Country which observers at a distance attribute to
grand political combinations, but which when traced home on the spot, will be
found to have its origin in motives as sordid and despicable as those above
mentioned." Ibid.

For the debate and other Senate action on Linn's bill see U. S. Cong.,
Lewis Linn died on October 3, 1843, and was replaced in the twenty-eighth Congress by David R. Atchison. Atchison proved as able a champion of the cause of Oregon as was his predecessor. On December 21, 1843, he submitted a bill to the Senate designed "... to facilitate and encourage the settlement of the Territory of Oregon ..."94 Besides land-grant provisions similar to those formerly proposed by Linn, Atchison's bill contained two other sections which called for the exercise of exclusive sovereignty over the country. Section 2 required the President to erect fortifications at or near the mouth of the Columbia River, and Section 6, extended this sovereignty to all the country lying west of the Rocky Mountains and between the parallels of forty-two and fifty-four degrees and forty minutes of north latitude.95

Over and above having been twice acted on in committee, Atchison's bill received no attention in this session of Congress and was still in committee when the session ended.96

A measure that received considerably more attention was the resolution introduced by James Semple of Illinois, on January 9, 1844, requesting the President of the United States to annul and abrogate the joint-occupation treaty of

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95U. S. Cong., Senate, Senate Journal, 28th Cong., 1st Sess., 1843-1844, Serial No. 430, 43.

96For the committee action see U. S. Cong., Senate, Senate Journal, 28th Cong., 1st Sess., 1843-1844, Serial No. 430, 85, 259.
In the debate on this resolution, Senator William S. Archer of Virginia presented the western bloc of senators with the question that was uppermost in the mind of the whole country:

If this government was to insist on its claims to the territory as an incontestable right . . . were they resolved to have [it] at the cost of the peace of this nation?

Archer then went on to say that as far as he could see the senators from the west

. . . had so highly excited and inflamed their imagination on this subject, that even if an arrangement could be made with Great Britain to surrender peaceable possession of the territory to this government, the gentlemen would be almost unwilling to take it, because it was not obtained at the expense of a war with England; that it was not so much a desire for the territory itself, as a feeling of chivalry—a desire to 'run a muck' at Great Britain, no matter which side came off victorious.

Archer did not have long to wait for his answer. On February 22, 1844, Linn's successor, Atchison of Missouri, baldly stated that if war was necessary to secure Oregon

. . . let it come, even in its most hideous, horrible, and destructive form. But let England take care, that, while warring for a remote corner of territory, she will not lose her foothold on this continent, together with all the islands she holds in its neighborhood. If we are to have war, let it be with England, our ancient and implacable enemy. But our object is not to bring on war; it is to occupy the land we are entitled to; and if war follows our doing so, why, let it come. Before we yield an inch by negotiation, let our common country sink—let all be lost. Political negotiation was only throwing dust in the eyes of the people; but it would serve to blind them no longer. If we want to avoid war, let a territorial government be appointed, and proper agents, fully authorized, sent out for the protection of our citizens from the dangers that must arise from their collision with a foreign and unfriendly people. Let that be done before the first drop of blood is shed, and peace may be preserved.

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97 For the full text of Semple's resolution see U. S. Cong., Senate, Cong. Globe, 28th Cong., 1st Sess., 1843-1844, XIII, 121.

98 Ibid., 190.

99 Ibid.
but delay it longer, and war is inevitable. 100

Thus the lines were drawn in the Senate in their boldest and most striking relief. Other senators, on both sides, with more moderate views tried to approach the subject by reason. William L. Dayton of New Jersey, advocated negotiation as the most satisfactory method of resolving the difficulty because as far as he could see

It is not a question as to any essential right or violation of the law of nations, involving the existence or the prosperity of this country; for that does not depend upon whether we hold all or any part of the Oregon territory. It is a mere question of property; and that is a fit question for settlement by negotiation. 101

James Buchanan favored Semple's resolution, not only because he believed the title of the United States to Oregon to be indisputable, but also because he believed that until joint-occupation was ended England would make little effort to settle the question. He maintained that

The 'status in quo' was too popular in England to permit the English government to give the notice at the present. She had now, and had had for a quarter of a century the exclusive possession of this entire territory belonging to us . . . . Why should they desire even to divide this territory, at present, with the United States . . . ?

The English would be very glad to enjoy all these benefits and advantages for twenty years longer. But, if the notice be given, Great Britain would begin to consider the subject seriously . . . . 102

Many other reasons were adduced both for and against the giving of notice to Great Britain of the abrogation of the treaty of 1827. However, the session ended on June 17, 1844, before any definite action could be taken and Semple's resolution met the same fate as had similar legislation in the past. One thing

100 Ibid., 307.
101 Speech to the Senate, February 23, 1844. Ibid., 314-315.
102 Speech to the Senate, March 12, 1844. Ibid., 370.
became evident, however, as a result of the action of the Senate in the years 1843 and 1844; namely, that Oregon was to occupy a prominent place on Congressional agenda until a solution was arrived at and the arrival at that solution would entail a long and bitter fight.103

House action on Oregon throughout these years was limited, consisting for the most part in the presentation of memorials and petitions from various groups in the United States calling for the occupation, settlement, and establishment of a territorial government in that quarter.104


104 Two of these memorials might be mentioned in passing, as examples of the demands made on Congress by citizens of the United States who were intent on securing a portion of that country's land for themselves, or on establishing American sovereignty in the territory. On January 26, 1843, William Medill of Ohio presented a memorial from citizens of that state "Praying permission to settle upon and occupy a portion of the Ore. Terr., not to exceed 20,000 square miles in extent, in one body, in such form and in such part of said Territory as may be designated, provided the number of settlers shall not be less than fifty able-bodied men, one-half of whom shall have families, with sundry other provisions ..." U. S. Cong., House of Rep., House Journal, 27th Cong., 3rd Sess., 1842-1843, Serial No. 417, 260. On February 19, 1844, Robert Dale Owen of Indiana presented "A Joint Resolution on the Subject of the Oregon Territory" from the Indiana Legislature. This resolution and others like it submitted to the House and Senate during these years, help to explain, to a certain extent, the extreme stand forced on western congressmen by their constituents. The Indiana Legislature stated: "Whereas the district of country known as the Territory of Oregon rightfully belongs to our National Government; and whereas the insatiate avarice and grasping spirit of the British Government seem already directed to its subjugation and conversion; and whereas the slightest infringement of national right is a prelude to more high-handed and audacious aggressions; Therefore 'Be it resolved,' That our Senators in Congress be instructed, and our Representatives be requested, to use their proper instrumentality to provide for the immediate occupation, organisation, and adequate defence of the Oregon
Mention has already been made of sending Linn's bill to the House for its approval and how that body failed to act on it. At this period the House failed to act on similar bills and resolutions of its own members; Oregon was not a major item on the House agenda.

However, such legislation as was proposed came from the representatives of the western states and exhibited the same radical tendencies as manifested by the western bloc in the Senate. On January 4, 1844, Robert Dale Owen of Indiana presented a resolution to the House requesting the President to give notice to Great Britain of the termination of the joint-occupation Convention of 1827.105

Owen had as little confidence in negotiation as had his colleagues in the Senate, and the only way to affect a settlement of the dispute, as far as he could see, was to adopt a belligerent attitude towards Great Britain. On January 21, 1844, he informed the House that

... Europe is an overmatch for us in the courtly game of conventions and protocols. From the past, I judge the future. That which baffled the talents of Henry Clay, and the perseverance of the gentleman from Massachusetts, [Mr. Adams,] we may, I trust, without failing in due respect to our present chief magistrate, be permitted to doubt whether John Tyler can succeed in effecting.

But that is not the proper issue. The truth is that until we assume an attitude more independent than has hitherto characterized our proceedings relative to Oregon, no President, no secretary, no minister, can...
reasonably be expected to obtain from Great Britain a satisfactory adjustment of this boundary question. 106

Owen's resolution was referred to the Committee on Foreign Affairs which, on January 23, 1841, handed down the adverse opinion "That it is inexpedient for Congress at this time to act in any manner upon the subject referred to in the said resolution." After desultory debate in the House, Owen's resolution was dropped and nothing further was heard at this session on the subject of giving notice to Great Britain. 108

On March 11, 1841, Aaron V. Brown of Tennessee presented a bill to the House, the outstanding features of which called for "... extending the civil and criminal jurisdiction of the courts of the Territory of Iowa ..." over Oregon, and providing "... for the appointment of another judge for the Territory of Iowa, who is to reside in Oregon ..." 109 It would be interesting to speculate as to whether news of the erection of the Oregon provisional government had reached Washington by this time, prompting Brown to superimpose the blessing of the Federal government on the work of the settlers, or whether Brown evolved this stop-gap form of administration on his own. The point is of minor importance and admits of no definite proof either way. Suffice it to say that in either case the American settlers in Oregon were far ahead of their Federal government on the question of local government. Brown's bill received

106 Ibid., 185.


108 For the final action of the House on Owen's resolution see Ibid., 290, 607.

scant consideration in the House and followed Owen's resolution into the oblivion of committee consideration.

One other piece of legislation submitted to the House in 1844, which, although of even less importance than the two mentioned above, served to indicate a new trend on the subject of Oregon. This was a resolution introduced by James M. Hughes of Missouri on March 25, 1844. Hughes's resolution was of the routine variety and

'Resolved,' 1st. That, in the opinion of this House, the United States has a clear and indisputable title to all the country on the northwest coast of America, commonly called the Oregon, from the forty-second parallel of north latitude to fifty-four degrees forty minutes of north latitude.

2nd. That it is the imperious duty of the Government of the United States to take possession of all the country owned by it on the northwest coast of America, and to organize such a Territorial Government as will give ample and complete protection to our citizens in that quarter.110

After the resolution was read to the House, a motion was made by Edward J. Black of Georgia that it be amended by adding the following:

'Resolved,' That it is expedient, and conducive to the best interests of the country, that Texas should be annexed to the United States, as soon as the annexation can be accomplished upon fair and legitimate principles.111

Hughes accepted Black's amendment and modified his resolution accordingly. Thus for the first time the two issues of Texas and Oregon became linked together in the interest of territorial expansion.

The House of Representatives contributed nothing further on the subject of Oregon in the first session of the twenty-eighth congress. In fact, it might be said that Congress as a whole contributed nothing towards a solution of the


111Ibid.
question at the precise time when American citizens were taking the subject into their own hands by occupying the country, and when public opinion was about to reach a fever pitch on Oregon in general. 112

If the United States Congress was doing little or nothing towards effecting a solution of the Oregon problem, the British Parliament was just awakening to the realization that a problem existed. And it was the bluster and intemperate language of the American Congress that brought about this awakening. Ob­jecting to a bill introduced in the United States Senate in November, 1842, R. J. Blewitt, Member of Commons from Monmouth, wanted to know

... what ideas would be formed in the United States respecting the House of Commons, if a bill was introduced on such a subject, claiming an absolute right of territory to a country which was subject to the provisions of the two treaties of 1818 and 1827. He thought that the mode in which the matter had been dealt with in the senate of the United States was an insult to this country, and although he was a most strenuous advocate of peace, he never would consent to the sacrifice of the honour of the country; and if the legislature of the United States went beyond a certain point, he conceived that it would be the duty of this country to show the American people that we knew how to vindicate our honour. 113

In this speech Blewitt, enunciated the point on which Great Britain was ultimately to take her stand in reference to Oregon, namely, on the point of national honor. The Oregon question was never the burning issue in England that it was in the United States for a number of reasons. First, the territory was too remote from the shores of England itself to vitally concern the people. Second, the value of the territory never impressed the British as something


worth a life and death struggle. Third, and probably the most important, was the fact that Great Britain had more numerous and relatively more important global interests at this period which divided the attention of both the government and the people to the point where Oregon received scant but, in their eyes, proportionate attention.

Another factor that prevented the English people from becoming aroused on the subject was their lack of information. The British government, and especially the Peel Ministry, was very reluctant to pass on details of the diplomatic maneuverings between the two countries even to Parliament, let alone to the press and the populace.114 However, when the United States later assumed a threatening attitude, the British did become aroused because they considered their national honor at stake. No matter how little value they might place on Oregon, they would not be dictated to, nor would they allow the threat of war to intimidate them. In the process of negotiating, they might sacrifice a major portion of the territory, but any attempt to compromise their national honor by forcing them from any part of it would lead to bloodshed.

Another group to awaken to the potentialities of the Oregon question at this time was the American press. Newspapers in the United States in the middle of the nineteenth century were sharply split along party and sectional lines. Any town of any size, boasted two papers—one Whig and one Democrat. The Whig paper tended to be restrained and conservative, the Democrat, jingoistic and liberal. Superimposed on this division was the sectional bias of the locality. The papers in old, established cities and towns along the eastern

114On two different occasions in 1843 and 1844, Robert Peel refused to communicate to the House of Commons the official correspondence on the subject of Oregon. Ibid., LXXI, col. 492-493; LXXII, col. 228-229.
seaboard retained their party characteristics but were more conservative. Hence, in the east Whig papers were ultra-conservative, even reactionary, while Democratic organs, though maintaining their liberal views to a certain extent, were less radical. The further west one progressed the more radical and jingoistic both became, so that in the far west the phenomena existed of Whig papers reading like eastern Democrat papers, and western Democrat papers being as far to the left as the eastern Whig papers were to the right.

The American press, when it finally took up the question of Oregon in earnest, treated it strictly along these lines, namely, on the basis of party loyalties and sectional interests. If the papers of one town, for example, Cincinnati, Ohio, be taken as an example, this becomes immediately apparent.115

Commenting on the fire-eating oratory of western congressmen, the Whig Gazette warns that

The patriot should hesitate long ere he involve the country in war, and an honest people seek to avoid it while its avoidance was possible . . . . Nor do we think there need be the slightest occasion for trouble on account of this Oregon question. More than likely it will be settled ere long; if so, it will deprive certain great men of a great hobby, and force them to raise other questions on which to excite a portion of the people . . . .116

Moreover, the Gazette deplored the depletion of Ohio's labor potential by this so-called fever for emigrating to Oregon.

We are a feverish people. One would suppose from our emigrating habits,

115Cincinnati is admirably suited for this purpose since it displayed to some extent the sectional interests of both east and west as well as north and south. Moreover, at this time it was a thriving river port and industrial city with enough invested capital within its environs to induce a sense of conservatism akin to that of Boston and New York. At the same time, it was sufficiently far west to sympathize with the aspirations and hopes of the peoples of Indiana, Illinois, and Missouri.

116Cincinnati, Ohio, Daily Gazette, January 13, 1843.
and the rapidity with which we pass from place to place, that the old and newly settled parts of our country, were so thickly populated, and all the common pursuits of life so full, as to leave our youth no hope for employment in them. But this is as far from the truth as may be...117

The Whig editors of the Gazette could not envisage even the remote possibility of Oregon's becoming a part of the United States. However, in the event that it should happen, the assimilation of such a distant country and its people could result in nothing less than a fatal weakening of the Federal Union.

We confess we look with apprehension to the extension of the jurisdiction of the United States over that remote region. It is a measure fraught with dangers, if not with unavoidable calamity. A Republic can only exist in any tolerable degree of purity by virtue of a vigilant supervision exercised by the People over their rulers; so soon as this supervision fails, the forms of Democracy exist but to cover the sins of Despotism. Now it appears evident that the ready and quick intelligence of the nature and bearing of official acts which is the vitality of Freedom, could not be expected to exist in a country numbering Maine and Oregon among its political divisions, and that our Republic, thus extended, would become what the Roman commonwealth was after the conquests of Caesar.118

For this reason, the Gazette opposed Semple's resolution and all other congressional legislation designed to antagonize England and bring about a

117Ibid., June 7, 1843. It was on this score that the Gazette opposed the "Oregon Convention" to be held in Cincinnati on July 3rd, 4th, and 5th, 1843, for the purpose of stimulating emigration to that country. "...we can say to the getters up of this Convention that there is, in our view, a simpler way in which they may do the great things they propose without even going to Oregon, (though a portion of them the country could well spare) and that is, to encourage steadiness and industry in our young men, instead of putting into their heads lawless notions, or a love of wild adventure. Our workshops are not full; nor is our land yet occupied. They invite our young men, and will bless them with content and prosperity, if they but till perseveringly, and if to that they add a good life, we need not fear for 'the interest and honor of the Republic, or the greatness, peace and safety of the West.'" Ibid.

In keeping with the practice of watching closely the trend of American public opinion on all subjects involving Great Britain, the British ambassador in Washington sent the complete text of the proceedings of this Cincinnati Oregon Convention to the Foreign Office. Fox took the report of these proceedings from the Baltimore, Maryland, Sun, for July 12, 1843. P. R. O., F. O. 5, CCKXII, Lib. of Cong., Photo., pt. 3.

118Ibid., July 31, 1843.
show-down on the Oregon question.

In the natural course of things, Oregon must be ours. Nothing on earth can prevent it. Our title is good, the wave of emigration westward certain . . . . This result, however, may be retarded; but the only thing which can retard it will be unwise legislation on our part—a hot and ambitious haste to have more territory than we can possibly use . . . . England does not want this country; she does not need it. But tell her, while she claims the right to it, that she shall give it up;—by force drive out from Oregon her handful of hunters,—and depend upon it she will contend with us for it to the last. And where the use of spending the treasure and shedding the blood of the people of both nations upon a subject which, 'if let alone,' must, when we need it, be settled as we want?119

The Democratic Enquirer, on the other hand, taking its lead from western congressmen, thought a war with England on the question of Oregon would be a good thing for the country.

On the whole, we do not think any ultimate injury would result to the American Union, were this controversy to be settled with the force of soldiery and arms. We cannot be insensible of the fact, however unwelcome is the reflection, that there is in this country a large number of individuals, enjoying all the privileges of freemen, secured to them by the enlightened institutions of a liberal Government, who are, in heart and soul, 'the friends of our enemies,' and who are ever active and zealous to aid and assist them, when the interests of each are antagonists. We will never be a truly 'American' people while this party enjoy influence and place. A war would purify us—would purge our country of false friends—would emphatically render us a band of brothers in interest, feeling and principle. Calamitous as would be a conflict between such powers, its final results would be transcendentally advantageous.120

To the editors of the Enquirer, the United States had a divine mission to drive monarchy, especially the British variety, from the north American continent.

America has been selected out from all the world, by the God of Liberty, to be the asylum of the oppressed of every nation, and his chosen land of freedom. The foot of monarchy should never desecrate its soil; and we, his chosen and peculiarly favored people, would render but an ill return

119 Ibid., March 13, 1844.

120 Cincinnati, Ohio, Daily Enquirer, June 8, 1843.
of gratitude, and make but an unworthy acknowledgment of thanks for benefits received, were we, upon slight occasion, or by neglect or indifference towards our rights, to yield an acre of our sacred soil to the purposes of despotic monarchy.121

This was the doctrine of Manifest Destiny at its best, and woe to any congressman that advocated compromise or advised caution. Reacting to a speech in the Senate by Rufus Choate of Massachusetts on February 22, 1844, on Semple's resolution, the Enquirer observed that

A British Lord or Commoner—Lord Palmerston himself—could not have defended the baseless claims of England with more ardor or more national feeling than did this Massachusetts Federalist. Satisfied with the advances England was gradually and surely making to extend her dominion over 'our' soil—content with the monstrous wrongs American citizens were forced to endure from British subjects, and hostile Indians in British employ—without one feeling of horror or even of indignation at the murders committed on our pioneers, and the mysterious wasting away of the tide of population which annually seeks the western plains—calmly and coldly this impersonation of Webster Federalism and Hartford Convention Toryism not only affirmed his content with the lording of England over us, but urged that the present relations of the two countries on this matter should be suffered to continue for 'twenty years yet to come.'

Is there a coward spirit in our people that will submit to such concession? Not in the west, we verily believe. An Executive may barter away our soil, and a Senate may seal the covenant, but 'that,' thank God, does not bind the muscular arms of freemen on our hills, and in our valleys nor will it restrain their march to the defence of their brethren, who by 'Government' have been deserted and left to the mercy of merciless bloodhounds and the rapacity of a people whose creed is 'dominion, right or wrong.'122

The Enquirer considered war inevitable, hence to what end could compromise, negotiation, and caution be employed?

It is not in the nature of things that war, bloody, desperate and exterminating, if possible, shall not come upon our people in the Oregon,—sooner or later it will come,—and he who thinks it will not, does not reflect that the settlement of that country involves all the circumstances that characterized our own Northwest,—the same uncompromising savage—the

121 Ibid., January 24, 1844.
122 Ibid., February 28, 1844.
same wily 'Britain' urging him on to desperate deeds.\textsuperscript{123}

To a greater or lesser extent depending upon local prejudices, these were the sentiments expressed by the press in other parts of the country. This community of thought was also abetted by the journalistic practice at that time of reprinting articles from other papers holding the same views. As a result, it was possible in the course of a year for a person living in one town to keep posted, according to his preferences, on the conservative or radical views throughout the country on a subject such as Oregon.

The independent press in the United States, consisting for the most part of magazines and periodicals, followed the party principles and sectional interests of the owner, publisher, or editor. The independent press provided the columnists of the day and on a given topic could be depended upon to approach the subject, or a facet thereof, in the spirit of a humanitarian or philanthropic crusade. For example, in 1843 one of these advocated the immediate occupation of Oregon by the United States government to protect the Indians in that quarter from the inhuman exploitation of the British.

From a sense of duty to them, and from the feelings of a common humanity, if for no other reason, our Government ought to extend its jurisdiction over Oregon, to protect its native inhabitants from the cruelty and fraud now practised upon them. The present mode of treatment adopted by our Government is humane and just, and the best probably which, under the circumstances, could be adopted. At present, Oregon is a modern land of Nod, where every cruel and inhuman outlaw, and renegade from civilized nations, may commit his depredations with impunity, and the poor Indian, more than any other, becomes the principle sufferer. Impelled by the highest sense of honor, justice, patriotism, and philanthropy, we should extend the broad wing of our liberal institutions over the unprotected red men of the western borders, and secure them from that baseness of private and reckless cupidty of which they are now made the victims.\textsuperscript{124}

\textsuperscript{123}Ibid., April 16, 1844.

\textsuperscript{124}"Oregon." U. S. Magazine and Democratic Review, XII. 345. The independ
For the most part, articles on Oregon in the periodicals of the time tended to consist of one-fourth fact embellished by three-fourths imaginative writing. From the Hudson's Bay Company practice of referring to their trading posts as Forts, the author of this same article deduced that

... except in name, England has through the medium of this company, established a military despotism, which has usurped the complete control of our whole western frontier, which is daily entrenching its power by the erection of forts in every eligible position along the banks of the Columbia, and on Puget's Sound, and already training and arming, as in times past, the Indians for her service; so that, should she be molested in her trespasses, she could turn upon defenceless Americans her savage hordes, and enact again the horrid cruelties once perpetrated upon our frontier settlements. Already are they training in their military discipline, young Tecumsehs and Black-Hawks, for future use, to devastate, with the fire and scalping knife, the homes and lands of American citizens whose enterprise and patriotism shall lead them to settle in that splendid country.125

The fulminations of the radical portion of the American press resulted in one thing, however; it aroused the British press. The British had as little grasp on conditions in Oregon as had their American counterparts, but they compensated for this with a lofty disdain for the whole question.

However the political question between England and America, as to the ownership of Oregon, may be decided, Oregon will never be colonized overland from the eastern states ... .

In the mean time, the long line of coast invites emigration from the overpeopled shores of the old world. When once the Isthmus of Darien is rendered traversable, the voyage will be easier and shorter than that to Australia, which thirty thousand of our countrymen have made in a single year. Whoever, therefore, is to be the future owners of Oregon, its peop-

125 Ibid., 347.
ple will come from Europe.126

As to Oregon itself, the outlook of certain leading journals in England was purely pragmatic. If Oregon would contribute to the advance of British imperialism fight for it, if not, let the Americans have it.

The Americans have taken up the question in earnest; their Press teems with writings on the subject . . . . French writers, as may be supposed, are already advocating the American view. Let us abandon ours, from motives of justice, if the right be proved against us; from motives of policy, if it be proved not worth contesting—but not in mere indolence. Let us not fold our hands under the idle persuasion that we have colonies enough; that it is mere labour in vain to scatter the seed of future nations over the earth; that it is but trouble and expense to govern them. If there is any one thing on which the maintenance of that perilous greatness to which we have attained depends, more than all the rest, it is Colonization; the opening of new markets, the creation of new customers.127

Should the question ever resolve itself into one involving national honor, however, the British press almost unanimously seconded the stand of the Ministry.

For ourselves, we do not set any great value upon the country, as an emigration field, either for England or America; but what we do consider of importance to British interests is, that British subjects should not in any event be deprived of the free navigation of the Oregon river and its tributaries, or of the free use of the Strait of Fuca, and the several harbours comprised within the disputed territory. These are rights which

126 "Mexico and the Great Western Prairies," The Edinburgh Review, LXXVIII, 191-192. The British particularly enjoyed rationalizing the impossibility of Oregon's ever becoming a part of the United States. "It would be almost impossible for the Oregonese to send representatives a journey of six or seven months to Washington, unless they should adopt the plan of despatching separate batches of alternate years; and, even if the journey were shorter in point of time, the mileage, particularly if charged by the route of Cape Horn, would render the transmontane visitors a disproportionate drag on the national exchequer. It would, moreover, be altogether impossible for the national government to exercise any control, unless by sufferance, on the farther side of a desert impassable to large bodies of men, while a naval squadron would itself be in greater danger from the want of shelter, than a surf-beaten shore would be from all its threats of invasion or blockade." Adam Thom, The Claims to the Oregon Territory Considered, London, 1844, 28.

127 "Mexico and the Great Western Prairies," Edinburgh Review, LXXVIII, 192
it is incumbent on the British government to maintain, as well as to accord all due protection to those British subjects, who in the course of the last fifty-three years have established themselves as occupiers within the territory, pursuant to the terms of the convention of the Escorial. 128

While the Oregon boundary situation was being feverishly discussed on all sides, the British were attempting to reopen diplomatic negotiations as soon as possible. They resented very much the implication made by President Tyler in two Messages to Congress that England was reluctant to engage in negotiation and that the initiative must needs be supplied by the United States. 129 Lord Aberdeen remarked to Fox on January 18, 1843, that "... it would have been more candid had he also stated that he had already received from the British Government a pressing overture to negotiate an adjustment of differences with respect to the Oregon Territory, and that he had responded to that overture in the same conciliatory spirit in which it had been made." 130 Fox, noticing the unfavorable impression made on the conservative bloc of Senators by the President's messages, took it upon himself to inform certain of them of the true state of affairs. To this end he communicated to Senators Calhoun and Archer "... the substance of so much of the unpublished and withheld correspondence, as was sufficient to convince them entirely that there is no indisposition on the part of Her Majesty's Government to negotiate an immediate settlement of the Oregon Question..." 131

128 "The Oregon Territory," The British and Foreign Review; or, European Quarterly Journal, XVI, 584.

129 Cf. supra, 142-144.


Another object of concern to the British Foreign Office at this time was the nature of the bills and resolutions being considered in the Senate, and particularly Linn's bill. Aberdeen instructed Fox on February 3, 1843, that should Linn's bill pass both houses of Congress, he was to remind the Secretary of State of the stipulations of the Treaty of 1827 and of the negotiations already suggested by Great Britain for the settlement of the question. And, if this does not prove sufficient to instil an element of caution in the United States government, he is then to warn the Secretary of State "... that if any measure should be taken on the part of the United States with regard to the Oregon Territory, which should infringe the claims of Her Majesty to that Territory, Her Majesty's Government would feel themselves at full liberty to take such steps as they might think fit for the assertion and maintenance of those claims." 132

Diplomatically, very little was accomplished on the Oregon question in the next few months. President Tyler had been considering the idea of sending Daniel Webster to England as a special minister entrusted with full powers to settle the Oregon problem and all other issues between the two nations. 133

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Fox did not think it likely that Linn's bill would pass the House of Representatives, principally because of the clause calling for the establishment of a line of military posts to the Pacific. Fox believed that "This provision will entail a very large appropriation of money. It is possible that in the present financial condition of the Country, the House may decline to vote such an appropriation: or at least the discussion of it may occupy so long a time, that the Session will close without the Bill being finally carried ... ." Fox to Aberdeen, Washington, February 4, 1843. P. R. O., F. O. 5, CCCXCI, Lib. of Cong., Photo., pt. 1. Fox proved to be right on this point and on March 4, 1843 was able to inform Aberdeen that the House had recessed without progressing further on the Oregon bill. Fox to Aberdeen, Washington, March 4, 1843. Ibid., Lib. of Cong., Photo., pt. 2.

133 Fox to Aberdeen, Washington, February 24, 1843, P. R.O., F. O. 5.
Fox personally considered the idea behind this special mission to be a ruse on the part of Tyler to circumvent Congress on the subject of Oregon. He believed Tyler intended to persuade Congress to appropriate the money for this mission before the present session ended, carry on the negotiations, and, if possible, settle the Oregon question during the recess. In this way the administration would be able to by-pass the constitutional requirement of the Senate's consent to the settlement as well as all the ill-will and ill feeling that would result from debating the subject in Congress.\footnote{Ibid.}

While Tyler procrastinated however, Congress adjourned and his plans for a special mission were of necessity abandoned. Daniel Webster was especially disappointed that this opportunity of engaging in international diplomacy had slipped from his grasp. This he blamed on Tyler. In a conversation with Fox, he frankly admitted "As to what the President will do, or will not do, in any given case, no one can venture to guess, for he is a man whose conduct is governed by no intelligible motive or principle."\footnote{Ibid.}

Since Webster was also mentioned to succeed Edward Everett as United States ambassador to England, Fox did not consider this attitude conducive to a consistent administration of United States diplomatic affairs. In a letter to

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CCXCI, Lib. of Cong., Photo., pt. 1. Fox believed in this eventuality, Webster would attempt to adjust the Oregon boundary on the basis of what he called the Tripartite Agreement between Great Britain, the United States and Mexico, hitherto mentioned to Lord Ashburton in 1842. Cf. supra, 137, n\textsuperscript{104}. Fox was unable, however, to learn from Webster "... what reason he had for expecting that the Mexican Government would consent to the purposed Cession of Territory. —I should be inclined to think that the consent of Mexico was very doubtful." Ibid.
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\footnote{Ibid.}
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\footnote{Fox to Aberdeen, Washington, March 8, 1843, Ibid., Lib. of Cong., Photo., pt. 2.
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Aberdeen he states "I am afraid that if Mr. Webster proceeds as United States Minister to England, frequent cases of misunderstanding will arise, by reason of the utter want of confidence between him and the President." 136

On May 8, 1843, Daniel Webster resigned as Secretary of State and negotiations on Oregon came to a complete standstill. Two months elapsed before President Tyler was able to fill the vacancy, and throughout this period nothing but routine, embassy matters were considered by Hugh S. Legare, the acting Secretary of State. Lord Aberdeen grew impatient with the delay and on August 18, 1843, ordered Fox to inform him

... whether any steps have been taken by the American Government in furtherance of this important object, Her Majesty's Government being most desirous that no unnecessary delay should take place in endeavouring to bring this Question of Boundary to a satisfactory conclusion.

Should the President now entertain any serious objection or find any difficulty with respect to the prosecution of the Negotiations in London, you are hereby authorised to assure the United States Secretary of State that you will be empowered to enter upon that Duty at Washington. 137

136 Ibid. At the same time, Fox did not have a great deal of confidence in Webster. "I have unfortunately frequent occasion to remark upon and to lament Mr. Webster's want of candour, and want of straightforwardness and fair dealing, but I am bound to bear witness to this: that he rarely loses an opportunity of labouring for the preservation of peace, and that he does his utmost to open the eyes of his countrymen to the delusions that are practised upon them for the purpose of instigating to War." Fox to Aberdeen, Washington, March 27, 1843. Ibid., Lib. of Cong., Photo., pt. 3.


It is evident from a letter of Edward Everett to the new Secretary of State, Abel P. Upshur, that Aberdeen had no idea of what the status of the Oregon question was at the moment, due to the political changes in Washington. After informing Upshur that Aberdeen was still awaiting word on the special mission to settle the northwest boundary, Everett remarked that "... in consequence of the retirement of Mr. Webster and the subsequent changes in the Department of State, he did not know whether the informal overture... was to be considered as still submitted for the consideration of the British Government— that the Question of the Oregon Boundary was of immediate urgency..." Everett to Upshur, London, August 15, 1843. Nat. Arch. Dept. of State. Despatches, Ct. Br., LI, Edward Everett, June 3, 1843—December 30, 1843.
Fox replied on September 12, 1843, that "Mr. Upshur, after having heard your Lordship's despatch read, replied that the United States Government were not inattentive to the subject of the Oregon negotiation and were, equally with Her Majesty's Government, desirous to promote an early settlement of the question." 138 Upshur then went on to say that he would consult with President Tyler when he returned to Washington and let Fox know the result. 139

The impression Fox received on this occasion was

... that the President does not desire to confide the Oregon negotiations to Mr. Everett. He will therefore either send a new Minister to London specially charged with the business, or else he will accept your Lordship's offer of transferring the negotiation to Washington, and I think the latter course is the most likely to be pursued. 140

Finally on October 9, 1843, Upshur took up the Oregon question. In a letter to Edward Everett, he provided him with a résumé of the negotiations on the subject from the beginning to the present, and the present status of the question as far as the United States was concerned. He then informed him that


139 Ibid.

140 Ibid. On September 28, 1843, and again October 16, 1843, Fox reported to Aberdeen that he had received no further communications from Upshur on the Oregon boundary negotiations. In a despatch to Aberdeen, dated October 28, 1843, Fox expressed the belief that this silence on the subject of Oregon resulted partly from the President's intention of making extensive changes in the American embassies in Europe, and that one of those to be changed was Edward Everett in London. Ibid.

Lord Aberdeen, on the other hand, was none too satisfied with Henry Stephen Fox as British Ambassador in Washington. Everett reported from London on August 17, 1843, that "When Lord Aberdeen spoke of instructing Mr. Fox on the Oregon question, he added an expression of his regret, that the negotiation should fall into 'his' hands. Lord Aberdeen is under the impression that Mr. Fox is not a favorite at Washington; and does not possess the personal qualifications desirable for the management of such a negotiation ... ." Everett to Upshur, London, August 17, 1843. Nat. Arch. Dept. of State. Despatches, Gt. Br., LI, Edward Everett, June 3, 1843—December 30, 1843.
The offer of the 49th parallel of latitude, although it has once been rejected, may be again tendered, together with the right of navigating the Columbia, upon equitable terms. Beyond this, the President is not now prepared to go. Nevertheless, you may propose or receive, subject to the approval of this Government, any other terms of compromise which in the progress of your discussions, may appear to promise a satisfactory adjustment of this important question.

You will receive, herewith, the necessary powers to negotiate upon the subject. I; however, the British Government prefers that the negotiation shall be conducted in Washington, that arrangement will be perfectly agreeable to the President.

It was now the turn of the British to delay the negotiations, however. On November 2, 1843, Everett informed Upshur that

On apprising him of the disposition of the President to open a negotiation on this subject at London, Lord Aberdeen informed me that such an arrangement would have been altogether agreeable to him if somewhat earlier made, and reminded me that he had very often, in the course of the last winter, expressed the wish that the President would authorize me to treat on the subject. He had, however, lately come to a conclusion and taken a step, that made it necessary to treat upon the subject at Washington; this was the recall of Mr. Fox and the appointment of a successor. Among the grounds for adopting this measure, was the belief that there would be decided advantage in putting the management of this subject into new hands, & consequently that had been and would be assigned as a leading reason for the contemplated change.


Everett, nevertheless, discussed the contents of Upshur's letter of October 9, 1843, with Aberdeen and found "... that Lord Aberdeen considered that the question now stood, where Mr. Gallatin in negotiation with Messrs. Huskisson & Addington left it in 1827 ..." Everett to Upshur, London, November 11, 1843. Ibid. Everett then suggested to Upshur that since "The main difficulty in the way ... will be, that the 49° degree has twice been offered by the United States—or rather thrice—and declined by England ... To meet this difficulty it may deserve the President's consideration, whether he would not agree to give up the Southern extremity of Quadra & Vancouver's Island (which the 49° degree would leave within our boundary), on condition that the entrance of the Straits of Juan de Fuca should at all times be left open & free to the United States with a free navigation between that island & the Main land, and a free outlet to the North. These would probably be ample equivalents for the possession of the Southern point of an Island, of which the greater part would fall within the share of England. I said however nothing on this point to Lord
Aberdeen selected Sir Richard Pakenham as the new British ambassador to the United States, and on December 28, 1843, informed him that on the subject of Oregon

It is our desire, as it is our duty, to make every effort, consistently with the honor and essential interests of the Country, to bring this matter to a speedy and amicable settlement.

On your arrival therefore at Washington, you will repeat to the United States Secretary of State the desire of Her Majesty's Government to carry on the Negotiations; and you will inform him that you are furnished with the requisite full powers to enter upon it with any person whom the President may appoint to meet you.143

Furthermore, he was instructed to reopen the negotiations on the basis of the last British offer, made in 1826, namely, the Columbia river as the line of boundary, with the detached territory of the Olympic peninsula and a free port on the Straits of Juan de Fuca to be conceded to the Americans.144 If further

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144 Aberdeen was formerly British ambassador to Mexico, and was the brother of General Sir Edward Pakenham, commander of the British forces at the Battle of New Orleans, January 8, 1815. General Pakenham was killed in that engagement.

Sir Richard Pakenham's full powers were communicated to him by Aberdeen in a letter, dated Foreign Office, February 27, 1844. Ibid., LXXV, Lib. of Cong., Photo., pt. 2

145 Ibid. In an informal discussion with Lord Aberdeen on November 29, 1843, Everett was surprised to find that Aberdeen had never heard of the offer of the detached Olympic peninsula, made by the British in 1826. To complicate matters further, Henry U. Addington, one of the British plenipotentiaries on that occasion, whom Aberdeen consulted, could not recollect ever having made such a concession. To prove the point Everett was forced to produce from the embassy files, the protocol of the third conference held by Albert Gallatin, William Huskisson, and H. U. Addington, at the Board of Trade on December 1, 1826. Everett to Upshur, London, December 2, 1843. Nat. Arch. Dept. of State. Despatches, St. Br., LI, Edward Everett, June 3, 1843—December 30, 1844.

For the protocol of the third conference held December 1, 1826, see Ibid., XXXIII. Albert Gallatin, May 3, 1826—April 27, 1827.
concession was found to be necessary, he was to offer to make all the ports in
the straits of San Juan de Fuca, south of the 49th parallel, free ports. Aberdeen concluded his instructions by saying that if the Americans rejected these offers

. . . it is but too obvious that any division of Territory, by means of direct negotiation with the United States, will be hopeless, and in that case you will propose that the whole question should be referred to the arbitration of some friendly Sovereign or State.

In the event of a refusal on the part of the Government of the United States to agree to this arbitration, nothing will then remain for you but to propose that the Treaty of 1818-1821 be renewed for a further term of ten years . . . but even this may possibly be declined; in which case you will express the deep regret of Her Majesty's Government that all their attempts at what they consider to be a fair and equitable accommodation of conflicting claims should have failed, and you will report your proceedings to this office.

Before you break off the negotiations, however, you will distinctly declare to the United States Government, that Her Majesty's Government still assert and will maintain an equal right with the United States, to the occupation of the whole of the Territory in dispute, and that as Her Majesty's Government will carefully and scrupulously abstain, and cause all Her Majesty's Subjects to abstain, from any act which might justly be considered as an encroachment on the rights of the United States, so they expect that the Government of the United States will exhibit, and enforce on their part, an equal forbearance with respect to the Rights of Great Britain. These Rights, believing them to be just, Great Britain will be prepared to defend. 145

Pakenham did not relieve Fox of his duties until February 9, 1844. 146 In the meantime, Fox continued to keep the Foreign Office posted on developments in the United States. Commenting on the congressional debate on Atchison's bill and Semple's resolution in the Senate, and on Owen's resolution in the House, Fox observed that


There appears to be a rational desire, on the part of the majority in both Houses of Congress, to stave off any definite Legislative Action upon the Oregon Question, until it shall be seen what course the negotiation about to be resumed at Washington is likely to take.

It is not to be disguised, however, that Mr. Archer of Virginia; Chairman of the Committee of Foreign Affairs of the Senate, and others, who recommend this temperate course of proceeding, affect, nevertheless, to reckon upon certain success in obtaining a recognition of the whole American claim by means of the approaching Negotiation. They advise a moderate and patient course of conduct, because they profess to prefer gaining the desired end by negotiation, and by agreement, rather than by violence.147

On February 24, 1844, Pakenham notified Upshur that he was ready to commence negotiations on Oregon at the Secretary's convenience.148 Upshur replied on February 26 that he would receive the British Minister at eleven A. M., February 27, and on that occasion Pakenham had his first and last conference with Upshur on any topic. The following day, Upshur was killed by the accidental explosion of a gun aboard the United States Naval steamer Princeton.149

John C. Calhoun was appointed Secretary of State, March 11, 1844, but due to the amount of unfinished business resulting from the sudden death of his

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147 Fox to Aberdeen, Washington, January 27, 1844. Ibid., CCCX, Lib. of Cong., Photo., pt. 1.
149 This was a blow to Pakenham's hopes for a favorable settlement of the Oregon question at an early date. Pakenham was not only impressed by Upshur's integrity and good faith, but in their preliminary talk of February 27, 1844, Upshur had assured him "... of his entire disposition to carry on the Negotiation in a fair spirit of compromise and above all to endeavour, whatever may be the result, that matters shall not be left in a worse state with reference to the relations between the two Countries than they are at present." Pakenham to Aberdeen, Washington, February 27, 1844. Ibid.

Pakenham was also favorably impressed by the state of public opinion in the United States at the moment. "... if there are some persons disposed to go any lengths in the sense of the extreme right assumed by the United States, there are others who take a more rational and enlightened view of the question, in all its bearings, and who are, especially opposed to the adoption of any precipitate or unjustifiable measure with regard to it." Ibid.
predecessor, he was not able to apply himself to the subject of the Oregon boundary until the latter part of August, 1844. However, Pakenham was pleased by the mere fact of Calhoun's appointment.

It seems much to be desired as well for the general interests of this Country, under present circumstances, as for the interests of England in connection with it, that Mr. Calhoun should consent to join the administration.

His character is said to be that of a straight forward and honourable man, who is in the habit of acting up to what he thinks right without that subserviency to Party views or to popular prepossessions, so common in publick men in this Country . . . he belongs to the Locofooco or Democrat-ick Party, at least so far as not to side with the opposite Party,—but I believe the truth to be, that, he aspires to create a Party of his own, independent of either of the two Great Parties (Whigs and Democrats) into which Politicians in the United States are generally divided.

By the middle of May, however, Pakenham was becoming suspicious of the constant postponement of the Oregon negotiation.

... I cannot altogether divest myself of a suspicion, that in thus post-poning a negotiation, respecting which so much impatience had been manifested in this Country, the American Government may be influenced by some sinister motive which I have not been able to penetrate . . . . I must therefore content myself with watching cautiously the course of events, and endeavouring, as far as I can, that no unfair advantage shall be taken of us.

The thought also occurred to Pakenham that possibly Calhoun was putting

150 Pakenham notified Aberdeen on April 14, 1844, that a portion of this unfinished business occupying Calhoun's time to the exclusion of Oregon, was his efforts to bring about the annexation of Texas. Pakenham to Aberdeen, Washington, April 14, 1844. Ibid.

151 Pakenham to Aberdeen, Washington, March 14, 1844. Ibid. As for the tone of the debate in Congress on the subject of Oregon, Pakenham was "... inclined to place a good deal of reliance on the exertions of several of the most distinguished members of the Senate who are decidedly opposed to any precipitate measure with regard to Oregon, in which becoming line of policy they are assisted by the influence, as far as it goes, of the Executive Branch of the Government . . . ." Ibid.

into practice as Secretary of State, the doctrine he expounded as a Senator, that masterful inactivity on the part of the United States would ultimately secure for them the whole of the Oregon country.\textsuperscript{153}

While negotiations were in abeyance in Washington, Edward Everett continued to sound out Lord Aberdeen in London. After offering Aberdeen the 49th parallel, excluding the tip of Vancouver Island, for the second time, Everett reported the Foreign Secretary to have made the remark that "... Great Britain could not now accept terms which she had distinctly refused before; that he felt that we were under the same necessity; that he did not expect the United States to agree to what they had already rejected ....\textsuperscript{154}

From this Everett inferred that .... Lord Aberdeen does not expect us to agree to the Columbia as the boundary, nor even with the addition of Port Discovery and an adjacent tract of country within the straits of Puca (which we refused in 1826); that he has never negativized the idea of the forty-ninth degree with the suggested modification; that he has uniformly said that he did not think there would be great difficulty in settling the question .... I draw the inference that this proposal would in the last resort be accepted. I am satisfied that the Ministry sincerely wish to settle the controversy, and are willing to go as far as their views of consistency and the national honor will permit to effect that object. They do not, therefore, I imagine much regret the agitation of the subject in the United States, and are willing we should advance a claim to the 54° 40'. Such a course, on our part, will make it easier for them to agree to stop at 49° .... At the same time, if, (as I infer from the instructions to myself ...) it is proposed by the President to adhere to the basis of settlement which has been hitherto uniformly tendered by the United States, viz., the 49th degree, care must be had, not to state our right up to 54° 40' so strongly, as to put ourselves in the wrong in receding from it. Fortunately the

\textsuperscript{153}Pakenham to Aberdeen, Washington, June 27, 1844. \textit{Ibid.}, CCCCVI, Lib. of Cong., Photo.

\textsuperscript{154}Everett to John Nelson, acting-Secretary of State, London, April 1, 1844. Nat. Arch. Dept. of State. Despatches, Gt. Br., LII, Edward Everett, January 1, 1844-June 29, 1844,
facts of the case are in harmony with the course which prudence dictates.155

By the end of July, Pakenham considered he had been put off long enough, and when Calhoun told him that since Congress was not in session he saw no immediate urgency in the matter, Pakenham considered stronger measures were called for. Hence, he informed Calhoun that

... considering the impatience which had been manifested upon the subject during the last and preceding Sessions of Congress, and the observations which had been more than once put forth tending to create the belief that Her Majesty's Government were not in reality desirous of meeting this Government fairly on the question, I felt it to be my duty to place something on record which should prove that there was no want of readiness on our part to proceed with the Negotiation at the earliest moment consistent with the convenience of the Government of the United States, and that I therefore intended, with his permission, to address a letter to him, repeating what I had already said to Him on various occasions in the above sense.156

This brought forth a response from Calhoun, at least within a reasonable length of time. On August 22, 1844, Calhoun suggested that they meet and confer on the subject of Oregon at the State Department the following day at 1:00 P. M. 157 At this first conference, Calhoun requested a proposal of settlement

155Ibid.

156Pakenham to Aberdeen, Washington, July 29, 1844. P. R. O., F. O. 5, CCCCVII, Lib. of Cong., Photo., pt. 1. The reason Pakenham gave for this strong language was that it would not have been "... safe to assent quietly to the system of indefinite postponement which Mr. Calhoun seemed inclined to adopt on this question ... but that we might be prepared with a good case to be laid before the Senate, in the event of a renewal of the attempts which have already so often been made to cut the matter short by a summary occupation of the disputed Territory." Ibid.

157Calhoun to Pakenham, Washington, August 22, 1844. Ibid., Lib. of Cong., Photo., pt. 2. By this time, however, Aberdeen had grown philosophical about the delay. On August 2, 1844, Everett reported Aberdeen as saying that "... he was informed by Mr. Pakenham that there seemed to be a disinclination at Washington to enter upon the discussion of the Oregon boundary question—that he was rather surprised at this ... but that he felt himself no anxiety to urge the subject, if there was an indisposition to engage in the negotiation, or
from Pakenham, who promised to provide it at the next conference which was set for August 26, 1844.158

On August 26 Pakenham presented the British basis for a settlement. This consisted in extending the boundary along the 49th parallel from the Rocky Mountains to the Columbia River and thence down the middle of that stream to the Pacific. Pakenham also made the additional offer of any free port, or ports, which the United States might desire either on the mainland or on Vancouver Island, south of latitude 49°.159 This offer Calhoun promptly rejected, adding, that before they proceeded further in this negotiation, he would prepare a written statement of the case of the United States as he saw it, and present it at the next conference.160

At the third conference, held on September 2, 1844, Calhoun presented a written statement embodying the claims of the United States and the bases upon which they rested, together with additional reasons for refusing Pakenham's

the part of the United States, and that he had written to Mr. P. accordingly."


158 For the Memorandum of this first conference see Nat. Arch. Dept. of State. Notes from the British Legation, XXII, Sir Richard Pakenham, February 24, 1844—April 16, 1845.

159 For the Memorandum of the second conference, August 26, 1844, see Ibid.

160 Pakenham's account of these first two conferences may be found in his letter to Aberdeen, August 29, 1844. P. R. O., F. O. 5, CCCCV II, Lib. of Cong., Photo., pt. 2. In this same letter, Pakenham gives as his opinion that "... Mr. Calhoun has formed rather high expectations as to the length to which Great Britain will be likely to go in the way of concession, for the sake of getting rid of this troublesome question." Ibid. Moreover, Pakenham believed that a settlement along the 49th parallel to the sea to be the best that could be expected, since this offer "... was always insisted on as the very lowest terms which this country would accept, and that since then the United States have greatly increased in strength and population, and immeasurably in their idea of their own power and importance." Ibid.
offer made at the second conference on August 26, 1844.

Calhoun described the case for the United States as resting upon two types of claim: those enjoyed by the United States as its own proper right and those derived from France and Spain. The former consisted in rights by priority of discovery and were based on the discoveries of Robert Gray and of Lewis and Clark. The proper rights of the United States were also supported by priority of exploration, based on Lewis and Clark's exploration of the Columbia River to the sea, and on priority of settlement, resulting from John Jacob Astor's occupation of the mouth of the Columbia at Astoria.

United States claims derived from France and Spain stemmed first, from the Louisiana Purchase, which included the Oregon country at least on the principle of contiguous territory, and second, from the Treaty of Florida which invested the United States with all of Spain's rights coming from her priority of discovery, exploration, and settlement. To these Calhoun added a further claim which was based on Britain's recognition of American rights to the territory by the restoration of Astoria at the Treaty of Ghent.

Calhoun concluded his statement by warning Pakenham that

"... the operation of the same causes which impelled our population westward from the shores of the Atlantic across the Alleghany to the valley of the Mississippi, will impel them onward with accumulating force across the Rocky Mountains into the valley of the Columbia; and that the whole region drained by it is destined to be peopled by us."

The Underseigned Plenipotentiary abstains, for the present, from presenting the claims which the United States may have to other portions of the territory. 161

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161 This written statement of the United States case was inserted in a letter to Pakenham the following day, September 3, 1844. For the full text of Calhoun's statement see Calhoun to Pakenham, Washington, September 3, 1844. Nat. Arch., Dept. of State. Notes to the British Legation, VII, April 18, 1844—April 27, 1857. The Memorandum of the third conference, September 2, 1844, may
Pakenham presented a detailed answer to Calhoun's statement at the fourth conference held on September 12, 1844. He departed from Calhoun's order of presentation and first took up the United States' rights based on France and Spain. He countered United States claims based on the Louisiana Purchase, by quoting from a letter of Thomas Jefferson, who purchased Louisiana, dated August, 1803, in which Jefferson considered the Rocky Mountains as the extreme western boundary of the Louisiana Territory. As for Spain, Pakenham pointed out that by the Nootka Sound Treaty of October 28, 1790, Spain acknowledged equal British rights in the country. Pakenham made a further point by posing the question that if, by reason of this Treaty, Spain could not maintain exclusive right and dominion to the territory how could she pass such on to the United States?

Pakenham then took up the proper claims of the United States and matched them with British claims of equal, if not more, priority. On the score of priority of discovery he countered with Cook, Meares, and Vancouver, all prior to Gray and Lewis and Clark. He set up MacKensie's exploration of the headwaters of the Columbia in opposition to the priority of exploration by Lewis and Clark. On the score of priority of settlement, Pakenham pointed out that although technically Astoria was restored to the United States by the Treaty of Ghent, actually it had been a British settlement since its surrender to the British in the War of 1812. To Calhoun's warning that contiguity must inevitably lead to the occupation of Oregon by the American people, Pakenham replied that such an argument had ", . . not been disregarded . . ." by Great Britain.

be found in Ibid., Notes from the British Legation, XXII, Sir Richard Pakenham, February 24, 1844-April 16, 1845.
in considering the question.

Pakenham then repeated his proposal of settlement presented in the second conference, but introduced his offer of free ports with the additional offer of "... a separate territory on the Pacific possessing an excellent Harbour ...," which was obviously the Olympic Peninsula formerly proposed in the negotiations of 1826. This Calhoun rejected in its entirety, after which Pakenham requested that Calhoun amplify in their next conference his statement regarding "... claims which the United States may have to other portions of the territory," put forward by him in the third conference.162

The fifth conference held on September 20, 1844, consisted in a reply by Calhoun to the points made in Pakenham's counter-statement of September 12, 1844. In this he systematically rejected Pakenham's reasoning on his own statement of September 2, 1844, and again affirmed the title of the United States both by reason of claims deriving from France and Spain and on the score of priority of discovery, exploration, and settlement. Moreover, he denied Pakenham's implied conclusion

... that the present state of the question is, that Great Britain possesses and exercises, in common with the United States, a right of joint occupancy in the Oregon territory of which she can be divested only by an equitable partition of the whole between the two Powers. He claims ... a clear title on the part of the United States to the whole region drained by the Columbia; with the right of being reinstated and considered the party in possession, while treating of the title, in which character he

162 For the formal memorandum of this conference, held on September 12, 1844, see Nat. Arch. Dept. of State. Notes from the British Legation, XXII, Sir Richard Pakenham, February 21, 1844-April 16, 1845. Pakenham's counter-statement in writing, together with his repeated proposal of settlement was incorporated in an undated letter to Calhoun which was marked received in the State Department, September 12, 1844. Ibid.

For Pakenham's own account of the third and fourth conferences see Pakenham to Aberdeen, Washington, September 12, 1844. P. R. O., F. O. 5, CCCCVIII, Lib. of Cong., Photo., pt. 1.
must insist on their being considered, in conformity with positive treaty stipulations. He cannot, therefore, consent that they shall be regarded, during the negotiation, merely as occupants in common with Great Britain. Nor can he, while thus regarding their rights, present a counter-proposal, based on the supposition of a joint-occupancy merely, until the question of title to the territory is fully discussed. . . . In reply to the request of the British Plenipotentiary, that the Undersigned should define the nature and extent of the claims which the United States have to the other portions of the territory . . . he has the honor to inform him, in general terms, that they are derived from Spain by the Florida treaty, and are founded on the discoveries and explorations of her navigators; and which they must regard as giving them a right to the extent to which they can be established, unless a better can be opposed.163

It was obvious that discussions, based on the claims of the rival parties, would in the end be fruitless because of the multiplicity of almost simultaneous and identical items brought forth on each side.164 Pakenham realized this

163 Calhoun to Pakenham, Washington, September 20, 1814. Nat. Arch. Dept. of State, Notes to the British Legation, VII, April 16, 1814-April 27, 1815. For the Memorandum of this conference see Ibid., Notes from the British Legation, XXII, Sir Richard Pakenham, February 24, 1814-April 16, 1815.

164 This is especially evident on the score of priority of discovery, exploration, and settlement. A careful contrasting of the discoveries and explorations of the British and Americans in the late eighteenth and early nineteenth centuries show that they were often only a year or months apart and in some cases their discoveries and explorations were almost simultaneous. Cf. supra, 2-4, 7-13. As for the priority supplied by the discoveries and explorations of the Spaniards, which no one questioned, this was made as equally available to the British by the Nootka Sound Treaties of 1790, 1793, and 1794, as to the Americans, although the latter would never openly admit this. Cf. infra, Appendices I, II, and III. To have any value in the eyes of the international law of the time, priority of discovery and exploration was to be established on a longer interval than a few months or even a few years. While priority of settlement called for a lengthy and permanent occupation of the area in question. Cf. supra, 13-17 n20. For the international law on these points see the most widely quoted authority at that time, Emmerich de Vattel, The Law of Nations, or, Principles of the Law of Nature, Applied to the Conduct and Affairs of Nations and Sovereigns. From the French of Mons. de Vattel. From the New Edition by Joseph Chitty, Esq. With Additional Notes and References by Edward D. Ingraham, Esq., Philadelphia, 1883.

Pakenham recognized the futility of this procedure after the fourth conference on September 12, 1814. In his report to Aberdeen on the third and fourth conferences, he points out that the Foreign Secretary will not find in Calhoun's statement of American claims "... anything of importance that has not already been urged in other words by the gentlemen who represented the
and in his report of the fifth conference to Aberdeen, gave as his belief that Calhoun's entering into all of these points was nothing other than preparation that...

... to raise a claim extending far above the 49th Parallel of Latitude, embracing in fact, every branch of that River [Columbia], and its Tributaries—and by straining this point to the utmost, to incline us, if possible, to yield the 49th Parallel, as a boundary, instead of the line of the Columbia, on which we have hitherto insisted.

And as far as the present negotiation is concerned

Mr. Calhoun appears to consider all that has passed between us up to this time, as a mere preliminary discussion, for he gives me to understand that he will commit himself to no terms, until he shall have previously ascertained that they would be acceptable to the Senate—thus intending in point of fact, to make the Senate a party to the negotiation—I don't know how far your Lordship may be disposed to approve of this mode of carrying on the business—and on the other hand, I do not see how we could effectually prevent him from consulting the Senate, on any proposals that might be made on either side if he thought proper, because such consultations would of course take place, without our having official knowledge of the fact.

Mr. Calhoun has repeated the opinion which he has already more than once expressed of the extreme improbability, that the Senate would consent to any line of Boundary South of the 49th Parallel of Latitude.

United States in the previous Negotiations, with the exception perhaps of what is said of the rapid increase of population, in the valley of the Mississippi, which Mr. Calhoun now refers to, as justifying a claim on the ground of continuity." Pakenham to Aberdeen, Washington, September 12, 1844. P. R. O., F. O. 5, CCCCVIII, Lib. of Cong., Photo., pt. 1. And of his own counter-statement, Pakenham remarks that "... nothing is said that had not already been said, and far more forcibly, by my Predecessors in the Negotiation, but your Lordship will be pleased to recollect, that the matter has been so thoroughly investigated and debated in former discussions, as to make it very difficult to throw any new light upon it." Ibid.

165 Pakenham to Aberdeen, Washington, September 28, 1844. Ibid., Lib. of Cong., Photo., pt. 2.

166 Ibid. In a letter to Aberdeen, September 28, 1844, Pakenham gives what he believes to be the reason for Calhoun's desire to bring the Senate into the negotiation. "I believe that Mr. Calhoun is in earnest in wishing to settle the Oregon Question, quietly and peaceably, but being a vain and ambitious man, he wishes to settle it in a manner that shall gain Him credit in the eyes of his Countrymen—and he has confessed to me, more than once, that he felt so mortified by the rejection of his Texas Treaty, that he was determined never to affix his signature to another Treaty, without a positive certainty of its be-
Hence, in the sixth conference, after considering Calhoun's statement of September 20, 1844, Pakenham stated that it by no means weakened his view of the claims and rights of Great Britain and that he would reserve for a future occasion his remarks and explanations in reply to that statement. Moreover, at the present time, he did not feel authorized "... to enter into discussion respecting the Territory North of 49. Parallel of latitude which was understood by the British Government to form the Basis of Negotiation on the side of the United States as the line of the Columbia formed that on the side of Great Britain."167

Thus, formal negotiations on the subject of Oregon were suspended for the time being. Pakenham and Calhoun, however, continued to discuss the question informally. Pakenham reported that on one of these occasions when Calhoun insisted on the parallel of 49°, as the very lowest terms which the Country would accept, I told him that if he wished Her Majesty's Government, even to take into consideration a proposal founded on that basis, it must be accompanied by some indication of a desire on the part of this Government, to make some corresponding sacrifice to accommodate the interest, and convenience of Great Britain, that we had already gone very far in the way of concession, while the Americans had as yet shown no disposition to recede from their original proposal. To which he replied "... that for his part he should have no objection to give up absolutely the free navigation of the Columbia—which had before been offered only conditionally,—on another occasion he said, that if we would consent to the Parallel of 49° on the Continent, perhaps the United States might be willing to leave to England, the entire possession of Vancouver's Island, Fuca's Inlet, and the passage Northwards from it to the Pacific remaining an open sea to both Countries,—but he never said that he would be ready to yield both these points—In fact he said,—that he was not authorized to make any proposal of this kind, nor should he until he had ascertained 

that such an arrangement would find favour with the Senate. 168

This would seem to indicate that by the end of 1844 the two countries were not so very far from an agreement on a boundary. Had England at this time been as prepared to concede a little territory as she had been anxious to settle the question, an arrangement might have been made. However, Aberdeen was not prepared to concede any territory nor was he as anxious as he once was for a settlement of the Oregon issue. On November 1, 1844, he informed Pakenham that

Notwithstanding the concessions we may be prepared to make on taking a general view of the matter, as it now stands, it appears to Her Majesty's Government that there remains little reasonable hope that the United States will relax their pretensions, and meet us in any scheme for a compromise which we could safely and honourably adopt.

Under these circumstances and taking into view the state of excitement and general spirit of exaggeration so prevalent in the United States upon this subject, by which the free action of the Government is greatly fettered, if not altogether paralysed [sic], I think it will be desirable if an opportunity should offer, to have recourse without delay to arbitra-

168 Pakenham to Aberdeen, September 28, 1844. P. R. O., F. O. 5, CCCC VIII, Lib. of Cong., Photo., pt. 2. In the same letter, Pakenham suggested a modified form of joint-occupation which might possibly be agreed upon in case the present negotiations resulted in a stalemate, as they were very likely to do. His idea consisted in "... an arrangement for assigning certain portions of the Territory to each Power, over which they might exercise exclusive sovereignty—leaving an intermediate space ... England obtaining at once possession of the Country north of the Parallel of 49°,—and the United States of that south of the Columbia, the intervening space, remaining subject to a temporary arrangement like that now in force with regard to the whole territory ... .

"If an arrangement of this kind were adopted, a long time would probably elapse before a final arrangement with regard to the neutral territory would be called for. For let the Americans say what they like, it is impossible that emigration can take place on a large scale from the United States to the Oregon Territory, until the Population in the Western States becomes far more closely packed than it is at present, and in the mean time, I think that our position in that part of the world would be at least as comfortable as it is at present." Ibid. This same proposal had been made to the British by Albert Gallatin in 1826, but was refused by them at that time. Gallatin to Clay, London, December 12, 1826. Nat. Arch. Dept. of State. Despatches, Ct. Br., XXXIII, Albert Gallatin, May 3, 1826—April 21, 1827.
tion, as the mode most likely to be available for the settlement of the Question. 169

On November 18, 1844, Aberdeen again proposed arbitration but was not very hopeful of its acceptance by the United States.

... it appears to Her Majesty's Government by no means improbable that this mode of settlement will, in common with every other scheme as yet suggested on the part of Great Britain, be rejected by the United States, especially since Mr. Calhoun is known to have heretofore expressed an opinion in the Senate, that the great object on the part of the United States ought to be to gain time. Her Majesty's Government, therefore, who, on their part, consider that delay would by no means be unfavourable to Great Britain, would wish that, in case Arbitration should be declined by the United States' Government, you should at once proceed, in conformity with your Instructions... to propose to Mr. Calhoun to renew the Convention of 1827 for a further term of ten years, terminable at the will of either party after the expiration of that term, on twelve month's notice being formally given to the other party.

Her Majesty's Government do not perceive that any good purpose could be answered by the continuation of the argument in support of the Rights of the respective Parties which has taken place between you and Mr. Calhoun, and which could be but a repetition of what had already been adduced during the present and preceding negotiations on this subject. 170

By the end of 1844, it would appear that both sides were content to maintain the status quo of joint-occupancy: Calhoun, for his part, believing that masterful inactivity would ultimately give the country to the United States through emigration, and Aberdeen considering the arrangement in force preferable to any further territorial concessions on the part of Great Britain. This complacent state of affairs was due to be rudely shattered by the arrival on the scene of a new American administration replete with a different type of negotiator.


170 Aberdeen to Pakenham, November 18, 1844. Ibid.
CHAPTER IV
THE STRUGGLE FOR OREGON, 1845

If the years 1843 and 1844 marked the beginning and fulfillment of the American occupation of Oregon, 1845 provided the climax and completion of the movement. The immigration of 1845, variously estimated at three thousand, was the largest single influx to date and was to be the largest recorded for some years to come. Its importance in the contest for Oregon stemmed from the fact that it silenced to a certain extent those smug souls on both sides of the Atlantic who vowed Oregon would never become a part of the United States. One of the first to realize that American emigration on a large scale was not only possible but inevitable, was the Hudson's Bay Company. After the arrival of the immigrants in 1844, that organisation determined to withdraw behind the forty-ninth parallel and to surrender the control of the country south of the Columbia to the Americans.

No one motive can account for the size of the immigration of 1845, although the passage of Linn's bill by the Senate on February 3, 1843, certainly contributed towards swelling its ranks. The various incentives outlined in the preceding chapter doubtless accounted for the presence of many, while others had motives peculiar to themselves and to this immigration. Published accounts

1Cf. supra, 200, 216.
2Cf. infra, 260.
of Oregon, which were becoming more numerous, together with the continuing activity and propaganda of societies for the promotion of emigration to Oregon, induced others to undertake the journey. As Oregon became the subject of fiercer debate throughout the country, the motive of emigrating for patriotic reasons made its appearance. A British emigrant to the United States found that the mind of the frontiersman of the extreme west was dazzled with the idea of planting his form of government on the Pacific Coast, thereby at once redeeming the country from the possession of the Indians and the English claim upon it; gaining the public advantage of a shorter and more direct route for trade with Asia by coming westward and the personal advantage to the settlers of a location near the sea, whence the surplus products of the farm might be easily and cheaply sent to foreign


An organisation known as the Savannah Oregon Emigrating Society with headquarters at Elizabeth, Missouri, contributed a sizable contingent to the emigration of 1845. For the details concerning this group see Univ. of Ore. MSS Ore. Coll., Solomon Tetherow, Journal of the Oregon Emigrating Society, Containing its Constitution, By-laws, Muster Rolls, Census, Reports of Meetings and Sundry Personal Accounts of Solomon Tetherow, 1845.

The debate in Congress, as reported in the daily press, and other published accounts of Oregon not only impelled numerous individuals to set out for Oregon but proved a source of information for the journey and of the country to which they were going. One of the emigrants of 1845 states that "... the inspiring cause of this movement to the Pacific Coast was Senator Thomas H. Benton and his colleagues, representing the State of Missouri in the U. S. Senate, Hon. David Atchison and Hon. Dr. Lewis F. Linn. The bill introduced by the latter into the U. S. Senate, providing a liberal donation of land to citizens who emigrated to Oregon was a common theme of conversation all along the frontiers of the West at that time. Such information as the speeches delivered by Senator Benton upon the subject of the title of the U. S. to Oregon and the character of the country, was then very generally known in the West. Added to these sources of information were the statements of Missionaries, of Mountaineers, in addition to the narratives of Lewis & Clark, Bonneville as embellished by Irving of Wyeth, Farnham & others. These sources of information were only drawn upon by few readers, but were kept in circulation by verbal communication in most cases, and of course, did not diminish in attractiveness amongst a restless enterprising people." MSS Banc, Coll., Minto, Early Days of Oregon, 1878, 20-21.
markets.

A very short acquaintance with these frontiersmen showed me that they had full faith in the power and disposition of the U. S. Government ultimately to vindicate its right to the territory then known as Oregon and that when that time came, (if not before) each head of a family or man able to bear arms would be liberally rewarded by a grant of land from the public 'domain' there, as a reward for crossing the plains and by so doing assisting in establishing the American claim to this country by occupancy.

Then there were those who were somewhat surprised to find themselves in Oregon without any good reason for emigrating in the first place.

I had been to sea 3 or 4 years; and going through Ohio we stopped all night, and there where we stopped all night there was a man who had Oregon on the brain. He talked nothing else but Oregon. So my mind got filled with Oregon. I came on to Illinois where my brother was settling and was at a party there one night where a young man bantered me to go to Oregon. I told him I was on it. We agreed to meet on a certain day in Illinois and he failed to connect. I never saw him again.5

As in previous emigrations, the emigration of 1845 was composed, for the most part, of an exceptionally high type of frontiersman. They also seemed to have the added distinction of being better supplied and, in general, more well-to-do than previous emigrants. Upon their arrival Dr. McLoughlin noted that "They brought large herds of cattle, and judging from their appearance, they seem with few exceptions to have been in easy circumstances in their own Country."6

Their personal attributes likewise proved a distinct contribution to the growth and prosperity of the country. One of them, commenting on his fellow emigrants, claimed that they "... have made a stronger impression on the

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4Ibid., 19-20.
5Ibid., Bacon, Mercantile Life at Oregon City, 1878, 1.
State than any other emigration has done . . . . The emigrants of that year with very few exceptions made good substantial citizens of the State. They had come to make their homes here. There were no adventurers."

As a result, they contrasted favorably with both previous and succeeding emigrations.

That was the largest emigration up to that time that had come through. As a general thing they were a pretty intelligent sort of people, mostly western people; the largest portions of them from Illinois and Missouri. They were the largest emigration till 1852 which was larger. They were of the farming class of people. Those that came in 1852 did not come for permanent settlement as those that came in 1845. Those that came in 1849 had nothing else in view. After 1849 there were a great many that came here after gold on the coast, making money and then returning—mere adventurers. Those that came later were more eastern people too.

In spite of their sterling personal qualities, however, and in spite of the fact that their financial condition enabled them to leave the United States better supplied than previous emigrations, they still arrived in Oregon exhausted, destitute of the necessities of life, and forced to depend on the good graces of the Hudson's Bay Company for temporary sustenance. This proved no more agreeable to certain of these immigrants than it had on previous occasions.

... we are at Oregon City and our cloths torn all to rags so much so that we were not fit to be seen. Barlow asks the land lord to go with us

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7 MSS Banc. Coll., Buck, Enterprises at Oregon City, 1878, 2.
Lansford W. Hastings, an Oregon-California propagandist of the period, boasted that "... the Oregon emigrants are, as a general thing, of a superior order to those of our people, who usually emigrate to our frontier countries. They are not the indolent, dissolute, ignorant and vicious, but they are generally, the enterprising, orderly, intelligent and virtuous." Lansford W. Hastings, The Emigrant's Guide to Oregon and California . . . , 1845, Princeton, 1932, 58.

8 MSS Banc. Coll., Bacon, Mercantile Life at Oregon City, 1878, 7-8.

9 For a description of the supplies and equipment taken to Oregon by Captain R. W. Morrison and his family, which were considered both adequate and typical, see MSS Banc. Coll., Minto, Early Days of Oregon, 1878, 22-23.
to a store and intercede for us to get clothes for which we would pay for when we got our effect out of the mountains he wanted to go to an American store he did not wish to patronize them d—nd English the landlord said all right but I think you will have to go to them before you get any thing the first call was at an American store the case was stated but the reply was I dont do business in that way Barlow insisted that it was an extreme case and that he would assuredly get his money in a short time but all to no purpose we then went to the missionary store but found no accommodation there finely to the English store and stated the case to the clerk who threw down clothing to us without returning a word telling us to select what we needed and hoped we would be prompt as he took the responsibility him self. I mention these acts of kindness . . . notwithstanding Mr. Gray the historian has gave them a very different character than my experience would justify.10

By far the greater number of the immigrants appreciated the assistance Dr. McLoughlin rendered them in their distress, although there were those who represented him, the Hudson's Bay Company, and all things British. One of the former recalls

The emigrant of 1845 and '46 and before would have suffered a great deal if it had not been for Dr. McLoughlin, although he was cursed a great deal in this country. He was cursed by men who wanted to rule him . . . . The old man never refused to give anything on account of poverty. It was the worthless class men without families that endeavored to make trouble. Men with families were always credited.11

10MSS Coe Coll., W. H. Rector, Biographical Sketches of the Life of William Henry Rector. Including the Narrative of his Trip Across the Plains to Oregon in 1845. Written by Himself., 42.

Rector was a member of the Barlow party of immigrants who attempted to bring their wagons into the Willamette Valley. They progressed as far as the Cascade Mountains where they were forced to leave the wagons for the winter. The next spring they went back and cut a road from the Cascades to the valley and brought in the wagons,—the first such to arrive at Oregon City under their own power. MSS Banc. Coll., Applegate, Views of Oregon History, 6. Emigrant wagons had hitherto stopped at the Dalles of the Columbia and either been dismantled and carried down the river by boat or floated down on rafts.

11MSS Banc. Coll., Bacon, Mercantile Life in Oregon City, 1878, 22.

The immigrants did not have the same esteem for James Douglas, McLoughlin's assistant at Fort Vancouver. "I recollect very distinctly the difference in our personal intercourse with Dr. McLoughlin, who was then Chief Factor; & Sir James Douglas; he was then Mr. Douglas, & second in command at Vancouver. The latter was a devoted believer in Victoria's right to all she could maintain, while the other rose above that, Douglas would do what a civil gentleman was
Dr. McLoughlin, for his part, was equally satisfied with the conduct of the immigrants. Commenting on the arrival of the immigration of 1845, he assures the Directors in London that

... everything is quiet, and the Immigrants from the property they have brought are interested in supporting peace & order ... it is a remarkable fact that as soon as even the most turbulent of the Immigrants takes a claim he immediately becomes a supporter of peace and order; and it is a fact perhaps worth mentioning that the first person who I heard wanted to infringe on the Hudson's Bay Company's premises at this place says he is an Englishman who has become a naturalized American Citizen.12

The vast majority of the immigration of 1845 liked the country, took up their claims and settled down to as peaceful and as happy an existence as the difficult conditions on that frontier would permit. Others, looking for the ideal land described by writers on Oregon, considered that the attractions of the country had been greatly exaggerated.

We remained at Oregon city during the winter and don work enough to pay for our living besides exploring some of the country on foot which fell far short of meeting my most reasonable expectations towards Spring I went with a partie on a boat bound for the mouth of the Columbia river. I had heard much said about the Clatsop plains and supposed that must be the place from which writers had drawn their fine pen pictures of Oregon. Imagine my disappointment when I onley see a Sand beach of the ocean.13

Prior to the arrival of the immigration of 1845, the body politic in Ore-

compelled to do, towards assisting the poor emigrants, & nothing more. The one was cold & showed by his manner that he did not wish the Americans to come here, while the other was warm & hearty, and friendly." Ibid., Minto, Early Days of Oregon, 2.


13 MSS Coe Coll., Rector, Biographical Sketches . . ., 44.

Another of the emigrants could not quite reconcile the American settlement on the Willamette with his concept of a city. Upon his arrival, Oregon City "... was the muddiest swampest place here then you ever saw. There was nothing but great big stumps and mud. You had to dodge around among them." MSS Banc. Coll., Bacon, Mercantile Life at Oregon City, 1878, 7.
gon had again been through the throes of reorganization. This was occasioned by the high-handed revising of the original government by the legislature of 1844, but ultimately resolved itself into a more basic struggle between those who wanted government and those who did not and, in the former group, between those who wanted an independent government and those who wanted a government committed to absorption at some future date by the United States. Since those who did not favor a government under any circumstances were a very small minority of British and American pre-emigration settlers, they soon lost their identity in the larger struggle between the Independents and the Americans.

Nor did this in itself ultimately prove to be much of a struggle. According to Applegate

... two tickets were in the field. Geo. Abernethy a merchant but a lay member of the Methodist Mission headed the ticket calling itself "American" but called by its adversaries "Missionary" and Osborne Russell the "Independent" or Hudsons Bay ticket.

The Independent party was so overwhelmingly defeated at the June election that if a single favorer of an independent government was returned to the Legislature, he kept his opinions on that subject to himself — and an Independent Government was never again proposed for Oregon. 14


Dr. McLoughlin's evaluation of the political scene in Oregon on this occasion could not have been more divorced from reality. "There is a call for a convention of the people, to meet in June, to form a constitution, and I am of opinion if the Boundary is not settled in eighteen months, they will declare themselves independent." McLoughlin to the Gov., Dep. Gov., and Committee of the H. B. Co., Fort Vancouver, March 28, 1845. McLoughlin, Letters, Third Series, 1844-1846, 73.

But McLoughlin was not the only one to fail to reckon with the attachment of the American frontiersman to the United States. "There can be little doubt that the country in question will be settled at no distant day—probably by the Anglo-Saxon race—and we may find it expedient for a time to extend over a portion of these settlers our protection and our laws; but he must have a greater share of credulity than has fallen to my lot, who can believe that such population, when it shall have become able to govern and protect itself, will submit
This election took place April 8, 1845. The new legislative committee elected under the organic law as amended by the legislature of 1844, did not consider itself a legally constituted body as a result of the amendments of that previous committee. Hence, they drew up two sets of organic laws or constitutions, one the original organic law of 1843 before its revision by the legislature of 1844, and the other the organic law as amended by themselves or carrying over the amendments of the legislature of 1844 which they considered worth while, but had never received the sanction of the people. These two constitutions were submitted to the people for their choice on July 26, 1845. Copies of both were at all polling places and were read and explained to the voters on the spot. The amended organic law was overwhelmingly adopted by the settlers. It was understood by the voters that should they choose the amended organic law, the legislative, executive, and judicial officers elected to be governed by others, and look to the shores of the Atlantic—some two or three thousand miles distant—for their laws and regulations." Univ. of Ore. Lib. MSS Ore. Coll., William Sturgis, The Oregon Question. Substance of a Lecture before the Mercantile Library Association, January 22, 1845, Boston, 1845, 23-24.


17 Ibid. The vote by counties was as follows:

<table>
<thead>
<tr>
<th>County</th>
<th>Old Organic Law</th>
<th>Amended Organic Law</th>
</tr>
</thead>
<tbody>
<tr>
<td>Twalatay County</td>
<td>34</td>
<td>42</td>
</tr>
<tr>
<td>Champoick County</td>
<td>5</td>
<td>121</td>
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<tr>
<td>Yam Hill County</td>
<td>12</td>
<td>39</td>
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<tr>
<td>Klackamas County</td>
<td>1</td>
<td>37</td>
</tr>
<tr>
<td>Clatsop County</td>
<td>16</td>
<td>255</td>
</tr>
</tbody>
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April 8, 1845, would be considered as elected under the Amended Law and would immediately organize under this new constitution and pass such laws as the needs of the country required.¹⁸

This amended organic law contained few changes and no departure from the


The officers and legislature of the Provisional government who worked out this revision and supervised its ratification by the people were the following:

M. M. McCarver, Speaker.
J. E. Long, Territorial Recorder and 'ex officio' clerk of Committee.
Mr. Shaw, Sergeant-at-arms.
Rev. Mr. Clark, Rev. Mr. Hill, Rev. Mr. Demarse [Demers], Alternate Chaplains.
Frederick Prigg, Revising Clerk.

Members

Robert Newell, Champoeg.
J. M. Garrison, "
W. G. Foisy, "
Barton Lee, "
H. A. G. Lee, Clackamas.
William H. Gray, "
H. Straight, "
John McClure, Clatsop.
M. M. McCarver, Tualatin.
J. W. Smith, "
David Hill, "
Jesse Applegate, Yamhill.
A. Hendricks, "

Biennial Report of the Secretary of State of the State of Oregon ... to the Twenty-tent Legislative Assembly. For the Fiscal Years Ending December 31, 1897, and December 31, 1898, 27.

These officers and members of the legislature were to constitute the Oregon Provisional Government of 1845 as a result of the adoption of the amended Organic Law by the people on July 26, 1845. However, this was the last session of the Legislative Committee under the regime of the Executive Committees of Oregon. Hon. Osborn Russell and Hon. P. J. Stewart, who jointly governed Oregon as a majority of the Executive Committee at this time, retired from office at the close of this session to give place to Hon. George Abernethy, the first governor of Oregon. Ibid.
principles of the original law of 1843, except to amend the Oath of Office so as to reserve the allegiance of the office holder to his respective government.\textsuperscript{19} The land law was amended so as to allow partnerships of two or more in the same claim, otherwise all legal claimants could hold a section, or six hundred forty acres each, without making improvements upon each claim. Some minor changes were made in the Judiciary and the office of Governor and the legislative system of 1844 was adopted from the acts of that year.\textsuperscript{20} Finally, the jurisdiction of the Provisional government was once more asserted over the whole of Oregon up to fifty-four forty.\textsuperscript{21}

The prestige of the Provisional government was further enhanced when the Hudson's Bay Company formally recognized its jurisdiction and joined the government in August, 1845. There were many reasons that finally compelled Dr. McLoughlin and James Douglas to take this step, both in the interests of their

\textsuperscript{19}MSS Banc. Coll., Applegate, Views of Oregon History, 45.
The new Oath of Office read as follows: "I do solemnly swear that I will support the organic laws of the provisional government of Oregon, so far as the said organic laws are consistent with my duties as a citizen of the United States, or a subject of Great Britain, and faithfully demean myself in office, so help me God." Biennial Report of the Secretary of State of the State of Oregon ..., 1897-1898, 27.


\textsuperscript{21}Because of the adverse criticism which greeted their declaration limiting the jurisdiction of the Provisional government to the south bank of the Columbia river, the legislature of 1844 had already remedied their error on this score. In their session of December 16 to 24, 1844, they reversed themselves, repealed the limiting clause and declared their jurisdiction over the whole of Oregon up to fifty-four forty. McLoughlin, Letters, Third Series, 1844-1846, 68.

According to Applegate, this reconstituted Provisional government of 1845 was "... to endure until superceded by the Government of the U. S. and while it thus denies to England the right to the soil, it (by the oath of office) admits her joint occupancy of the country." Ore. Hist. Soc. Lib. MSS Coll., Letter of Jesse Applegate to Matthew P. Deady, November 6, 1864.
own business and for the peace and harmony of the country. But the one that probably influenced their decision most developed from the Williamson case.

In February, 1845, two Americans, Henry Williamson and Isaac W. Alderman, built a log cabin on land occupied by the Hudson's Bay Company, half a mile from Fort Vancouver, and posted a notice on a nearby tree to the effect that they intended to claim this section of land.\textsuperscript{22} As soon as McLoughlin heard of this he sent a crew of company employees to pull down the cabin and the notice. This had scarcely been accomplished when Williamson and Alderman returned with a surveyor and commenced running the lines of their section. The Hudson's Bay men objected and finally the two went to the Fort and argued the matter out with McLoughlin and Douglas. The argument lasted two hours during which time Alderman declared that if his claim were again interfered with he would burn the finest building in Oregon, which those present clearly understood to mean Fort Vancouver.\textsuperscript{23}

\textsuperscript{22}Peter H. Burnett gives the following brief sketches of Williamson and Alderman: "Williamson was apparently a modest and respectable young man, while Alderman was a most notorious character. He was well known in Oregon from his violent and unprincipled conduct. He was always in trouble with somebody. He came to California in the summer or fall of 1848, and was killed in the latter portion of that year, at Sutter's Fort, under justifiable circumstances." Burnett, Recollections, 243-244.

\textsuperscript{23}Allen, Ten Years in Oregon, 251. Dr. Elijah White, the sub-Indian agent, who happened to be present on this occasion stated that Williamson "... a modest and respectable young man, demeaned himself with propriety ..." but Alderman, "... a boisterous, hare-brained young fellow, caused me to blush for American honor." Ibid. McLoughlin considered it "... exceedingly fortunate that Dr. White, the United States Agent, the Revd. Mr. Mines, Mr. Pettigrove, and several other American Gentlemen, chanced to be here on business, and were present during Williamson's interview with me, as they heard every thing that passed on the occasion, and will I have no doubt report the same correctly to their countrymen in Wallamette." McLoughlin to William Miller, Her Britannic Majesty's Consul General, Fort Vancouver, March 24, 1845. McLoughlin Letters, Third Series, 1844-1846, Appendix A, 261-262.
McLoughlin considered this incident sufficiently serious to send a complete account of it to the British Consul in the Sandwich Islands. In this account he describes his discussion with Williamson and that when Williamson asked why he had torn down his cabin

I told him it had been removed by my orders, and that I would prevent him or any other person from building on the premises of the Hudson's Bay Company; that Fort Vancouver being a British Settlement, whoever came within its precincts must submit to the laws and established usages of the place, and these gave me authority to protect the Company's rights and to discourage every course which might tend to disturb the peace of the Settlement.

I was also at some pains to explain to him the nature and grounds of the Hudson's Bay Company's rights in this Country, by which they are entitled to the occupation of as much land as their business operations requires. That the Hudson's Bay Company had formed their Settlements in this Country, under the sanction of a license from the British Government, granted conformably to the provisions of a Treaty entered into with the United States of America, which implies a right to occupy a portion of land sufficient for the operations of their business. That they did occupy such a tract of land, of very moderate extent, insufficient even for pasturing the cattle and other stock necessary for the support of their people.

Such arguments however, appeared to have no effect upon Williamson, he said he was determined to persist in his design of building upon the Hudson's Bay Company's premises, and that he was perfectly fearless about the consequences. He then enquired if he would be allowed to build a hut and make a clearance on the Company's premises, in order to give him a preemption claim after the settlement of the Boundary Question. I told him in reply that we had no discretionary power in such matters, and could not allow of any such proceeding; that if he attempted to build on the Company's premises, we would immediately issue a warrant for his removal.

These are the only material points discussed in course of his interview with me, and he left me with a seeming determination to go on with his design of building a house on the place mentioned. He appears however to have been shaken in his resolution afterwards, as he went away the following morning, without putting us to the disagreeable necessity of a resort to strong measures.²⁴

McLoughlin then drew up an Address to the Citizens of Oregon in which he outlined for them the status of the Hudson's Bay Company in Oregon and its

property. He explained the company's license of trade from the British government and how this operated in conjunction with the joint-occupation treaty with the United States government. He concluded by drawing their attention to the benefits bestowed on the country and its inhabitants by the company and by assuring them that the company had but one desire, namely the continued maintenance of peace and harmony on all sides. McLoughlin sent a copy of this address to the Executive Committee of the Provisional government, stating in his covering letter that as Williamson

... is an American Citizen, I feel bound as a matter of courtesy, to make the same known to you, trusting that you will feel justified in taking measures to have him removed from the Hudson's Bay Company's premises, in order that the unanimity now happily subsisting between the American Citizens and British subjects, residing in the Country, may not be disturbed or interrupted ... .

Osborne Russel and P. G. Stuart replied in the name of the Executive Committee on March 21, 1845, stating that

We regret to hear that unwarrantable liberties have been taken, by an American Citizen, upon the Hudson's Bay Company's premises, and it affords us great pleasure to learn that the offender, after due reflection, desisted from the insolent and rash measure.

As American Citizens, we beg leave to offer you and your much esteemed colleague, our most grateful thanks, for the kind and candid manner in which you have treated this matter, as we are aware that an infringement of the rights of the Hudson's Bay Company, in this Country, by an American citizen, is a breach of the laws of the United States: by setting at nought her most solemn treaties with Great Britain.

As Representatives of the citizens of Oregon, we beg your acceptance of our sincere acknowledgement of the obligations we are under to yourself and your honorable associate, for the high regard you have manifested for the authorities of our Provisional Government, and the special anxiety you

25 Ibid., 262-265.

26 McLoughlin to William Bailey, Osborne Russel, and P. G. Stuart, Fort Vancouver, March 11, 1845. Ibid., 262-263. On March 12, 1845, McLoughlin informed Bailey, Russel, and Stuart that he had since learned that Williamson had given up his plans for encroaching on Hudson's Bay Company property and that action on their part would be unnecessary. Ibid., 265.
have ever shewn for our peace and prosperity. And we assure you that we
consider ourselves, in duty bound, to use every exertion in our power, to
put down every cause of disturbance, as well as to promote the amicable
intercourse and kind feelings, hitherto existing, between ourselves and
the Gentlemen of the Hudson's Bay Company, until the United States shall
extend their jurisdiction over us, and our authority ceases to exist. 27

Thus an incident which could quite conceivably have blossomed into armed
warfare in Oregon, if not between the United States and England, was effective-
ly smoothed over by good sense and forbearance on both sides. 28 McLoughlin

27Russel and Stuart to McLoughlin, Oregon City, March 21, 1845. Ibid.,
266.

28 One of the American residents pointed out in later years "Had not the
Provisional Government been instituted prior to the Williamson incident and
guided at the time by such men as Applegate, Burnett, Nesmith and their co-
workers, it is very questionable if the victory would have been bloodless." John Minto, Rhymes of Early Life in Oregon and Historical and Biographical
Facts by John Minto, a Pioneer of 1844, Salem, Oregon, 1915, 32.

There were many incidents at that time, any of which could have erupted
into serious conflict had not luck and the good sense of the population, Brit-
ish as well as American, prevailed. The following recounted by an old settler,
though somewhat ludicrous in its details, could easily have grown into some-
thing more serious. "The Hudson-Bay Company had a trading post called Fort
George, then in charge of an Englishman by the name of Latty. Cornel McClure
and American built a cabin near by the fort determined to hold the site of the
future city. Some of our boat crew had taken a keg of blue rain to have a good
time with McClure. This blue rain was made by fermenting molasses and distilling
it in an iron pot with a cap of fir wood and a tin pipe for the condensing
worm. The liquor had a bluish colour hence the name blue rain it was a vilino
drink very intoxicating and craving. McClure sent for Latty to drink with them
after the liquor began to take effect. McClure began to get offensive to Latty
so much so that Latty left the company and went home a little the worse for blue
rain. McClure took another drink and then he thought he was in command of an
army and under orders to take the fort. He shouldered his gun giving orders as
if in command of troops. Advance, halt, take aim, fire, suitability his own acts to
the order then go through the manipulations of loading then advance, halt, take
aim, fire, allay screaming at Latty's fort until he got in the yard and his bullets
pating against the house. One of the servant men took alarm an ran to rouse up
Latty who was dosing off his blue rain, when he stepped out of the door McClure
was loading his gun and gavin comand Latty thought it all a joke and offered
his breast for a target. McClure took aim and snap, his gun missed fire but he
was so crazy he did not know it, and proceeded to load again, Latty laughing
and offering his breast for a target the next time the gun went off one ball
went through his sleeve and grazed the skin. Then the Englishman saw it was not
so funny ran in and got a cavalry sword in an iron scabard when he reached
stated his program for keeping the peace in a letter to the Directors in Lon-
don, March 28, 1845.

On the whole, I feel confident, if we can avoid getting into diffi-
culties with these persons for one year, that all this hostile feeling
towards us will cease as they become better acquainted with us, as it is
entirely national and commercial, as they express themselves in the high-
est terms of the assistance we afforded the distressed Immigrants, and
towards us individually. But we are a Monopoly, though every one of them
must admit that we are no Monopoly in regard to them, and which they do
admit. But then we are British, and maintain and extend British influence
in opposition to American Interests and influence, and it is this which
annoys them.

As to us, we avoid (unless brought forward by them) speaking on the
Boundary, as it would be to no purpose; but when brought forward—we be-
lieve the United States wish to get Puget Sound for a Naval Station, and
that if Britain gives up the Columbia, she gives up all water communica-
tion with the Interior, and would virtually give up the whole Interior
Country to the Americans, and which renders it a most difficult question;
and as it is an affair of Government, and will be settled without asking
our opinion or requiring our consent, we do not trouble ourselves about
it.

As to us we will act prudently, do our duty, maintain our rights, and
trust that a kind Providence will conduct us through these difficulties.29

Thus the peace of the country, as well as the necessity of protecting
Hudson's Bay Company holdings, impelled McLoughlin to join the Provisional
government in August, 1845.30 Other considerations of lesser importance also

McClure he was loading again but Latty struck him with the sword in the scaberd
knocked him down and beat him all most to deth then draged him to the clift and
threw him over on the broken rocks below. it was a long time before McClure
recovered and was said by som that blue rain was surely the elixor of life or
he never could have recovered." MSS Coe Coll., Rector, Biographical Sketches
... 45.

29McLoughlin to the Gov., Dep. Gov., and Committee of the H. B. Co., Fort

30McLoughlin, although absolutely sincere in considering the company's
participation in the Provisional government essential for maintaining the
peace, also considered it a smart political move whereby British prestige
and influence could be maintained indefinitely. McLoughlin was doubtless convinced
of the soundness of the political stratagem, "if you can't lick them, join
them." This appears to be the idea behind his letter to the Directors soon
after joining the Provisional government. "In the present circumstances of the
contributed to this decision. The desertion of company employees and their taking refuge in the American settlements left the company with no means of legally securing their return if the company remained outside the jurisdiction of the Provisional government. Moreover, the amount of outstanding debts by American settlers was causing concern as far away as London. McLoughlin could see no way of liquidating these frozen assets other than suing the individuals involved and attaching their property through the judicial system set up by the Provisional government. These considerations and others closely related to them, convinced McLoughlin that for political, business, and moral reasons the company must join the Provisional government.

Country, I did not feel at liberty any longer to oppose a general union of the inhabitants in so desirable an object, or to hesitate in taking part in it, as the only means of preventing scenes of violence and contention, which besides being fatal to the peace of the Country and productive of much individual suffering, might have had the effect of disturbing the peaceful relations of our respective Governments and dragging them into a ruinous war. In fact no alternative short of these disastrous consequences is left to us, and we can perceive no other means by which our influence can be maintained, or support given to British subjects settled in Willamette and on other points South of the Columbia River. This Organization has no reference whatever to the claims or rights of the Governments to which the parties interested respectively belong, and is binding on them only so far as such Laws are consistent with their duties as British or American subjects.

"Having now a fair field before us, we will endeavour to get through the difficult part we have to play with advantage to all parties, and to maintain a legitimate British influence in the Country without any concession of principle or right." McLoughlin to the Gov., Dep. Gov., and Committee of the H. B. Co., Fort Vancouver, August 30, 1845. Ibid., 91-95.

31 Since Hudson's Bay Company employees were recruited on the basis of, and lived under a semi-military discipline during the period of their employment. Hence, desertion from the company's service before one's period of enlistment expired was subject to the usual military penalties of arrest, imprisonment, fines and, at times, even flogging. For a copy of the contract signed by the company's employees when accepting employment see Wilkes, United States Exploring Expedition, IV, Appendix, 536-539.

32 For a lengthy listing and discussion of the motives impelling him to take this step see McLoughlin to the Gov., Dep. Gov., and Committee of the H.
Within the framework of the Provisional government, the Hudson's Bay Company did more than pay taxes, record its property, and make use of legal processes for its own ends. Its officers entered wholeheartedly into the organization and accepted whatever responsibilities their membership entailed. As soon as the company entered into the governmental compact, a new county or district was set up on the north bank of the Columbia, embracing Fort Vancouver, adjacent company properties, and the surrounding countryside. Appropriately enough this new district was known as Vancouver county. James Douglas was appointed Judge of the District Court of this new political entity and carried out his duties to the satisfaction of all concerned.


For the correspondence of McLoughlin with officials and members of the Provisional government on the subject of the company's participation therein see Ibid., 99, 105-106.

33 Not all of them, however, approved joining the Provisional government in the first place. In a letter to George Simpson, Peter Skene Ogden explained that "Messrs. McLoughlin and Douglas having join'd the Organic compact prior to my arrival and altho I refused to become a party to the same, still as I found myself situated I was obliged to act in accordance with it or in other words follow the stream; I can see no great benefit that will result from this measure however as I am singular in this opinion and it cannot be very lasting in the present state of affairs it is unnecessary for me to make any comments so far all is apparently tranquil but still we are look'd on with a most suspicious eye by one and all . . . ." Ogden to Simpson, Fort Vancouver, March 20, 1846. Ibid., 149 n7.

Peter Skene Ogden's father was the founder of Ogdensburg, New York, and Chief Justice of Canada for many years. MSS Banc. Coll., Archibald McKinlay, Narrative of a Chief Factor of the Hudson's Bay Company, 1878, 3-4.

34 Jesse Applegate, who was acquiring a strong distaste for Oregon politics and politicians at this time, had only praise for Douglas and the administration of his District Judgeship. ". . . let me tell you Jas. Douglas would do honor to any office in the United States. It is not my purpose to write a panegyric on Mr. Douglas but since I have seen him I do not wonder that his race have been the main prop of the Scottish Throne for he is certainly both mentally and physically one of the noblest specimens of the human race." MSS Coe Coll., Jesse Applegate to Lisbon Applegate, Polk County, Oregon Territory.
Other Hudson's Bay Company men were not so well received upon assuming office in the Provisional government. On June 10, 1845, Francis Ermatinger, Chief-trader in charge of the company's store at Oregon City, received the following letter from a disappointed office-seeker.

I understand that a report is out, that I should say that a large number of men stand ready to destroy your store the moment you take oath to the office of Treasurer. Now Sir I do believe that you are a man of better sense than to believe that I have even made any such statement, and you may depend upon it Sir, that this story has been gotten up by some villain [sic] that pretends to be your friend. . . . I will not pretend to deny but that I have said some things in regard to your election and what I have said has been from pure principle and I shall take nothing back until I am convinced that I am in the wrong. 35

February 15, 1846.

In the same letter, Applegate states that he expects "... to have nothing further to do with Oregon politics [sic]. I am disgusted already with the ignorance of some the prejudices of others and the want of independence and demagoguism [sic] of the rest of my colleagues—little good can result from the deliberations of any body of men who seek rather to do that which is popular than that which is right.

"I am certain I have no wish to curtail the liberties of any class of men or to give to any class of men privileges or powers denied to the rest of the Citizens yet I am far from being a Democrat in the present acceptation of the term. If I was to choose a form of government, I would give the appointment of all legislative officers to the people, but all ministerial officers should be removed as far as possible from all participation in party politics [sic] and popular excitement. To execute the law is their duty and they should know no man in the discharge of it." Ibid.


Foster informed Ermatinger on June 18 of his intention of contesting Ermatinger's election on the following grounds: "It is a self evident fact and very clearly shown to be such in the Laws of Nations, that no one person shall be eligible to office in Two Governments—when these Governments are entirely separate and distinct. You cannot but be aware that this little Govt. and that of the H. B. are as widely separated as the U. S. and G. B; and, that as the H. B. C. is emphatically a part of the Govt. of G. B. so also is our Govt. a branch of the U. S. Therefore as you make no pretention otherwise than as being a member of the H. B. Company I deny you the right to officiate at all in the affairs of our Govt. And until this matter undergoes a full and candid investigation before the Executive and Legislative Committees I cannot think
The merger of the Hudson's Bay Company, which had formerly ruled the country by moral pressure, and the Provisional government, which would now do so by legal means, resulted in a model territorial government that would compare favorably with any in the history of the United States. Besides enhancing the prestige of the Provisional government by adhering to its constitution and legislation, the Hudson's Bay Company proved of great assistance in convincing dissidents of the benefits of organized government. Colonel James Clyman maintained that "... the Hudson's Bay Company, where their establishments have fallen into any of the organized counties, have entered heartily into the organisation themselves and used their influence with the French and the half breeds." 36

Besides completing the reorganization of the Provisional government, the Legislature of 1845 drew up a Memorial to Congress providing that body with a...
more accurate account of the status of the country and its people than had ever hitherto been dispatched from the Oregon country. The Memorial requested the United States government to establish a distinct territorial government over Oregon and its adjacent coasts; requested funds and agents to protect them against the Indians; donations of land in accordance with Senator Linn's last bill; the establishment of navy yards and marine depots on the Columbia and Puget Sound and that a permanent naval force be kept in the Pacific for their protection; that mail routes be set up between the United States and Oregon; that commercial regulations be promulgated so that they may trade equally with the British; and finally, that adequate military protection be provided for emigrants to Oregon. This memorial was dated in Oregon, June 28, 1845, and was presented to the Senate by Senator Benton of Missouri on December 8, 1845.

37 Jesse Applegate who was a prime mover in the drawing up and composing of this memorial, makes no effort to disguise the fact that it was dispatched as an antidote to the Shortes Petition of 1843. Regarding the sections dealing with the Hudson's Bay Company, Applegate gives the reasons for the fair treatment received by the corporation in the 1845 document. "The H. B. Co. is a soulless corpus formed for the purposes of trade—its head quarters in London its members here controlled by the Council in London were to give their attention exclusively to the collection of furs and the maintenance of the ascendancy of the Co. over the Indians.—They had no philanthropic purpose to accomplish towards them or any one else.

"They were under no obligation to Americans—certainly had the right to trade with them or not as they saw proper—and it would have been contrary to their duty to their Co. to aid Missionaries or any one else in setting up rival trading establishments among the Indians their own customers.

"But it was for not doing the latter, and the latter only, they drew upon themselves the ill will and resentment of the Methodist Missionaries.—No Indian ever committed a violence or theft on an American with the advice or consent of the H. B. Co. No American however poor or mean were ever refused hospitality at their posts or was sent away naked or hungry from them.

"And as these things were beyond the requirements of duty the Co. deserve praise for doing what they could not be blamed for omitting to do." Ore. Hist. Soc. Lib. MSS Coll., Letter of Jesse Applegate to Matthew P. Deady, August 1, 1867.

38 For the complete text of the Memorial of 1845 see U. S. Cong., Senate, Cong. Globe, 29th Cong., 1st Sess., 1845-1846, XV, 24.
Besides drawing up this memorial, the legislature of 1845 passed a great deal of legislation designed to strengthen the Provisional government and define the functions of its officials. A number of acts were passed, amending the statutes of Iowa territory and making them more applicable to conditions in Oregon. Acts to establish ways-and-means as well as appropriation bills were drawn up and approved, thereby giving the government the means necessary to maintain itself. The office of territorial recorder was set up and the duties of the future incumbent defined. Acts were also passed defining the powers and duties of the territorial treasurer, sheriffs, the territorial marshal, and the local superintendent of Indian affairs.

Probably the most outstanding contribution made by the legislature of 1845 was the erection of a highly efficient judicial system. An act was first passed on August 19, 1845, establishing courts in Oregon. Then legislation was approved regulating the proceedings and defining the duties and powers of a Supreme Court, Criminal Courts, District Courts, Probate Courts, and finally, Justice Courts.\(^3\)\(^9\) By its capable reorganization of the original Provisional government of 1843, and the salvaging of what was good in the government of 1844, it created an administration for Oregon that was wholly democratic, definitely American, and independent in the sense that it divested itself of all outside influences except the will of the Oregon population. Jesse Applegate points out that by the decisiveness of its legislation "Both the Methodist Mission and the H. B. Co. ceased to be political powers either to be feared or courted in the colony, and to the close of its existence the Provisional govern-

\(^3\)\(^9\)For the full text of the Acts passed by the legislature of 1845 see Oregon Acts and Laws Passed by the House of Representatives at a Meeting Held in Oregon City, August, 1845, New York, 1921, I-60.
ment of Oregon attained all the ends of good government. This claim is attested to by the fact that until 1848 the Oregon Provisional government provided the country with an excellent local administration, and, with the creation of the Territory of Oregon in that year under Federal auspices, it continued as the local territorial government until the creation of the sovereign state of Oregon in 1859.

Although the adherence of the Hudson’s Bay Company to the Provisional government lent great prestige to that organization, Dr. McLoughlin had taken the step only as a last resort. The Hudson’s Bay Company officers in general, viewed the number of American emigrants to Oregon with alarm and could not conceive of the relations between the company and these land-hungry farmers being much longer uncomplicated by an incident of violence. With this in mind, George Simpson recommended to McLoughlin on January 1, 1845,

... that no more goods be kept in depot at Vancouver than may be absolutely necessary to meet immediate demands, & that the reserved Outfit for the Columbia River be kept at Fort Victoria & all goods intended for the coast at Fort Simpson ... the furs to be collected at Fort Victoria instead of the Columbia, & that in future, the ships for England take their departure from thence, while the ships from hence will proceed thither direct ... depositing there all reserve Outfits, merely taking to Vancouver the articles required for immediate distribution or sale. As a further precaution, I ... recommend that sentries be kept on duty at Vancouver night & day ... .


McLoughlin could see the wisdom of the first part of these instructions but as for the latter recommendation, he considered the use of sentries as "... the worst policy we could have adopted. In this Country I have always found it best to be watchful without appearing to be so, as the appearance of fear incites to aggression, and if we had refused assistance to these men, and that driven by their wants they had made an attack upon our property, for which we could never have had any redress, the world, anxious to throw discredit on all our proceedings, would have said we deserved to suffer; and if some of these
The Williamson incident in February, 1845, seemed to justify the company's fears for the safety of its property. McLoughlin immediately wrote to William Miller, the British Consul-General in the Sandwich Islands, and after giving him an account of the episode together with the correspondence on the subject between himself and the Provisional government, strongly recommended "... the propriety of a Government Vessel being sent to this River, for the protection of British Interests, in course of this and every future season, until the question of Boundary, between the two Governments, be finally adjusted." Miller did not answer McLoughlin's letter until August 22, 1845, at which time he informed him that

I lost no time in communicating the details with regard to the squatter Williamson . . . to Sir Thomas Thompson commanding H. M. Ship Talbot.

Immigrants had perished, which would undoubtedly have been the case if we had not assisted them, we would have incurred such a load of odium as would have been ruinous to us. In making my selection, I chose of two evils that which appeared to me the least, and in acting as I have done, I consider I have but followed the tenor & spirit of your repeated instructions in regard to the conduct to be observed in contending with opposition; and in making my selection, I made it after mature consideration, and I can assure you our situation here has caused me to pass many an anxious moment, as I am certain is evident when it is considered how we are situated." McLoughlin to the Gov., Dep. Gov., and Committee of the H. B. Co., Fort Vancouver, July 19, 1845. Ibid., 89.

Besides, McLoughlin considered the company's employees worthless as sentries. "It has been reported to me that the very guns of a Bastion have been drawn, though there were sentinels guarding them, nay I have known an instance in one of our Vessels when there were four officers and one petty officer on board and sentries constantly kept on deck, that the Indians drew the loads out of the Vessels Guns and no person saw them, and I believe that none but military men habilitated to the duty will effectually perform the service of permanent sentries . . . ." Ibid., 89.

McLoughlin also notified Miller that he was communicating the same report to the Directors of the company in London "... who will lay the same before Her Majesty's Ministers, if they think proper . . . ." Ibid., 268.
Sir Thomas Thompson did not however, consider himself authorized by his instructions, neither did I think myself fully warranted to suggest to him pending certain exigencies amongst these Islands, to proceed to the Columbia River especially as you had by your judicious proceedings satisfactorily terminated the affair with the Executive Committee, and that we had reason to believe H. M. Ship America was on her way to the Oregon Coast.

I can now assure you that Her Majesty's Government have expressed themselves determined not to allow our rights in North West America or Oregon to be encroached upon, and you will be fully justified in shaping your conduct agreeably to that declaration as far as it may appear to you prudent to do so. 43

When McLoughlin did not hear from Miller within a reasonable length of time, he considered any governmental protection from that quarter hopeless. Hence, he joined forces with the Oregon Provisional government as the last resort that could possibly safeguard the company's property. 44

Whether McLoughlin would have followed this course had he known the British government was contemplating sending both military and naval forces to Oregon, is a matter of conjecture. As late as November 30, 1844, the directors in London had informed him that he could hope for no protection from the British government. 45 And, although the British eighteen-gun sloop Modeste was accus-


44 McLoughlin obviously did not have a great deal of confidence in the ability of the Provisional government to restrain its own citizens at the time he wrote to Miller. For he already had the assurance of the Provisional government to do all in its power to restrain Williamson and all others seeking to infringe on the company's property rights. Cf. supra, 251-252. McLoughlin evidently considered the presence of a British man-of-war in the Columbia better protection for the company's property. However, he did not expect that Miller or the British naval authorities would accede to his request as is evident from a letter to Messrs. Pelly and Allan, Fort Vancouver, July 18, 1845. Ibid., 114.

tomend to visit Vancouver in the course of its patrol duties, it was obvious
that McLoughlin did not consider this vessel adequate protection in the circum-
stances. However, unbeknownst to McLoughlin, heavier armament was on the
way. On July 15, 1845, Rear-Admiral G. F. Seymour wrote from Callao, Peru, in-
forming McLoughlin that he was sending the powerful fifty gun frigate America,
under the command of Captain John Gordon to visit the Oregon coast during the
present summer. Moreover he hoped "... that the Honble. Captain Gordon, com-
manding that Ship, will have effected, in consonance with my instructions to

The Modeste first visited Fort Vancouver in the summer of 1844 with the
object of reconnoitering and obtaining information on the state of the country,
its resources and value to Great Britain. However, the company's officers were
neither impressed by Commander Thomas Baille nor by the attitude of his crew.
James Douglas informed Sir George Simpson on March 5, 1845, that "... they
did not exhibit that degree of interest in the scene which I expected. They
were all young men, and though most courteous and agreeable, had more taste for
a lark than for a 'musty' lecture on politics or the great national interests
in question ... .

"The Canadians without displaying much enthusiasm, nevertheless, gave her
Majesty's Officers a warm reception; but Baille did not attempt to play the en-
voy, or awaken feelings of loyalty and attachment to their country's cause, by
one single expression of sympathy or interest about them, which might by a lit-
tle tact have been done, without any infringement of orders." Douglas to
Simpson, Fort Vancouver, March 5, 1845. Ibid., 180. However, the Hudson's Bay
men were heartened at least by this moderate show of interest in their fate on
the part of the British government. In the same letter, Douglas states that he
"... did not learn from what source Baille's orders, to visit this River, emanated . . . . I think it is probable it was done by a deliberate order of
Government, for he told me, his orders required him to visit every part of the coast settled by British subjects, and that such visits would be annually re-
peated, for the protection of British interests; which I presume would not be
done without the knowledge and consent of the Supreme Power of the State."
Ibid., 180-181.

Douglas' conjecture as to the source of Baille's orders was doubtless
correct. In reply to a letter from Lord Aberdeen on September 25, 1844, giving
the state of the Oregon negotiations at that time, Sir Robert Peel made this
recommendation: "I would not be afraid of a good deal of preliminary bluster
on the part of the Americans. The best answer to it would be to direct the
Collingwood to make a friendly visit when she has the leisure, to the mouth of
the Columbia." Peel to Aberdeen, Brighton, September 28, 1844. Robert C.
him, such communication with Ft. Vancouver, as will afford me full information upon the measures which circumstances may render necessary for the protection of British Interests."

Captain Gordon took up his station in Puget Sound and on September 2, 1845, notified McLoughlin that he was sending an officer to the Columbia to investigate the American settlement on the Willamette, and asking that he be given every possible aid and assistance. Gordon then went on to say

I have been directed, by the commander-in-chief in the Pacific to come here, and to assure all British subjects of firm protection in their rights, and the government seem to consider the question of so much importance, that I have reason to think the Admiral, in H. M. Ship Collingwood, will himself visit this place. I shall remain here until the end of September, and after getting provisions at the Sandwich Islands, may perhaps return, or another ship will be sent, and I wish it to be made apparent to the subjects of the United States that our government are determined not to allow their rights to be incroached [sic] on.

McLoughlin replied on September 15, 1845, informing Gordon that everything was peaceful and orderly in Oregon at the time, but that he believed

... the presence of a man-of-war in this river or Puget Sound will be useful; and permit me to observe, that, unless active measures are taken by government for the protection and encouragement of British influence, this country will pass into their hands, as the overwhelming number of Americans who are from year to year coming to the country will give an

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47 Seymour to McLoughlin, H. M. Ship Collingwood, Callao, July 15, 1845. McLoughlin, Letters, Third Series, 1844-1846, Appendix A, 299-300. In a postscript to the same letter, Seymour stated that "... it is my intention to send another ship to the Coast if circumstances require, early in April." Ibid., 300.


The America arrived in the Straits of Juan de Fuca on August 30, 1845. Whether by design or accident the British Ministry was well represented on board. Captain John Gordon was the brother of Lord Aberdeen, the British Foreign Secretary, while the officer referred to in the above letter as being sent to the Columbia on a tour of inspection, was Lieutenant William Peel, son of the Prime Minister, Sir Robert Peel. Peel's companion on this journey was a Captain Park of the Royal Marines, from the same vessel.
American tone and character to its institutions, which it will be impossible afterwards to eradicate.49

On September 27, 1845, Lieutenant Peel reported to Captain Gordon on the Americans in Oregon.

Every year an increasing number of settlers come from the United States; they are almost all from the western provinces, and chiefly from the Missouri. Some are induced to come over from not finding a market for their produce in that country; others come merely from speculation and a habit of restlessness; some either to receive or get rid of their debts or to escape justice. In general, they arrive with a very hostile feeling against the Hudson's Bay Company; but in the course of a twelvemonth, from feeling their dependence on the company as a market, and seeing how much they are indebted to them for the peaceful conduct of the Indians, their opinions greatly change. Hitherto, the emigrants have not received any assistance from their own government, but this year it is reported that some companies of dragoons have escorted, the coming party to the Rocky Mountains.50

Captain Gordon considered the information secured by Lieutenant Peel of such vital importance to the British government that he sent him to London
immediately. Gordon seemed particularly impressed by the Memorial to Congress abroad in Oregon City at that time, of which Peel secured a copy. In a letter to Rear-Admiral Seymour he stated that he was "... convinced, when that petition is granted and they become possessed of a military force, acts of serious aggression will immediately follow. At present the Hudson's Bay Company, being the strongest, and from their concessions and great moderation, nothing of consequence has yet occurred." 52

Lieutenant Peel himself considered that under no circumstances should Great Britain relinquish the tip of Vancouver Island in any boundary settlement with the United States. In a letter to Sir Richard Pakenham while en route to England, Peel begged that he be permitted to say

... as expressing also the opinion of my captain, that if the 49th degree be the boundary determined on, it must not include the southern extremity of Vancouver Island. That point commands the navigation of the magnificent inlet and possesses a fine harbor. The Hudson's Bay Company have seen its advantages and security, and, by lately erecting a large stockade fort with buildings and a farm attached, are preparing to change their principal seat of business from Fort Vancouver on the Columbia to this new settlement called Fort Victoria. 53

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51Gordon took him to Honolulu aboard the America, and from there he went to Mazatlan, Mexico, aboard an American ship and finally, to England via Vera Cruz and Havana, arriving in London February 9 or 10, 1846.


53Peel to Pakenham, Steamship Trent, between Vera Cruz and Havana, January 2, 1846. Ibid., 65.

Peel also carried a letter from Captain Gordon to the Admiralty in which Gordon informed them that "I have had much conversation with Mr. Douglas, and from what I can learn from him and others, the Hudson's Bay Company are very anxious for a speedy settlement of the question, as under the present circumstances any subject of the United States, pending the question, takes possession of the disputed ground, however contiguous to the company's settlement, trusting to the chance and the difficulty of removing him hereafter, and I fear that some untoward event and collision must soon take place between the dispu-
It is doubtful whether Lieutenant Peel's report had any direct bearing on the outcome of the Oregon boundary. By the time he returned to England, and by the time his report was digested by the Foreign Office, the Oregon boundary was well on the way to a settlement. However, the suggestion to Pakenham that Great Britain retain the tip of Vancouver Island, coupled with the fact that this adjustment of boundary had already been suggested to Aberdeen by the American minister in London, may have had some influence on the final British offer of a settlement.54

The Americans in Oregon were not particularly disturbed by Peel's investigation of their settlements, nor did they exhibit any noticeable alarm at the growing concentration of British naval forces in their vicinity. In fact it might be surmised that the frontiersmen enjoyed plying these sailors with tants for the land.

"The Hudson's Bay Company at present are too strong, but when the emigrant's have their petition granted and a military force at their disposal, they will no doubt employ it in a most unscrupulous manner.

"It further appears that the country, up to the south side of the Straits of Fuca, being almost all covered with fir woods, is of little value; but I must be allowed to observe that I trust H. M. government will never accede to their unreasonable demand to give up the entrance of these straits; for, as I am given to understand, the northern channel round Vancouver Island is not navigable for ships. The coast would therefore be unapproachable between Latitude 51 and the Straits of Fuca.

"The settlers on the Willamette or Oregon appear to live in harmony with the Hudson's Bay Company people, who seem to have treated them in the most liberal manner, and, I should fear, greatly induced the flow of emigration, the emigrants being assured of getting all manner of supplies at their arrival. A copy of their laws I have the honor to send, together with a petition from the Oregon settlers to the government of the United States, praying for military protection. I also forward a proposition and an agreement of the Hudson's Bay Company officers and servants, to join the American [sic] provisional government . . . . The policy of this measure I think rather questionable, as the company's people were sufficiently strong to protect themselves." Gordon to the Admiralty, H. M. S. America, at Sea, October 19, 1845. Ibid., 69.

54cf. supra, 223, n142.
tales. At least Jesse Applegate found Peel a willing audience while he explained to him the American emigration movement.

Lt. Peel came across from Puget Sound where his vessel was lying, visited Vancouver, Oregon City and the Willamette Valley, and stopped one or two nights with me. He was greatly interested and could hardly believe that the men would undertake and carry out such a journey without assistance, and supposed the Govmt. would have sent an escort with us; and thought that men who would undertake such an expedition would make the best soldiers in the world; and he thought that the Govmt should at least have sent an officer to command each party. I told him he was somewhat mistaken in the character of the people—They were probably brave enough, but would never submit to discipline as soldiers. If the President himself had started across the plains to command a company, the first time he should choose a bad camp or in any other way offend them, they would turn him out and elect some one among themselves who would suit them better.55

Soon after the America departed for Honolulu, Commander Thomas Baillie, of the sloop Modeste, encountered James Douglas at New Dungeness, on the Straits of Juan de Fuca. He made use of this chance meeting to put the following question to Douglas in writing: "Whether you consider the entrance of the Modeste into the Columbia River essential for the protection of British interests in that quarter? if so, your reasons for that opinion."56 To which Douglas immediately replied that

... it is my decided opinion, that, at this moment, the presence of a Government vessel is essentially necessary for the support of British influence, and the protection of British interests, and property in the Columbia River and I may further add, that being intimately acquainted

55 MSS Banc. Coll., Applegate, Views of Oregon History, 14-15. A few settlers, however, suspected that the British were there for more than a casual visit. "... I've no doubt the British intended to hold at least the right bank of the Columbia and no doubt their visit was in the [sic] connection." Ibid., Roberts, Recollections, 73.

For further details of the visit of Captain Gordon and the America to Puget Sound see MSS Banc. Coll., Roderick Finlayson, The History of Vancouver Island and the Northwest Coast, 1878, 40-43.

with Dr. McLoughlin's sentiments on this subject, his opinion is perfectly in unison with that I have herein expressed.

The reasons for this opinion are principally founded on the great and increasing American population, who are settling without any regard to the claims of Great Britain, in every part of the Territory, North and South of the Columbia River. These people not being under the control of any Government, and having no generally acknowledged Code of Laws, and being animated with a spirit exceedingly hostile to Great Britain, may, as they have already done, attempt to intrude upon the improvements, and invade the property of British Subjects settled in the Country.

Such trespasses will, I am confident be resisted, and there is great danger that loss of life on both sides & the destruction of much valuable property, will be the consequence of any attempted infringement of our rights.

I may also add, that before I left Fort Vancouver, on the 15th ultimo, we had received certain intelligence of the near approach of a large body of Immigrants from the United States: this great accession to the American population, under the influence of strong anti-British feelings, will increase their confidence, inflame existing national animosities, and greatly add, to the danger of our position in the Columbia. 57

Baillie thereupon set out for the Columbia, arriving there on October 30, 1845. On November 1, 1845, he wrote to Dr. McLoughlin that "... I have ... after mature consideration, determined to take the Ship up to Fort Vancouver, or as near that place, as the state of the River will allow, believing, as I firmly do, that, that is the place where the presence of a Vessel of War would have the most effect, and probably prevent any Acts of aggression on either side." 58

By the end of November, the Modeste was securely anchored off Fort Van-

57 Douglas to Baillie, H. W. S. Modeste, Straits of De Fuca, October 8, 1845. Ibid., Appendix A, 303-304. McLoughlin later reported his complete agreement with the course thus taken by Douglas, in a letter to the Gov., Dep. Gov., and Committee of the H. B. Co., Fort Vancouver, November 20, 1845. 
"... I coincide with Chief Factor Douglas and recommend that the Modeste come to this place, for although all the people are very quiet, and I do not apprehend the least danger, still the visit of a British Man of War to this place has both a moral and political effect, and shews that our Government is ready to protect us." Ibid., 148.

couver, a symbol of the fact that the British did not intend to allow themselves to be pushed out of Oregon. On December 8, 1845, McLoughlin informed Baillie that, although the Americans were very quiet and that he anticipated no trouble

... still there is no saying what may happen, and a few ill disposed individuals might cause a good deal of trouble by refusing to acknowledge the organisation and infringe on our rights, causing trouble which might involve the two Countries in disturbances, and which they would not attempt if they saw an adequate force here to prevent them: for these reasons I consider it highly important that H. M. S. Modeste should remain here until at least we have fully ascertained that the great majority of the new Immigrants are well disposed, and that they have joined the Organisation and are determined to support Law and maintain peace and order in the Settlement.59

But the English did not rely on naval forces alone to hold Oregon. They realized that should some incident precipitate hostilities in the Oregon country, or should the United States government prove intractable in negotiation, a nucleus of British regulars would be required in the territory around whom the Hudson's Bay Company employees and their Indian allies could rally. To this end two officers of the British army, Lieutenant Henry J. Warre of the 11th Regiment and Lieutenant Mervin Vavasour of the Royal Engineers, were detailed to Canada, to chart the best overland route to the Columbia for a body of troops to follow. They were also to chart the topography, trails, and settlements in the Oregon country and all else that would serve to assist a commanding officer should a campaign over that terrain be required. The Hudson's Bay Company officers were to serve as guides and assist in this work in every

59 McLoughlin to Baillie, Fort Vancouver, December 8, 1845. Ibid., Appendix A, 308. Baillie more than complied with McLoughlin's recommendation. The Modeste was still anchored off Fort Vancouver in May, 1847, six full months after the terms of the treaty settling the boundary were known in Oregon. Ibid. 1v.
possible way. Moreover, the identity of Warre and Vavasour and their objectives in the Oregon country were to be considered top military secrets at all times.

Warre and Vavasour traveled over the Hudson's Bay Company route from Montreal to the Red River Settlement under the guidance of George Simpson himself. From Red River and throughout the Oregon country, Peter Skene Ogden was their guide. In giving Ogden his instructions, Simpson laid special emphasis on the secrecy to be observed. "I have to request that . . . the objects of Messrs. Warre and Vavasour's journey be not disclosed, but that, it be given out that, they are known to us only as private travellers for the pleasure of field sports and scientific pursuits."60

Warre and Vavasour charted every lake, river, stream, portage, and trail used by the Hudson's Bay Company on their overland journeys between Montreal and Fort Vancouver. Besides written descriptions of this route, accurate maps and charts were also provided. Detailed diagrams of every Hudson's Bay Company post along the line were made, in the event that these posts should be used as bivouac points by troops on their way to the Columbia. An example of the thoroughness with which they went about their work is the following excerpt from a letter from the Red River Settlement, covering the first portion of the route from Montreal.

Troops can, without difficulty and in 14 days, be conveyed by Steamer from Montreal to the Saulte St. Marie at the head of Lake Huron, where the Hudson's Bay Company have a trading Post capable of being formed into a Depot for provisions, and of affording shelter for the Troops on their arrival . . . .

From the foot of the Saulte St. Marie there is a short land Carriage

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or "Portage" of one mile to the Shores of Lake Superior.

Sir George Simpson informs us, that the Hudson's Bay Company will undertake to supply the required number of Craft, suitable to the Navigation, to convey the Troops to Fort William, on the Kamanistaquioite River, situated near the head of the Lake.

From Fort William The Troops will be transported up the River Kamanistaquioite, (350 mi.) as far as the Lac la Pluie in light bark Canoes carrying Ten Men each and 20 Cwt of Baggage.

From the Lac la Pluie to the Red River Settlement, about 400 miles, the Lake & River Communications admit the use of Flat Bottomed Boats capable of carrying about 30 men, with the requisite quantity of Baggage etc.

In the letter addressed by Sir G. Simpson, to ourselves, dated Lac la Pluie May 30th he informs us that the Hudson's Bay Company will be willing to contract for the conveyance of whatever Force may be deemed requisite from Fort William to Red River, a distance of 750 miles, at 40 shillings Sterling pr. man, provided the Soldiers give their assistance in the Transport and in the Conveyance of Baggage etc. across the "Portage."—

In this case the journey from Fort William to Red River would occupy 20 to 25 days.—Should the Troops be conveyed merely as Passangers the Company would charge 60 Shillings Sterling per man, and nearly double the time would be lost in their passage.—

The Hudson's Bay Company have four Establishments on the Route from Lake Superior to Red River vis.
1. Fort William at the entrance of the Kamanistaquioite River into Lake Superior.
2. Fort la Pluie, at the head of Lake la Pluie, on the River of the same name.
3. On the Winnipeg River, at a Fall, where it is necessary to make a "Portage" called "Rat Portage."
4. Fort Alexander, at the entrance of the Winnipeg River into Lake Winnipeg.—

At each of the above mentioned Posts, Sir George Simpson informs us that Craft, Provisions and all necessary supplies can be provided.—

Artillery, or Heavy Baggage, Ammunition or Stores could not be conveyed by this Route in its present state but we are informed that Ordnance Stores etc. can be conveyed with much greater facility to the Red River Settlement by the Hudson's Bay Company's Ships to York Factory, in Hudson's Bay, from thence a distance of about 600 miles, of which Lake Winnipeg forms 250 miles . . . .

. . . we would beg to call Your Lordship's attention to the apparent inutility of employing Infantry in a Country where the distances required to be traversed are so great that no Infantry Soldiers could compete with the Half Breeds or Indian Tribes,—the great majority of whom would be on Horseback,—either as an Enemy or as an Ally.—

As the Troops required in this Country would be to form a nucleus on which many hundreds of the Inhabitants might be formed into an Irregular Corps, for which their active pursuits and hardy life, admirably adapt them, we would venture to suggest should it be deemed advisable to send any Troops to this Quarter, that a certain number of Steady Active Cavalry or Artillery Men who should have some knowledge of the Infantry Maneuvers,
and the defence of Posts, would appear preferable for the description of
War fare. \[sic\] carried on in this country. 61

Besides a thorough survey of the Oregon country and the American settle-
ments from a military standpoint, Warre and Vavasour assembled charts and sound-
ings of the Columbia river from its mouth to above Fort Vancouver for future
use by the navy. Moreover, they took steps on the spot for the erection of
shore batteries at the mouth of the Columbia that would completely dominate the
entrance of the river. To this end they requested that Ogden purchase Cape
Disappointment from its American owners immediately.

This Ogden attempted to do, but was first swindled as three Americans juggle
land claims on him.

I regret to state that my purchase of the Cape is now null & void. The Man
I purchased it from had no right to dispose of it. Two men, Amer-
icans, viz. Wheeler & J. W. Daniels had a prior claim, they however pro-
posed to part with it for 900 dollars which I refused having no authority
vested in me to negotiate. 62

At all events, in my opinion by not appearing over anxious to obtain
it, we can before Spring secure it at a lower rate. 62

Warre lost his patience with Ogden's attempts at economy in this situation
and could not understand Ogden's preoccupation with mere money — when he
knew the importance of our obtaining it [Cape Disappointment], in order to
carry out the objects of our Journey. 63

61 Warre and Vavasour, to the Right Honble The Secretary of State for the
Colonies, Hudson's Bay Company Territory, Fort Garry, Red River Settlement,
June 10, 1845. P. R. O., F. O. 5, CCCCLVII, Lib. of Cong., Photo.

For similar detailed descriptions of the rest of the route to Fort Van-
couver as well as of the Oregon country itself see Ibid. The maps, charts, and
diagrams provided by Warre and Vavasour are listed under the heading P. R. O.,

62 Ogden to Warre, Fort Vancouver, October 2, 1845. P. R. O., F. O. 5,
CCCCLVII, Lib. of Cong., Photo.

63 Warre and Vavasour, to the Right Honble The Secretary of State for the
Colonies, Fort Vancouver, December 5, 1845. Ibid.
Economy was not Ogden's only concern, however. Mindful of the difficulties McLoughlin encountered at the Willamette Falls while holding company property in his own name, Ogden wanted assurances in writing that he would be protected while doing the same for the British government.

On November 17, 1845, he informed Warre that

"... having attentively purused my Instructions from Sir G. Simpson, I have now to inform you, without you afford me, sufficient Security and Authorize me to purchase the Claim on Cape Disappointment in my name, which I am most ready & willing to do; I cannot from the tenor of my Instructions take any further steps in securing the Cape for the British Government.

Should you decide on making the purchase, no time should be lost, for by longer delay, the present owners of the Claim may be induced to enhance its value."

The same day Warre replied to the effect that

"I have consulted with Lt. Vavasour ... and beg to call your attention to the following Extract from Sir G. Simpson's letter to us, viz. --

"Mr. Ogden has private Instructions from me to take possession of that Headland, on behalf of the Hudson's Bay Company, ostensibly with a view of forming a 'Trading Post or Pilot's Lookout' thereon. -- And if, after you have made an accurate Survey, it be found, that any part of the back Country overlooks the Cape Mr. Ogden has been further instructed to take possession of such commanding positions also.

"I have therefore to request the favor of your communicating to that Gentleman, whatever preliminary measures you may consider it desirable should be taken, with a view to the prior occupation of all important positions by the Company, in order to be afterwards available by Her Majesty's Govt. should such be deemed necessary or expedient."

In consequence of the foregoing Extract I have to request that we may be informed whether it is the intention of The Hudson's Bay Company to occupy Cape Disappointment, according to the orders of Sir G. Simpson, as conveyed in his Confidential letter to us."

64Ogden to Warre, Fort Vancouver, November 17, 1845. Ibid.

65Warre to Ogden, Fort Vancouver, November 17, 1845. Ibid. Simpson's letter referred to by Warre, was addressed to himself and Lieutenant Vavasour from Encampment Lac de la Pluie, May 30, 1845. Ibid.

It seems that the fortification of Cape Disappointment was originally Simpson's idea and that he was the first to draw their attention to the military possibilities of the site. In the same confidential letter is the following paragraph: "While in the Oregon Country I have to suggest your close exam-
Ogden, however, had a set of instructions from George Simpson which seemed to order the direct opposite. These he quoted to Warre the following day.

"You will distinctly understand, however, that neither Cape Disappointment, Tongue Point, nor any other place, is to be taken possession of by the Honble H. B. Company, if already possessed or occupied in behalf of the United States Government or its citizens."—

The above Paragraph binds me down & deprives me of all power or Authority, under existing circumstances, to act; and should you not consider it of sufficient importance to authorize me to purchase the Claims, I cannot, situated as I am, take the responsibility on myself.66

After a lengthy discussion back and forth, on how Ogden could have purchased Cape Disappointment in the first place in the light of his instructions from Simpson, especially from one who had no claim to it, Ogden capitulated and purchased the site at a total cost of twelve hundred dollars. Ogden informed Warre on February 14, 1846, that

... being fully aware of the importance of securing the Cape, for the services of the British Government, I, this day made a purchase of the same (from Wheeler and McDaniels) for One Thousand Dollars. Surveyors fees Two Hundred Dollars, forming a total of Twelve hundred Dollars; and the same has been duly registered in the Oregon Registers Office in my name & on my own responsibility.—

May I trust the above information meets with your approbation and that you will on your return to Canada report the same to the High Authorities.67

Ogden to Warre, Fort Vancouver, November 18, 1845. Ibid.

Ogden to Warre, Fort Vancouver, February 14, 1846. Ibid.

On the following day, Warre promised that he would report Ogden’s purchase of the property on his return to Canada and assured him that he had "... no doubt from the tenor of Sir G. Simpson’s letter to us, he will approve of the measure you have taken for the occupation of the Cape by a British Subject, which is evidently so desireable." Warre to Ogden, February 15, 1846. Ibid.

In a memorandum, after his return to Red River in June, 1846, Warre stated that
Thus preparations for British military occupation of the country, should it be required, were completed with scarcely any one in the community being aware of it.68 The operations of Warre and Vavasour were a well kept secret. They mingled with the Americans in Oregon without arousing their suspicions and what is even more remarkable, without word of their presence or reason for being in the country ever penetrating back to the United States and the Federal government.69 This, in itself, is not so remarkable as the fact that the con-

"Sir C. Simpson . . . approved of the purchase of Cape Disappointment & gave orders for the Post formerly at Fort George on the South bank of the River to be removed to that Headland.—The expense of the purchase of which would be defrayed, in the Accounts of the H. B. Company for the current year." Ibid.

For the discussion between Warre and Ogden relative to the purchase of Cape Disappointment see Warre to Ogden and Ogden to Warre, Fort Vancouver, November 19, 1845. Ibid.

68 One who was happened to be the Jesuit Indian missionary, Peter J. DeSmet, Writing to Bishop John Hughes of New York on August 17, 1845, he mentioned that "Mr. Ogden left England in the month of April last, accompanied by two distinguished officers . . . . The Oregon question appeared to me somewhat alarming. It was neither curiosity nor pleasure that induced these two officers to cross so many desolate regions, and hasten their course towards the mouth of the Columbia. They were invested with orders from their government to take possession of 'Cape Disappointment,' to hoist the English standard, and erect a fortress for the purpose of securing the entrance of the river, in case of war. In the Oregon question, 'John Bull,' without much talk, attains his end, and secures the most important part of the country; whereas 'Uncle Sam,' dispanies a volley of words, inveighs am storms! Many years have been passed in debates and useless contention, without one single practical effort to secure his real or pretended rights. The poor Indians of Oregon, who alone have a right to the country, are not consulted. Their future destiny will be, undoubtedly, like that of so many other unfortunate tribes, who, after having lived peaceably by hunting and fishing, during several generations, will finally disappear, victims of vice and malady, under the rapacious influence of modern civilization." DeSmet to Hughes, Station of the Assumption, Arcs-a-plats, August 17, 1845. Reverend P. J. DeSmet, S. J., Oregon Missions and Travels over the Rocky Mountains, in 1845-46, New York, 1847, 113-114.

69 McLoughlin reported to the Directors of the company that Warre and Vava-
sour "... were (as was well known would be the case) received by all the Set-
tlers in the Wallamette with the utmost hospitality of which their means would admit, for although these men are rough in their manners their hospitality and kindness to strangers are proverbial." McLoughlin to the Gov., Dep. Gov., and
timed and increasing presence of British naval units in and about Oregon did not arouse more curiosity, resentment, and opposition. Governor Abernethy wondered about the presence of so many British officers in the country but did nothing about it. Writing to relatives in St. Louis on March 4, 1845, he observed that

We have not been visited by an American man-of-war since Capt. Wilkes was here, in the Exploring Expedition. But the British pay great attention to us in that line. A large vessel of war was on our coast last Summer, and a son of Sir Robert Peel, an officer on board, traveled quite extensively through the settled part of Oregon. Two officers of the army, among them an engineer, have been with us since last August; and we have H. B. M. sloop-of-war Modeste lying in the river. She has been here several months, and as far as I can learn, has instructions to remain here until she receives further orders from the Admiral. We look for more in the Spring.

The reports of Warre and Vavasour had little or no effect on the settlement of the Oregon boundary for they had scarcely returned to Canada when a treaty was agreed upon. Their mission simply serves to show Great Britain's determination not to be forced out of the country in spite of the belligerent Committee of the H. B. Co., November 20, 1845. McLoughlin, Letters, Third Series, 1844-1846, 147.

70Printed in the St. Louis, Missouri, Republican for July 25, 1846, and reprinted in the New York Daily Tribune for August 1, 1846.

One person in Oregon, however, who was heartily sick of Warre and Vavasour and happy to see them depart for Canada, was Peter Skene Ogden. On March 20, 1846, he wrote to Simpson "I had certainly two most disagreeable companions and I almost doubt you could have selected another that would have so quietly submitted as I did, but from a sense of duty I was determined not to loose [sic] sight of the object of our voyage and was silent to their constant grumbling and complaining not only about their food which was as good and abundant as any Man could wish for or desire but also in regard to promises made by you and on one occasion I was obliged to check the Engineer [Vavasour]. I shall not however trouble you with further particulars, suffice it to say I would rather for ever forego the pleasure of seeing my Friends than submit to travel over the same road with the same companions ...." Ogden to Simpson, Fort Vancouver, March 20, 1846. McLoughlin, Letters, Third Series, 1844-1846, 146 n3.
and warlike atmosphere in the United States. It also serves to show how close to the thin edge of disaster the United States would have come in Oregon, had an incident in the country forced open hostilities or had the Federal government, hearkening to the demands of the western war-hawks, preferred an open exercise of exclusive sovereignty to negotiation.

It is highly improbable that England would have occupied the country with regular troops, even though the boundary remained undecided for several years. England had always maintained a scrupulous adherence, at least to the letter of the treaties covering the situation. But in all likelihood, the Hudson's Bay Company route from Montreal to the headwaters of the Columbia would have been transformed into a military highway in the interval, with detachments of British regulars stationed at all Hudson's Bay Company posts along the route ready for instant action.

While the British were thus making plans for a military occupation of the Oregon country, the United States government was engaging in partisan wrangling on the subject. The Presidential campaign in the fall of 1844 had done little to clarify the issue as far as the will of the people was concerned. It is true that the Democratic party espoused the cause of Oregon and Texas and carried on the campaign under the now famous slogans of "Fifty-four-Forty or Fight!", "All of Oregon or None!", "The Re-annexation of Texas and the Reoccupation of Oregon!", but it is doubtful whether these two issues played a major part in the Democratic victory and the election of President Polk. The strategy of the platform committee at the Democratic convention, was to champion the cause of Texas as a means of securing a preponderance of votes in the South, and to advocate the acquisition of the whole of Oregon for the same reason in
the West. However, so universal was the distaste in the country for the Whig party, which had recently climax ed its ineptness under the Tyler regime, that it was very likely the Democratic party would have proved victorious without Texas and Oregon. The proof that the American people as a whole were not fanatically devoted to the acquisition of either territory seems to reside in the fact that the Congressional elections and appointments of that year did not result in any notable increase in the number of war-hawk congressmen in either of the two Houses. For all practical purposes, the alignment on the subject of Oregon in both the Senate and the House of Representatives remained much the same as in previous sessions of Congress. Where Democrats had replaced Whigs in Congress, they were found to be as equally conservative on the subject of Oregon as their predecessors since, for the most part, they represented eastern states and the vested interests of that locality.\(^7\) The west had already been predominantly Democratic in its representation in Congress and although these Congressmen maintained their seats, they were joined by very few of their victorious, Democrat colleagues from other sections of the country on the subject of Oregon. Hence, when the second session of the Twenty-eighth Congress again

\(^7\)An example of this is provided by the composition of the Senate Committee on Foreign Relations at the opening of the new session of Congress. In a letter to Lord Aberdeen, Pakenham remarks that "The Committee on Foreign Relations is composed of the same gentlemen as during the last session of Congress, with the exception of one, Mr. Tallmadge of New York, who is replaced by a gentleman of the name of Morehead [of Kentucky], a moderate and sensible man, and the Committee accordingly now consists of Mr. Archer, Mr. Berrien, Mr. Morehead and Mr. Choate, who have always been opposed to any intemperate and improper course with reference to the Oregon Question, and Mr. Buchanan of Pennsylvania, one of our bitterest enemies on all occasions,—but whose voice as far as relates to the proceedings of the Committee will I hope be overruled by the more reasonable and upright opinions of his Colleagues." Pakenham to Aberdeen, Washington, December 12, 1844. P. R. O., F. O. 5, CCCIX, Lib. of Cong., Photo., pt. 2.
took up the question of Oregon, it was considered and debated on much the same
basis, and with much the same party and sectional alignments, as had character-
ized the previous session.

In his Annual Message to Congress on December 3, 1844, President Tyler
notified Congress that negotiations had once more been formally undertaken with
Great Britain on the subject. He hoped for a happy and favorable solution of
the boundary question as a result of these negotiations, but, in the meantime,
he once more recommended that Congress seriously consider the expediency of
establishing military posts along the emigrant route to Oregon and he further
recommended that Congress provide some form of legislation that would enable
the government to extend the protection of the laws of the United States over
her citizens in that quarter.72

On December 19, 1844, Senator David R. Atchison of Missouri once more took
up the cudgels for Oregon and introduced a bill calling for the organization of

72U. S. Cong., Senate, Senate Journal, 28th Cong., 2nd Sess., 1844-1845,
Serial No. 448, 8.

On the whole, the British Minister in Washington was pleased with the tone
of the President's Message. As for the recommendations made by the President,
Pakenham could not see "... that objection can properly be taken to the recom-
mendation for extending to American emigrants to the Oregon Territory the
benefit of legal protection to person and property provided that the measures
adopted for that purpose should not involve an assumption of sovereignty ...
...
..." Pakenham to Aberdeen, Washington, December 12, 1844. P. R. O., F. O. 5,
CCCIX, Lib. of Cong., Photo., pt. 2. As for establishing military posts,
Pakenham thought that if they were "... intended to apply to any part of the
territory in dispute [they] would of course be an open infraction of the exist-
ing convention, but if the line of Posts does not go beyond the acknowledged
limits of the United States, that is to say, the summit of the Rocky Mountains,
--to an enactment of that kind we should not be justified in objecting unless
it were upon the ground of the too direct encouragement thereby held out to
American settlers, to proceed to, and establish themselves in, the Oregon Coun-
try." Ibid.
a territorial government in that country. While debating this bill, Senator Buchanan of Pennsylvania maintained that the United States had a perfect right to organize such a government in Oregon on the score that the British had been living under the protection of their own laws in the territory for years. Buchanan's statement on this occasion was correct—in theory. The British Parliament had passed an act in July, 1821, extending the jurisdiction of the courts of Upper Canada over all Indian territories not already under the jurisdiction of Canadian courts or under those of other nations. However, in practice, it seems that such jurisdiction was never established or, at least, never exercised in Oregon. It appears that as late as October, 1842, Dr. John McLoughlin had no authority to act in criminal or civil cases even in relation to the employees of the company. In a letter to the Directors in London on October 31, 1842, he desired to know

How we are to act, when a man under an engagement deserts from us, and takes protection in a Settlers House, would we be justified in arresting him? if he offers resistance at the risk of life or limb, How we are to act, when a man deserts from the Service, before the expiration of his agreement, takes refuge in the United States, and returns to this country after the term of the Agreement is expired . . .

. . . I wish to know if we can arrest such a man and compel him to serve the time due . . . for which he was engaged, and if he attempts to shoot or maim the persons charged with the arrest, if they would be justified in going to extreme measures with him . . . . While on this subject I must observe that I have no Commission to act as a civil magistrate in

73 U. S. Cong., Senate, Senate Journal, 28th Cong., 2nd Sess., 1844-1845, Serial No. 448, 52.


75 For the full text of this act see 10 & 20 Georgii IV. Cap. 66. An Act for Regulating the Fur Trade, and Establishing a Criminal and Civil Jurisdiction Within Certain Parts of 'North America,' (2d July 1821), Dublin, 1821, 569-575.
the Indian Territories. 76

The establishment and exercise of the British legal code in Oregon was ad-
duced on numerous occasions, in both Houses of Congress, as a precedent for the
organization of a territorial government and a like exercise on the part of the
United States. As has been mentioned before, this precedent did exist theo-
retically, but actually, American congressmen were under a completely erroneous
impression as to the extent to which British law was administered in Oregon,
even with regard to British subjects. In point of fact, it was not adminis-
tered.

Nothing was done on Atchison’s bill in this session of Congress. Atchison
attempted to have the bill referred to the Committee on Territories where it
would receive favorable consideration but this was defeated by the Senate,
twenty-four to twenty-one. Senator Archer of Virginia tried to have the bill
referred to his Committee on Foreign Relations where he could kill it complete-
ly, but this move was also defeated. It was finally committed to a select com-
mittee headed by Atchison, but on February 14, 1845, it was ordered to lie on
the table and there it remained until the session ended on March 3. 77

Besides the presentation of memorials and petitions the only other matters
connected with Oregon to occupy the attention of the Senate during this "lame
duck" session, were: two bills from the House, one calling for the organization
of a territorial government in Oregon which received scant attention and final-
ly died in committee, the other requiring the purchase of histories of Oregon,

76 McLoughlin to the Gov., Dep. Gov., and Committee of the H. B. Co., Fort

77 For the Senate action on Atchison’s bill see U. S. Cong., Senate, Senate
California, and other territories on the northwest coast of America, which was agreed to, and, finally, a resolution by Senator James T. Morehead of Kentucky, requesting the Secretary of War to communicate Captain Frémont's report to the Senate if ready, which was also agreed to. 78

The action of the House of Representatives on Oregon during this brief session was more extensive than that of the Senate, but achieved the same negligible results. On December 23, 1844, Aaron V. Brown of Tennessee introduced a bill from his Committee on Territories that would provide a government for all the country west of the Rocky Mountains between the latitudes of forty-two degrees and fifty-four degrees and forty-nine minutes. 79 It also called for the appointment of a governor who would act at the same time as Indian agent, the appointment of a judge, secretary of the Territory, an attorney, and a territorial marshal. The bill provided for "... a legislative department, to consist of a council of five, and an assembly not to exceed fifty in number. Each five hundred inhabitants to be entitled to one representative." Requirements

78 For memorials, petitions, and other minor matters dealing with Oregon considered by the Senate during this session, see Ibid., 28, 31, 35, 58, 70, 77, 82, 89, 96, 102, 111, 122, 130, 152, 157-158, 165, 169, 177, 186-187, 200, 209, 221. For the Senate action on the House bill to organize a territorial government in Oregon see Ibid., 128, 133, 238. For the debate in the Senate on the House bill "... for the purchase of certain copies of the History of Oregon, California and the other Territories on the Northwest Coast of America," see Ibid., 113, 116, 118, 160-161, 171, 197. For the Senate action on Morehead's resolution and the printing of "... ten thousand additional copies ..." of Frémont's report, see Ibid., 226, 249.

79 Whether by design or accident, the original wording of the bill marked the furthest north anyone ever claimed for the United States on the northwest coast. On January 27, 1845, Brown proposed an amendment to his own bill that would "... strike out the word 'nine,' so as to make the boundary 54 degrees 40 minutes, instead of 54 degrees 49 minutes." U. S. Cong., House of Rep., Cong. Globe, 28th Cong., 2nd Sess., 1844-1845, XIV, 63, 202.
were also listed for citizenship in the territory, for voting, and for holding office.\textsuperscript{80}

Brown was obsessed with the idea of providing Oregon with the machinery of government. He had either not yet heard of the government organized by the settlers or considered it defective and liable to become independent or come under the domination of England.\textsuperscript{81} He was opposed in the debate on the measure by Luther Severance of Maine, who advocated letting the settlers organize their own government. Severance maintained that in their financial condition they would be unable to support a governor at three thousand a year and other public officials at proportionate salaries, nor would they be able to extend the laws and custom-house system of the United States in its entirety in the present condition of the country. Therefore he urged that they be allowed to

\ldots try the experiment of free-trade in the Oregon, and let them also try the experiment of a government with civil officers only, and without a standing army, and arsenals; for if they had these things they would want a revenue. With such a government as he had suggested, they might save nine-tenths of the expense usually dependent on the carrying on of a government, and he should like to see if they could not do it.\textsuperscript{82}

\textsuperscript{80}\textit{Ibid.}, 63.


\textsuperscript{82}\textit{Ibid.}, January 31, 1845, 227.

E. J. Morris of Pennsylvania agreed with Severance, and added that he did not consider Oregon sufficiently populated at the time, nor did he consider the wandering frontiersmen in the country sufficiently settled to warrant the establishment of a stable government. He suggested allowing "\ldots the people of Oregon take care of themselves, and try the effect of a pure democracy, to which we were verging with fearful rapidity. Why should we trouble ourselves with the expense of such a government, which would involve an increase of our navy and army?" \textit{Ibid.}, 225.
As was becoming customary with the introduction of any measure connected with Oregon, the debate on Brown's bill soon revolved about the rights of the United States in that country as opposed to those of Great Britain. Some representatives advocated the immediate occupation of the country and the immediate organization of a territorial government there on the strength of the last election. They maintained that the victory of Polk and the Democratic party, campaigning on the issues of Oregon and Texas, exhibited a clear mandate from the people to assert instantly exclusive sovereignty over that country.\(^{83}\)

Others objected to such a course, even in the face of a mandate from the people. J. R. Ingersoll of Pennsylvania argued that this bill would be a complete violation of the existing treaty with England. Or, at the very least, the introduction of a territorial government into Oregon by the United States would give Great Britain the precedent and the right to do the same. Then "... the anomaly would be presented of a monarchical government and a government with republican institutions in the same country."\(^{84}\)

A bill to "... purchase certain copies of the History of Oregon, California, and the other territories on the northwest coast of America," introduced by Stephen A. Douglas of Illinois on December 12, 1844, was debated in the House at the same time as Brown's bill.\(^{85}\) Using this bill as a point of

\(^{83}\)Such were the sentiments of Jacob Thompson of Mississippi and John A. McClernand of Illinois while addressing the House on January 30, 1845, on the subject of Brown's bill. Ibid., 221-222.

\(^{84}\)Ibid., January 30, 1845, 222.

\(^{85}\)U. S. Cong., House of Rep., House Journal, 28th Cong., 2nd Sess., 1844-1845, Serial No. 462, 60. The History in question was the revised edition of Robert Greenhow's Memoir, Historical and Political on the Northwest Coast of North America .. . ., Washington, 1840. The new edition was issued under the title: The History of Oregon and California, and the other Territories on the
departure, John Wentworth of Illinois demanded the exercise of exclusive sovereignty in Oregon, and as for the threat of war that this course would entail

... are we not as well prepared as Great Britain, who has everything to lose and nothing to gain? War with us would but be a signal for the loss of Canada. The star-spangled banner would wave in triumph over Abraham's heights, and shouts of victory ring over the graves of Wolfe and Montgomery [Montcalm]. There would be no stopping to organize armies on this side; but, at the first signal of war, our indignant citizens would pour upon Canada from Maine to Michigan, and overrun the country like a tornado. The Canadians themselves, half ripe for a revolt, would welcome us the moment they would feel safe in doing so. And Great Britain knows this. No, no; much as this nation of hypocrites wants Oregon, she would not go to war with us for it. She knows us too well.\textsuperscript{86}

With this frame of mind, treaty obligations of whatever kind and with whatever nation meant nothing to Wentworth.

Supposing Mr. Clay's proposition had been accepted, and we had ceded away to Great Britain all of our Oregon territory north of 49°, would we not be under the same obligation to reannex it that we are to reannex Texas? And would the American settlers there ever rest contented until they were placed back under their original rights and jurisdiction? Those who know American patriotism can best judge of this matter.\textsuperscript{87}

John Quincy Adams, whose generation had come under attack by Wentworth, answered him in the debate on Brown's bill, January 31, 1845. Adams asked, why had the United States agreed to suspend final settlement of this question in 1818—twenty-seven years ago? Because

... we did think there was some substance in the claim of the British government and that it was a fair and honorable proposition to them to compromise—to give up our claim as far as 49 degrees, rather than fight


\textsuperscript{87}Ibid. For the proposition by Henry Clay referred to by Wentworth see Clay to Gallatin, Washington, February 24, 1827. Nat. Arch. Dept. of State. Diplomatic Instructions, Gt. Br., II.
for it. What, at that time, was the alternative to this mutual suspension of the decision of the claims of the two countries? It was instant war . . . . This was in 1818 when we had just come out of a war, which made us all think a great deal more of what war was, than, judging from the proposed action of this House on this bill, we did now. 88

Surprisingly enough, Brown’s bill actually passed the House on February 3, 1845, by the overwhelming vote of one hundred forty to fifty-nine. The risk that this bill would ever become law was not very great, however, and the House knew it. The possibility that the Senate would act on it within the next thirty days was extremely remote. The Senate had many other matters to dispose of before this "lame duck" session ended, and their non-interest in Oregon at the present was well known. However, it provided the members of the House with a fine medium whereby they could go on record for the benefit of their constituents on the subject of Oregon. 89

Douglas’ bill, providing for the purchase of copies of Greenhow’s History of Oregon and California, also passed the House—by a vote of one hundred five to seventy-nine. It was later agreed to by the Senate and signed by President Tyler on February 20, 1845. 90

Thus, the only legislation on Oregon that was enacted into law at this

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Adams was somewhat of a moderate on the Oregon question at this time. On January 27, 1845, he had informed the House that "He was satisfied of our title to a portion of the territory of the Oregon under the Florida treaty with Spain, and in respect to the rest he was open to conviction." Ibid., 202.

89For the Senate’s action on Brown’s bill cf. supra, 262-283 and n78.

90For the debate on this bill in the House see ibid., 60, 86, 124, 268-271. For the Senate action on the same bill cf. supra, 283 n78.
session was an effort on the part of Congress to secure information on a subject which they had been debating furiously for the past three years. And the only result of arming every Senator and Representative with a copy of Greenhow's *History* was to make him an authority on Oregon and inflate the debate in Congress out of all proportion to the relative merits of the question.91

One of the reasons Congress, and especially the Senate, was unwilling to become too involved in the Oregon question at this time, was the desire to wait for President Polk's inaugural address and see what the general policy of the new administration was to be on this topic. On March 4, 1845, Polk stated unequivocally 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. But eighty years ago, our population was confined on the west by the ridge of the Alleghanies [sic]. Within that period ... our people, increasing to many millions, have filled the eastern valley of the Mississippi; adventurously ascended the Missouri to its head springs; and are already engaged in establishing the blessings of self-government in valleys, of which the rivers flow to the Pacific. The world beholds the peaceful triumphs of the industry of our emigrants. To us belongs the duty of protecting them adequately wherever they may be upon our soil. The jurisdiction of our laws, and the benefits of our republican institutions, should be extended over them in the distant regions which they have selected for their homes. The increasing facilities of intercourse will easily bring the States, of which the formation in that part of our territory cannot be long delayed, within the sphere of our federative Union. In the mean time, every obligation imposed by treaty or conventional stipulations should be sacredly respected.92

If this statement of American policy was what Congress and the country at

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large desired to hear, it certainly was not what England expected to hear.

President Polk's inaugural address fell on the British with all the explosive force of a bomb. Their indignation passed all bounds and the Ministry was hard pressed to retain control of the situation.

On April 4, 1845, George William Frederick, the Earl of Clarendon, stated in the House of Lords that

It is hardly possible to believe that any negotiations upon this subject are pending, or that they have ever been commenced or even proposed, if we are to draw from the President's speech the inference which it must naturally suggest; for not only does he not make the slightest allusion to them, but he formally announces that the right of the Americans to the Oregon Territory is clear and unquestionable: and it is consequently difficult to understand upon what ground he could justify to the citizens of the United States the right of their Government to negotiate at all upon a matter not doubtful; for whatever predilection they may have for acquiring what does not belong to them, they certainly exhibit none for giving up what is indisputably their own; and if their Government accordingly did consent to negotiate, it would seem that it could only be upon the basis that England was unconditionally to surrender her pretensions to whatever might be claimed by the United States. In short, the whole question is treated by the President as one completely settled—as if all negotiations were concluded, or none had ever been contemplated; and he announces that the wives and children of their citizens are now on their way to occupy the territory . . . . I rejoice to think that the whole question is viewed in a far different spirit here—that we are influenced by no desire for territorial aggrandisement; but that we are actuated by a sincere love of peace, and the most friendly feeling towards the people of the United States. As far as I am acquainted with the circumstances, I believe no assertion is made that our own case is free from all doubt, and I am sure there will be no want of readiness to concede whatever can be justly claimed by the Americans; but on the other hand I am equally sure that the people of this country will be determined not to yield their own undeniable rights to encroachment, or clamour, or menace; and although I doubt not that my noble Friend [Aberdeen] will leave no efforts untried to bring the question to an amicable issue, yet if those efforts should unfortunately prove ineffectual, I trust that Her Majesty's Government will not shrink from adopting that course which may become necessary for vindicating the national Honour and protecting the national interests.93

93Hansard's Parliamentary Debates, 3rd Ser., LXXIX, cols. 117, 119-120.

The British were already aroused to some extent by the passage of Brown's bill by the House of Representatives on February 3, 1845. Upon receiving the news of this legislation, J. A. Roebuck, Member of the House of Commons from
In reply, the Earl of Aberdeen, British Foreign Secretary, patiently explained to the Lords that

... this speech is not an address made to Congress—it is a speech made to the public, the Congress not being sitting. Undoubtedly, no speech of such a nature could be made by the President of the United States without drawing towards it the most serious attention. Nevertheless, it does not possess the importance of an official message, forming part of the legislative proceedings. I do not mean to undervalue its importance; but I must observe, that it has not quite the character of an address made to the Congress as the foundation of any legislative measure.94

Aberdeen then went on to answer the Earl of Clarendon and clarify British foreign policy on the subject of Oregon.

My noble Friend has by no means expressed any censure of the mode of proceeding that Her Majesty's Government have adopted in this matter; at the same time, I may say that I have seen, in other places, some intimation of an apprehension of too great concessions—of an abandonment of what is called the "high tone" which this country ought to maintain. I am accustomed almost daily to see myself characterized as pusillanimous, cowardly, mean, dastardly, truckling, and base. I hope I need not say that I

Bath, informed that body that "He did not desire to cast any slur on the conduct of a great nation like the United States, or use any language which might excite angry feelings; but ... he always considered that the Oregon Territory ... was yet to be considered as a matter on which no settlement had been made, in fact that it was an open question ... This country was not accustomed to bluster, but it must be apparent to all that this was a proceeding not to be submitted to quietly. If it arose out of the weakness of the Executive Government in the United States; if the Senate passed the Bill, and if the President, also, gave it his sanction—not being prepared to oppose the two Houses—it was fit that the people of this country should know what was the precise footing on which Great Britain stood with the United States. The law for taking possession of the Territory had certainly passed one branch of the Legislature; and if we took no steps to counteract what had been done, our national rights might be infringed, and the rights of individuals invaded. This country ought to have declared that the United States had no pretext for going westward of the Rocky Mountains. Negotiations on the subject had been commenced, and he (Mr. Roebuck) trusted that the United States would be called upon to show the ground of her claims to any territory westward of the Rocky Mountains. She had no right to cross the Rocky Mountains at all." Ibid., LXXVIII, col. 236-237. At the end of which, Sir Robert Peel quietly informed Roebuck that "... our negotiations were not with the House of Representatives, but with the Executive Government of the United States." Ibid., 237.

94Ibid., LXXIX, cols. 121-122.
view these appellations with indifference; I view them, indeed, really with satisfaction, because I know perfectly well what they mean, and how they ought to be and are translated. I feel perfectly satisfied that these vituperative terms are to be translated as applicable to conduct consistent with justice, reason, moderation, and with common sense; and I therefore feel, as I said before, really not indifferent, but positively satisfied, when I see such observations. I believe I may conscientiously say that no man ever filled the high situation which I have the honour unworthily to hold, who felt more ardently desirous than I do to preserve to the country the blessings of peace, or who would be disposed to make greater sacrifices, consistent with propriety, to maintain it. My Lords, I consider war to be the greatest folly, if not the greatest crime, of which a country could be guilty, if lightly entered into; and I agree entirely with a moral writer who has said, that if a proof were wanted of the deep and thorough corruption of human nature, we should find it in the fact that war itself was sometimes justifiable. It is the duty, and I am sure it is the inclination, of Her Majesty's Government to preserve peace; at the same time, there are limits which must not be passed; and I say that, without attaching too much weight to questions of national honour—for I think, fortunately for this country, that we need not be very sensitive on these matters—it is not for us, God knows, to "seek the bubble reputation at the cannon's mouth," or anywhere else; our power, our character and position, are such as to enable us to look with indifference on that of which other countries might be, perhaps, more jealous. But our honour is a substantial property that we can certainly never neglect, and most assuredly we may owe it to ourselves and to our posterity to adopt a course contrary to all our desires—to all our inclinations. My Lords, from what I have said, your Lordships will perceive an earnest of the spirit of peace which shall pervade this matter, if I continue to conduct this negotiation; and I cannot bring myself to think that at this day any civilized Government would desire to see any other course pursued; and I hope, therefore, and fully believe, that we shall have the happiness of seeing this important question brought to a satisfactory conclusion because an amicable conclusion. Should it be otherwise, I can only say that we possess rights which, in our opinion, are clear and unquestionable; and, by the blessing of God, and with your support, those rights we are prepared fully to maintain.95

The same day, Lord John Russell, Member from London, provided the reaction of the opposition in the House of Commons to Polk's inaugural address, by stating that it

... appears to me to take the question out of the ordinary course of diplomatic relations, and to require some notice on the part of Members of this House ... if I am not totally mistaken, the President of the

95Ibid., cols. 122-124.
United States has adopted a course entirely new—a course which, if not met by something unusual on our part, threatens to embarrass all intercourse between the Executive Departments of nations. It leaves general questions between nations to be decided by the popular addresses of the head of the Government, and by popular action of the people under the Government, irrespective of all considerations which should induce the two Governments to preserve relations of peace and amity, and settle every question of difference between them, on the one hand with regard to national honour and dignity, and with regard, on the other, to the preservation of the rights of the subjects under their rule . . . . The President of the United States has made . . . a peremptory claim to the whole of this territory. He has claimed the whole possession of it for the United States, and has in an unusual manner called upon the people of the United States, with their wives and children, to occupy that territory. That district is becoming, on account of the forts on the river Columbia, more important every year. After that statement of the President of the United States, I consider it impossible that Her Majesty's Government should not endeavour to obtain a speedy solution of this question. I am sure they will feel it impossible to allow the present undefined and unsettled state of relations between the two countries to continue, without incurring great danger that the people of the United States, acting upon the suggestion of the President, may endeavour to disturb British subjects in rights which they hold by virtue of Treaties, and may produce a state of things dangerous to the peace of the two countries. For my own part, I will say, in all moderation, that I am not prepared to affirm that this country ought to put forward any arrogant pretensions. I do not pretend to define—what it belongs to Her Majesty's advisers to define—the diplomatic proposals that should be made. I will not pretend to say what line ought to be laid down; but this I will say, that I do not think we can make any proposal which shall be less than the proposal made by Mr. Canning, with any regard for our own interests, or our own honour. I may be told that it does not matter if this rocky and barren territory should be claimed, or occupied, or taken by the United States. Yes, Sir, but I must say it does matter. It cannot be a matter of indifference, that a large territory to which we have a better and a juster title, should be yielded to what I must call a blustering announcement on the part of the President of the United States. It cannot be a matter of indifference that the communication between that country, west of the Rocky Mountains, and China, the East Indies, and the whole of South America, should be surrendered at once to a Foreign Power; but, above all, it cannot be a matter of indifference, that the tone or the character of England should be lowered in any transaction which we may have to carry on with the United States.\(^96\)

To which Sir Robert Peel briefly and coldly replied that

While negotiations are pending, through the means of persons regularly constituted with a distinct authority for that purpose, unless there be

\(^{96}\text{Ibid., cols. 179, 192-193.}\)
plain reasons for the exercise of their right, it is politic to abstain from the exercise of free discussion in popular assemblies upon topics of this description. It is so easy to excite public feeling in such assemblies, that, unless there be grave and cogent arguments for the contrary course, it is better to leave such matters to the discretion of those who are entrusted with the care of the honour and the interests of the country.97

Peel then went on to express his regret that

... while the negotiations were pending, the chief Executive Authority of the United States should, in a public Address, contrary to all usage, have referred to other contingencies than a friendly and satisfactory termination of these differences. Such a reference is not likely to lead to that issue which may tend to the maintenance of the amicable relations between the two countries which we desire to see—namely, an amicable, honourable, and equitable settlement of the differences which have arisen respecting this territory. I deeply regret, not only the reference which was so made, but I deeply regret the tone and temper in which that reference was made. As the subject has been brought under discussion—I think not improperly by the noble Lord—I feel it my imperative duty, on the part of the British Government, to state in language the most temperate, but at the same time, the most decided, that we consider we have rights respecting this territory of Oregon which are clear and unquestionable. We trust still to arrive at an amicable adjustment—we desire to effect an amicable adjustment of our claim; but having exhausted every effort to effect that settlement, if our rights shall be invaded, we are resolved, and we are prepared—to maintain them.98

97Ibid., cols. 193-194.

98Ibid., cols. 198-199. Commenting on this debate in Parliament, the British ambassador in Washington observed that "The Americans are so accustomed to the boastful and insolent tone usually adopted by their publick men in speaking on such subjects that the most violent and menacing declarations of their orators and writers seem to excite very little attention.

"But the solemn declarations of the Ministers of the Crown in the Parliament of England are viewed in a totally different light; and I shall be greatly mistaken if on the present occasion the language made use of by Your Lordship, and Sir Robert Peel does not produce a more wholesome state of publick feeling on the subject of Oregon than has hitherto existed in this Country.

"Of course the advocates of violent measures will continue to agitate and bluster as heretofore, but the reasonable portion of the Community,—the Mercantile and Monied Interests,—and all those who could not fail to be losers by a rupture with England, will now be awakened to a sense of the danger of attempting any longer to trifle with so serious a subject, and will I am sure use all their influence to give a right direction to publick opinion on the question at issue." Pakenham to Aberdeen, Washington, April 28, 1845. P. R. O., F. O. 5, CCCXXV, Lib. of Cong., Photo., pt. 2
Polk not only aroused the British with his inaugural address but he also stirred up the American press, which discussed the status of Oregon in strict accordance with its political loyalties. The Cincinnati, Ohio, Gazette, the Whig organ in that city, considered Polk acted unwisely in phrasing his speech as he did, especially in the light of the negotiations that were then in progress. Moreover, he committed himself and the country to a strong course, which if adhered to and neither changed nor modified, could but result in war. And what preparations were being made for this eventuality--none at all.  

The very suggestion that Polk might possibly retreat from his extreme position, brought forth an instant denial from the same city's Democratic paper, the Enquirer.

... all calculations based upon a recantation of his avowal of the "clear and unquestionable" rights of this country—all anticipations that he will shrink from his duty to press that right, because, forsooth, war may be the consequence,—are formed in utter ignorance of the man, and are as derogatory to him as they are intrinsically disgraceful! He has both the nerve and the ability to maintain the truth he has avowed, and to uphold the rights and character of the nation, 'at all hazards'; the more firmly and effectively because of the threats and bluster of our arrogant adversary.

The fact that the program enunciated in Polk's inaugural, if strictly adhered to might result in war with England held no terrors for the radical press.

An excerpt from the Plattsburgh, Missouri, Republican, reprinted in the Enquirer, scoffed at the whole idea.

... War with the United States—SHE DARE NOT!! The first sound of her hostile cannon would be the 'tocsin' to a nation in arms! and its reverberating the knell of her own infamous death!! The despoiler of nations would fall by her own guilty hand. A policy so 'suicidal' she will not adopt. Well does she know that a war with this country would let loose

99Cincinnati, Ohio, Daily Gazette, May 1, 1845.

100Cincinnati, Ohio, Daily Enquirer, May 3, 1845.
upon her thousands of her own starving manufacturers and cultivators, who are even-now baying like blood-hounds upon her remorseless course, and whose hot breath almost fans her bloated cheeks.

A war with England! And are we to sacrifice our rights for such an idle fear? Who are they that depurate our occupancy of Oregon for fear of war? Such,

"When the clarion sounds to arms,
Sink like tortoises within their shells,
To die with apprehension."

And we are to be deterred from asserting and maintaining a national right for fear of such a result! Rather let us at once and wholly surrender up our nationality than have it wrested from us piece-meal, or 'negotiated' away, as was the North Eastern boundary, in a 'trafficking' spirit, and God knows at what expenditure of "secret service" money to a notoriously needy individual. 101

The Whig and eastern Democratic press sought to maintain a degree of sanity in the uproar by championing the cause of negotiation as not only the most just mode of proceeding but, in the circumstances, the most prudent.

Be our rights to the territory of Oregon what they may, it is quite possible to put ourselves in the wrong, by resorting to certain modes of asserting them. While fair and peaceful means of realizing them are yet unexhausted, it is both entirely wrong and unpardonably imprudent to appeal to extreme and violent ones, that bespeak injustice if our opponent be weak, (as in the case of Mexico,) and risk, if she be strong, as in the case of Britain. 102

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101 Cincinnati, Ohio, Daily Enquirer, March 27, 1845. Other portions of the press were not so radical. They considered that in the event of war, the United States would merely strangle England economically and precipitate worldwide revolution. "Her manufacturers must leave their mills idle, unless America supplies them with cotton. Her merchants know their ships must fall a prey to American privateers, that would not leave a sea unvisited. Her success, too, would be fruitless; for if she took Oregon as a wilderness, she would conquer but rocks and forests, and the privilege of garrisoning a solitude; and if she should attempt to form a colony there, the colonists, whencesoever they come, will insist on governing themselves. Nor is this all. The oppressed millions in England would not tolerate a war with America. A war between Great Britain and the United States would be the signal of a strife throughout Christendom of the old aristocracies with the millions. Neither Sir Robert Peel, nor France, nor Russia, nor any of the monarchies or aristocracies of Europe, can wish to see that war begun." Excerpt from the Washington, D. C., Globe, reprinted in the Cincinnati, Ohio, Daily Enquirer, May 5, 1845.

102 Cincinnati, Ohio, Daily Gazette, May 10, 1845. The Gazette's New York correspondent reported on December 10, 1845, the effect of Polk's address on
But any attempts to advocate negotiation in preference to war ran the risk of being labeled unpatriotic.

From Boston and New York especially, and to a great extent from all the commercial and shipping ports of the entire east, there is at this time an influence spreading forth which is hostile to war of any kind—to a war of conquest—a war for the defence of the country, of the defence even of national honor. No man with his eyes open can help seeing it. The commercial interests of Boston and New York are more closely centred in Liverpool and London and the stock broking houses of the island and the continent, than they are in the agricultural regions of the west and south. It is against the interests of the mercantile classes and the money changers of our eastern cities to have a war between this and any other country. The welfare of the pocket is a standing bond for the keeping of the peace. Beside this, in all of these commercial ports there are extensive and wealthy foreign houses—American agencies of European masters—having all their dependencies around them, and through them influencing the opinions and actions of others of our people. The shipping interest, too, even more extensive and far more hazardous in war-times is alike hostile to the interruption of peaceful relations. The pocket-argument influences and controls it. The honor of the country is light in the balance, when the destruction of a few tons of shipping is in the scale ... .

The west is the conservative power of this Union. When war is threatened, all eyes must turn to the west for the opposing power. When war comes, the west must, and it will, save the Union. The sordid consideration of dollars and cents—of ships and dry goods—enters not into the heart of the western man when his country is threatened. He is for his country—for his country, right or wrong.

This spirit of the western character marks the late discussions of that city. "War! war! war! is now the great topic of this not usually very quiet city. The tone of the President's message, taken together with the private news from England and the active preparations she is making for some conflict or other, has produced an impression there will be war, even among our most cool headed men.—Brokers in Wall street are in alarm. Stocks go down like lead, and fortunes are already beginning to disappear like visions . . . . Let war but once come and the rich men of Wall street will go down one after another like a row of bricks. Stock brokers, exchange brokers, bankers, one after another will disappear like soot bubbles in a wind gust. Our people do not begin to appreciate the perilous position we are in. In case of war real estate in New York would have a mere nominal value—not blocks but single houses would stop rising, ships would rot along our wharves, and commerce stagnate and die. Merchants would break one after another, and the country be thrown back a half a century. Added to all this we should be awfully whipped the first two years at least, and very likely New York city itself go to the ground; and yet our most thoughtful men are carried away by the excitement, and talk about war as if it were a mere bagatelle." Cincinnati, Ohio, Daily Gazette, December 18, 1845.
our rights to Oregon. That is a Western territory, and the people of the west consider that it belongs to their especial keeping. Keep it they will. 'the flood of emigration every month from among the hardy masses of our western soil, is an earnest of this fact. Negotiations may protract the settlement of whom the Territory belongs, and Treaties may even con­ciliate by relinquishing a portion to our enoroaching enemy of What is ours by title clear and unquestionable, but it will all be mere form—mere words—having no binding force upon the people, and to which they will give no heed. Possibly this is arguing that ours is not a law-abiding people— that the obligations entered into by Government are not recognized by them, we do not fear that any influence can prevail at Washington with the treaty-making power to set out again in Oregon the disgraceful concessions in Maine.

Moreover, such caution ran counter to and impeded the fulfillment of that manifest destiny which looked to eventual hegemony on the North American continent.

Who . . . can set bounds to our territorial expansion, short of the conti­nent on which our destination is cast—what earthly power shall say to us, ‘so far shalt thou go and no farther,' within that ample area? Coming events cast their shadows before. Coming events cast their shadows before.
In the midst of these divided opinions on Oregon, the negotiations between the British ambassador and John C. Calhoun, Secretary of State, were still being carried on informally. In accordance with instructions received from Aberdeen on November 1 and 18, 1844, and after consulting several members of the Senate on the subject, Pakenham informally proposed arbitration as the most likely means of arriving at a solution to the Oregon problem. This expedient Calhoun refused on the grounds that such a procedure should not be adopted as long as there remained hope of achieving the same objective by negotiation. Moreover, he doubted that the Senate would ever consent to such an arrangement.105

The complacency exhibited by the British in the status quo of joint-frontery of diplomats.

"Mexico owes to British subjects a public debt of more than fifty millions of dollars, which, though never formally repudiated by her, is a burden far too heavy for her to bear. By assuming a share of this debt on consideration of being put in possession of California, England would at once relieve the public and benefit the creditors, while the Californians themselves would eagerly prefer this course to the only other possible alternative of seeing their country follow in the wake of Texas." Sir George Simpson, Narrative of A Voyage to California Ports in 1841-1842, together with Voyages to Sitka, the Sandwich Islands & Okhotsk. Ed. Thomas C. Russel, San Francisco, 1930, II,2-143.

105 Pakenham to Aberdeen, Washington, December 29, 1844. P. R. O., F. O. 5, CCCXIX, Lib. of Cong., Photo, pt. 2. Pakenham sounded out certain members of the Senate and found Calhoun to be right on this point. The attitude of the Senate seemed to be that ". . . they all expect that England may in the long run be teased [sic] and worried into a compromise more advantageous to this Country than could be obtained by the decision of an impartial Arbiter.

"Nevertheless I cannot bring myself to think that, even making every allowance for the hardihood and effrontery of the American character, this Country would dare, in a case of extremity, so far to defy the opinion of the Civilized World as to take the law into their own hands, when England had offered them so just and peaceful an alternative." Ibid.

On January 15, 1845, Pakenham repeated his offer of arbitration formally, but was informed by Calhoun that it was unacceptable on the grounds that the President still had hopes of settling the dispute by negotiation. Pakenham to Aberdeen, Washington, January 29, 1845. Ibid., CCCXXIV, Lib. of Cong., Photo.
occupation at the end of 1844, was rudely shattered by the passage of Brown's bill by the House of Representatives organizing a territorial government in Oregon. On March 3, 1845, Aberdeen informed Pakenham that although the possession of the disputed territory was of no immediate importance to either party and that any moderate delay in the negotiations would therefore be immaterial, still due to the excitement aroused in the United States by the House's action, he recommended that Pakenham once more urge arbitration on Calhoun as the most practicable means of settling the issue. Aberdeen had already explained to Edward Everett, the American ambassador in England, the basis on which he considered arbitration could be best instituted. These were "... First whether the United States had an exclusive right to the whole, or whether as England says it is open to both parties;--and if this were decided in favor of England, Secondly, what would be a fair line of boundary, by way of compromise." 106


Pakenham had kept Aberdeen well informed on the House bill from the time of its introduction to its final demise in the Senate, which he had expected. For the correspondence between the two on this subject see Pakenham to Aberdeen, Washington, January 29, February 4 and 26, March 1, 1845. P. R. O., F. O. 5, CCCXXXIV, Lib. of Cong., Photo., and CCCXXXV, Lib. of Cong., Photo., pt. 1.


As for Aberdeen's reaction to the House's legislation for organizing a government in Oregon, he received the impression "... that if the United States proceed to take exclusive possession of the Country, England will feel obliged to throw a force into it adequate to maintain her present position... and if the United States proceeded, while an amicable negotiation is in progress to put an end to the Convention of joint occupation and to appropriate to themselves the territory in dispute, war was inevitable." Ibid. And that England would be able to throw an effective force into Oregon, Everett had little doubt. Moreover, he considered that should the House bill become law, it "... would be the signal for sending out an effective Naval expedition to that region and for taking up a strong central Military position on the Columbia river with outposts at the most important points of the territory. After the spectacle exhibited two years since of seventy-five vessels of War in the Yangtse-
If the House bill for organizing a government in Oregon disturbed the British Ministry, President Polk's Inaugural Address convinced them that any further live-and-let-live policy with regard to Oregon would be impossible. Hence, they were prepared for any action: arbitration, negotiation, or war. On April 6, 1845, Aberdeen observed to Pakenham that

Judging from the language of Mr. Polk, I presume we must expect that the American Government will renounce the treaty without delay. In this case, unless the question be speedily settled, a local collision will be liable to take place, which may involve the Countries in serious difficulty; and not improbably lead to war itself.

At all events, whatever may be the course of the United States' Government, the time is come when we must be prepared for every contingency. Our naval force in the Pacific is amply sufficient to maintain our supremacy in that sea; and Sir George Seymour has been instructed to repair without delay to the Coasts of the Oregon territory . . . .

We are still ready to adhere to the principle of an equitable compromise; but we are perfectly determined to concede nothing to force or menace; and are fully prepared to maintain our rights. This is the spirit in which Her Majesty's Government have declared themselves in Parliament, and to this they will adhere.108


On March 29, 1845, Pakenham sent Aberdeen a list of Polk's new Cabinet: James Buchanan, Secretary of State; Robert S. Walker, Secretary of the Treasury; William D. Marcy, Secretary of War; George Bancroft, Secretary of the Navy; John Y. Mason, Attorney-General; and Cave Johnson, Post-Master General. Pakenham was none too sanguine about this Cabinet, especially since "... Mr. Buchanan and Mr. Walker have always, as Members of the Senate, and in other ways
However, when Pakenham paid his visit of ceremony to Buchanan on his accession as Secretary of State, he found him profuse in his desire to maintain the present good understanding with England. Moreover, he assured Pakenham that "Whatever opinions I may have expressed ... in the Senate or elsewhere of an unfriendly character towards England, you will find that while I remain in this office, neither Her Majesty's Government, nor yourself, shall have the least cause to complain of me."109

This seemed to foreshadow an atmosphere in which something could be accomplished on Oregon in a peaceful manner. Hence, at his second interview with Buchanan, Pakenham suggested arbitration as the means best suited to disposing of the question once and for all. Buchanan replied that he did not yet know the mind of the President on this procedure, but for himself, he would prefer to see the matter settled by negotiation, "... by adopting," to use his own words, "the principle of giving and taking."110

The spirit of compromise Buchanan exhibited on this occasion surprised Aberdeen to a certain extent. As a result, he thought it quite likely that

when opportunity occurred, distinguished themselves by the strongest anti-English feelings, but this is invariably the tone of the Party to which they belong, and there are many persons belonging to the same Party whom I should be much more sorry to see raised to power." Pakenham to Aberdeen, Washington, March 29, 1845. P. R. O., F. O. 5, CCCCXXV, Lib. of Cong., Photo., pt. 1.

109Ibid., Lib. of Cong., Photo., pt. 2.

Pakenham received this declaration of good will with a degree of cynicism, however. "I am very unwilling, My Lord, to say anything that might raise a doubt in the mind of Her Majesty's Government as to the sincerity of such a declaration, made as it was, with every appearance of earnestness and good will, but I must observe, that if Mr. Buchanan really acts up to his professions in this respect his conduct will exhibit a very remarkable contrast to that observed by him of late years in every thing relating to intercourse with England." Ibid.

110Ibid.
Buchanan might make an offer of settlement, but one which could not be accepted by Great Britain. In this eventuality, Pakenham was to make a counter-proposal embracing the terms already offered the United States on former occasions, together with the additional grant that all ports within the disputed territory south of the forty-ninth parallel be made perpetually free ports. Aberdeen further instructed Pakenham that should Buchanan make no offer of settlement, he should use his own discretion on the matter of offering the free ports, but that Her Majesty's government "... wish that, if it can be conveniently introduced, that proposition should be submitted to Mr. Buchanan."111

In accordance with his instructions, Pakenham endeavored to draw an offer out of Buchanan. Buchanan agreed to study the whole case and prepare a proposition, but at the same time he did not care to make any such proposition until he had reason to believe that Great Britain would accept it. Pakenham replied that he could make no decision on the matter until he knew what the proposition was to be. These diplomatic maneuverings left Pakenham a bit befuddled.

I sometimes think that Mr. Buchanan is really in earnest in desiring to settle this embarrassing question on fair and honorable terms. At other times it occurs to me, but perhaps the suspicion may be an unjustified one, that in affecting to think that it may be settled in that way [by negotiation] he is only endeavouring to gain time in order to see what turn the difficulties of this Country with Mexico on account of the question of Texas may take, and to be guided accordingly in raising or lowering their terms.112

A delay in the negotiations now took place while the United States changed their ambassador in London. Buchanan informed Pakenham that he was working on


a proposition for settling the Oregon Question, but that the President did not wish it presented until the new Minister to England had assumed his duties.\textsuperscript{113}

The negotiations were reopened by Buchanan with a letter to Pakenham on July 12, 1845, in which he stated that he was taking up the question where Calhoun left it on September 20, 1844. On this occasion, Calhoun had replied in general terms to a request by Pakenham that he "... define the nature and extent of the claims which the United States may have to other portions of the territory ...," and Buchanan now wished to be more specific on this point.\textsuperscript{114}

He lays claim to the whole of the Oregon territory up to fifty-four degrees, forty minutes, on the basis of the Spanish treaty with the United States of 1819. He understands the British to dispute this claim on the grounds that, as a result of the Nootka Sound Conventions of 1790, 1793, and 1794 between Spain and Great Britain, the title of Spain was limited to a mere common right of Joint-occupancy with Great Britain and this was all she could rightfully trans-

\textsuperscript{113}Pakenham to Aberdeen, Washington, May 29, 1845. Ibid.

For some reason or other, Polk wished the American offer of settlement presented simultaneously to Pakenham and Aberdeen. Hence, Louis McLane carried a copy of the proposal Buchanan was about to make to Pakenham with him when he departed for London. Pakenham to Aberdeen, Washington, July 13, 1845. Ibid., CCCXXXVII, Lib. of Cong., Photo., pt. 1.

The American offer of settlement was incorporated into McLane's instructions which, in turn, were in the form of a letter from Buchanan dated Washington, July 12, 1845. Nat. Arch. Dept. of State. Diplomatic Instructions, Gt. Br., XV, April 16, 1840-July 21, 1849.

Louis McLane, who at one time had been Secretary of the Treasury in Andrew Jackson's Cabinet, took over the embassy duties from Edward Everett on August 1, 1845. Pakenham considered McLane's appointment "... as satisfactory evidence of the desire of the United States Government to carry on matters in a fair and friendly spirit with England." Pakenham to Aberdeen, Washington, July 29, 1845. Ibid., CCCXXXVI, Lib. of Cong., Photo., pt. 2.

\textsuperscript{114}Buchanan to Pakenham, Washington, July 12, 1845. Nat. Arch. Dept. of State, Notes to the British Legation, VII, April 18, 1844-April 27, 1857.

For the state of the negotiations at the end of 1844 cf. supra, 232-235.
fer to the United States in 1819. As a result of this reasoning, Buchanan considers that Great Britain is now limiting her own claims to a mere right of joint-occupancy in common with the United States as Spain's successor, and leaving the right of exclusive sovereignty in abeyance. Buchanan then enters into a lengthy discussion of the true meaning of the Nootka Sound Conventions which, to his mind, constituted nothing but a license of trade in Oregon alone, issued to Great Britain as an exception to Spain's closed-door commercial policies with regard to her colonies. However, whatever their true construction might be, these conventions were terminated by the war between Great Britain and Spain in 1796 and were not revived by the Treaty of Madrid in 1814, since that treaty revived only de facto commercial treaties in existence prior to 1796. Buchanan proves his conclusions by pointing out that the Nootka Conventions were never mentioned by the British plenipotentiaries in the negotiations with the United States in 1818, the inference being that they did not consider them anything other than a commercial concession to Great Britain in this particular Spanish outpost and in no way infringed on exclusive Spanish sovereignty in the area.

After a careful scrutiny of the actual wording of the Nootka Sound Conventions and the Treaty of Madrid of 1814, Buchanan's reasoning seems a bit specious. Cf. infra, Appendices I, II, and III. The pertinent article of the Treaty of Madrid, reviving treaties between Spain and England prior to 1796 is as follows: "Art. I. It is agreed that, pending the negotiation of a new Treaty of Commerce, Great Britain shall be admitted to trade with Spain upon the same conditions as those which existed previously to the year 1796. All the Treaties of Commerce which at that period subsisted between the 2 Nations, being hereby ratified and confirmed." British & Foreign State Papers, London, I, pt. 1, 292.

It is also quite possible that Buchanan did not even have copies of the full texts of the Nootka Sound Treaties. On November 30, 1843, Edward Everett wrote from London to Washington Irving, United States ambassador to Spain, requesting him to secure copies of all the documents involved in the Nootka Sound Controversy between England and Spain in 1790. Everett to Irving, London,
Buchanan then recapitulated the claims of the United States to the Columbia valley territory, as drawn from priority of discovery, exploration, and settlement, as well as from the Louisiana Purchase from France in 1803. He concluded by making the following American offer of settlement:

... that the Oregon territory shall be divided between the two countries by the forty-ninth parallel of north latitude from the Rocky Mountains to the Pacific Ocean, offering, at the same time, to make free to Great Britain any port or ports on Vancouver's Island south of this parallel which the British Government may desire.116

In his reply on July 29, 1845, Pakenham took up the various points made by

November 30, 1843. Nat. Arch., Dept. of State. Despatches, Gt. Br., LI, Edward Everett, June 3, 1843-December 30, 1843. Irving replied on January 15, 1844, that "... after a diligent search none of the documents or papers mentioned in the Note furnished to the Department of Foreign Affairs could be found among the Archives of State. A similar application made two months since met with the same result; and the explanation then given was, that on the removal of the Court from Seville to Cadiz in the year 1823, a vessel laden with documents having been sunk in the river Guadalquivir many files of official papers in the Department of Foreign Affairs had been lost." Irving to Everett, Madrid, January 15, 1844. Ibid., LII, Edward Everett, January 1, 1844-June 29, 1845.

It is surprising, in this connection that Irving and the Spanish Foreign Office staff overlooked Cantillo, Tratados Convenios y Declaraciones de Paz y de Comercio ..., Madrid, 1843, in which are published all the Nootka Sound Conventions on pages 646, 653-654. It is doubly surprising when the fact is adverted to that Don Alejandro del Cantillo was a former official of the Spanish Foreign Office and dedicated his collection of treaties to the Queen of Spain. As one writer observes "There would necessarily have been a marked difference in the argument of the Oregon question in 1845 and 1846 on the one side and on the other if this [United States] Government had become informed, say, in 1844... of the text of the Nootka Convention of January 11, 1794." Hunter Miller, Treaties and Other International Acts of the United States of America, 7v., Washington, 1931-1942, V, 17.


A formal conference was held on July 16, 1845, in which this letter was discussed by Buchanan and Pakenham. The details of this conference are set down in the Memorandum of a seventh conference held July 16, 1845, and signed by both parties. Nat. Arch., Dept. of State. Notes from the British Legation, XXII, Sir Richard Pakenham, February 24, 1845-April 16, 1846. Since this conference between Buchanan and Pakenham did not constitute a new negotiation, it was listed as the seventh conference—the conference held between Pakenham and Calhoun on September 24, 1844, having been the sixth conference. Cf. supra, 236.
Buchanan. He first denied that the Nootka Conventions were rendered null by the War of 1796 and not revived by the Treaty of Madrid in 1814. Pakenham based his argument on the premise that the Nootka conventions were strict commercial treaties not merely trade agreements for a particular locality, as Buchanan inferred, and as such were revived by the Treaty of Madrid. He also pointed out that the reason the British negotiators made no mention of the Nootka conventions in 1818, was that there was no call for it, since the United States had no rights from Spain at that time and the American negotiators made no mention of Spain in connection with Oregon in the course of the negotiations. Pakenham then discussed American claims to the territory by reason of their own discoveries, explorations, and settlements in conjunction with the Spanish treaty of 1819, and proceeded to impale Buchanan on the horns of a dilemma. Pakenham pointed out that if the Americans wished to base their right to Oregon on the exclusive sovereignty inherited from Spain then every American action in Oregon prior to 1819—Lewis and Clark's expedition, Gray's discovery and exploration of the Columbia River, John Jacob Astor's settlement at Astoria, and, above all, the joint-occupation treaty with Great Britain in 1818—infringed on Spain's exclusive sovereignty and bore the character of encroachment and a violation of the rights of Spain. If, on the other hand, the United States wished to avoid the odium of encroachment and violating the rights of Spain, they must consider that they had a right in the country, which automatically denied Spain's exclusive sovereignty and upheld England's interpretation of the Nootka Sound Conventions which looked upon Spain as having only equal rights in the
country with Great Britain and any other nation who could establish a claim. 117

Pakenham thus maneuvered Buchanan into a position where he was forced to choose between the United States's claims by reason of their own rights, at which time Pakenham could match him discovery for discovery, exploration for exploration, and settlement for settlement, or the United States's claims from the Florida Treaty of 1819, at which time Pakenham could bring forward the texts of the Nootka Conventions and dispose of Spain's exclusive sovereignty from 1790 to date.

After this brilliant piece of work, Pakenham proceeded to blow the negotiations apart with a diplomatic faux pas rare in the history of British diplomacy. He refused the American offer of settlement completely and unequivocally, pointing out that they had offered less on this occasion than in 1826, in that the offer of the free navigation of the Columbia was omitted. He then penned the famous paragraph that brought the negotiations crashing around his head.

"The Undersigned therefore trusts that the American Plenipotentiary will be prepared to offer some further proposal for the settlement of the Oregon Question, more consistent with fairness and equity and with the reasonable expectations of the British Government . . . ." 118


118 Ibid. In a letter to Aberdeen the same day, Pakenham described the American offer as one that was ". . . altogether inadmissible and which I have accordingly felt obliged at once to reject without referring it for your Lordship's consideration . . . .

"I was very unwilling to enter into further discussion on a subject which appeared to be already so completely exhausted, but the attempt to deny the validity of the Nootka Sound Convention it would have been impolitic to leave unanswered, while it seemed to me that in the other parts of his argument Mr. Buchanan, in endeavouring to prove too much got beyond his depth, thereby giving
At this juncture, President Polk assumed the direction of the Oregon negotiations. Polk considered that he had shown the utmost generosity in permitting Buchanan to make the offer of the forty-ninth parallel in deference to the action of his predecessors, and now he determined to seize upon the God-given opportunity of Pakenham's insulting rejection of the American proposal to assert the American title to the whole territory up to fifty-four degrees and forty minutes. How sincere Polk was in his convictions that the rights of the United States to the whole territory were clear and unquestionable is not known, but he was obviously sincere in his conviction that now was the time to acquire the whole territory and redeem his campaign promises on this score. The more so, since any hostile move on the part of Great Britain would put her in the wrong in the eyes of the world as it was her ambassador who was guilty of the discourtesy and implied insult to American national honor.

James Buchanan, however, who had espoused a policy of timidity on the question, in sharp contrast to his former convictions as expressed in the Senate, attempted to prevent Polk from breaking off the negotiations. Buchanan thought his reply to Pakenham ought to contain a paragraph inviting a proposition of settlement from the British. Polk objected to this on the grounds that such an invitation would imply that the United States were now prepared to accept less than the forty-ninth parallel to which he would never consent. 119

119 The Diary of James K. Polk, 1845-1849, ed. Milo Milton Quaife, 4v., Chicago, 1910, 1, 2-3. In the interest of brevity this work will henceforth be referred to as Polk's Diary.
Polk demanded that the American offer be absolutely withdrawn and then if the British Minister chose to make a proposition he could do it with or without any invitation from the United States government. Buchanan feared that abruptly breaking off negotiations in this manner would ultimately result in war, but Polk considered any war that might result would not be the fault of the United States but of Great Britain whose Minister had precipitated the deadlock by his intemperate language. 120

Buchanan then attempted to postpone his reply until it could be determined what course the relations of the United States with Mexico would take, and whether there would be war with that country. But this the President would not allow. He considered that "... a postponement would carry the idea to Great Britain as well as to our own people, of hesitancy and indecision on our part, which so far as his opinions were concerned would be an erroneous inference. 121

Buchanan finally answered Pakenham on August 30, 1845. The bulk of the reply was Buchanan's and dwelt on the fact that the Nootka conventions were abrogated by the British-Spanish War of 1796 and not restored by the Treaty of 1814. He also slipped off of Pakenham's dilemma by pointing out that the United States had always respected Spain's rights in Oregon as witness the conduct of the American negotiators in 1818 who did not assert that the United States had a perfect right to that country, but merely insisted that their claim was at least good against Great Britain. As for the activities of Gray, Lewis and Clark, and others, if these were encroachments on Spain's exclusive sovereignty then Spain

120Ibid., I, 3-4.
121Ibid., 4-5.
... and she alone, had a right to complain. Great Britain was a third party; and, as such, had no right to interfere in the question between Spain and the United States. But Spain, instead of complaining of these acts as encroachments, on the 22nd of February, 1819, by the Florida treaty, transferred her whole title to the United States ...

... The title now vested in the United States is just as strong as though every act of discovery, exploration, and settlement on the part of both Powers had been performed by Spain alone before she had transferred all her rights to the United States. The two Powers are one in this respect; the two titles are one ... If Great Britain, instead of the United States had acquired the title of Spain, she might have contended that these acts of the United States were encroachments; but, standing in the attitude of a stranger to both titles, she has no right to interfere in the matter.122

Buchanan then maintained that since the United States inherited Spain's exclusive sovereignty in the Treaty of 1819, she also inherited Spain's rights of discovery, exploration, and settlement which antedated those of England. He proves this point by a lengthy listing and paralleling of Spanish discoveries, explorations, and settlements with those of England. He also does the same with American and British discoveries, explorations, and settlements of a later date. The conclusion Buchanan draws from this is that the title of the United States is "... the best title in existence to this entire region [forty-two to fifty-four forty]; and that the claim of Great Britain to any portion of it, has not sufficient foundation,"123

The final portion of Buchanan's reply exhibits the effect of President Polk's decisions. Buchanan states that in spite of the obvious superiority of the American claim to the whole territory as outlined in the foregoing, the President, motivated by a spirit of compromise, "... a sincere & anxious desire to promote peace and harmony between the two countries ..." and deference


123 Ibid.
to the previous actions of his predecessors, had instructed him to make the offer of the forty-ninth parallel in his last statement. Moreover, though the navigation of the Columbia which had been offered previously was not included, the offer of free ports which had never been made previously, was included as a substantial equivalent. 124 Buchanan concludes by rebuking Pakenham for his abrupt and discourteous rejection of the American proposal, without even a reference to his home government, and deadlocks the negotiation by informing him that "Under such circumstances, the Undersigned is instructed by the President to say, that he owes it to his own country, and a just appreciation of her title to the Oregon territory, to withdraw the proposition to the British Government which had been made under his direction; and it is hereby withdrawn. 125

Under these circumstances the British were helpless as far as negotiation

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124 Ibid. In his letter of July 12, 1845, providing Louis McLane with a copy of his offer to Pakenham, Buchanan explained why the free navigation of the Columbia was not included in the proposal. "The President is desirous to adjust the question in such a manner as to leave no source behind from which might proceed new difficulties and new dangers again to involve the peace of the two countries. With his present impressions he can never yield to Great Britain the free navigation of the Columbia." Buchanan to McLane, Washington, July 12, 1845. Nat. Arch. Dept. of State. Diplomatic Instructions, Gt. Br., XV, April 16, 1840—July 21, 1849.


That the United States government, or at least President Polk, would have welcomed any excuse to break off the present negotiations and be able to assert a claim to the whole territory up to fifty-four degrees and forty minutes, is apparent from Buchanan's remark to McLane on July 12, 1845, before the offer was even communicated to Pakenham, that should the proposal be rejected "... the President will be relieved from the embarrassment in which he has been involved by the acts, offers, and declarations of his predecessors. Afterwards, if the difficulty can only be resolved by the sword, we may then appeal with confidence to the world for the equity and justice of our cause, and may anticipate the smiles of Heaven upon the right." Buchanan to McLane, Washington, July 12, 1845. Nat. Arch. Dept. of State. Diplomatic Instructions, Gt. Br., XV, April 16, 1840—July 21, 1849.
was concerned, and the United States was enjoying an unprecedented diplomatic position that would enable her to make almost any move in Oregon with impunity. In those days of finely-drawn diplomatic protocol and sensitivity with regard to national honor, Great Britain could not demean herself with an apology, nor could Aberdeen intervene in the negotiation directly or remove Pakenham from his post without giving the impression that Great Britain was in the wrong. Moreover, England could not make an offer of settlement on her part without running the risk of a curt rejection by the United States in retaliation, thereby injuring British honor. The negotiations were therefore definitely stalemated.

Lord Aberdeen did not relish his position and placed the blame for the suspension of negotiations where it belonged—on Pakenham. On October 3, 1845, McLane reported that

Lord Aberdeen not only lamented, but censured the rejection of our proposition by Mr. Pakenham without referring it to his Government; and frankly confessed the embarrassing position in which the withdrawal of the proposition by the President had placed this Government. He also stated that if it were the desire or intention of the President, to terminate the negotiation at its present stage, without further effort towards an amicable adjustment, Mr. Pakenham's treatment of our proposition, had afforded him a good opportunity of doing so, and that, in the withdrawing our proposition, he had acquired in this respect, a decided advantage. He stated that if Mr. Pakenham had communicated the American proposition to the government here, as he was expected to have done, he, Lord Aberdeen, would have taken it up as the basis of his action, and entertained little doubt that he would have been enabled to propose modifications which might ultimately have resulted in an adjustment mutually satisfactory to both Governments; and he observed that if it had not been withdrawn, after Mr. Pakenham's note, he would have disavowed his rejection, and proceeded to treat it as an open proposition. He further said that he would be disposed even now, to do in substance the same thing, and submit a new proposal, if he could be certain that in withdrawing the proposition the President did not intend to terminate the negotiation, and to use Mr. Pakenham's mistake for that purpose. His great desire obviously was to escape from the difficulty, which in his view, the President's withdrawal of our proposition had interposed to a continuance of the negotiation, by a new proposal from this Government; and although, he did not state particularly what course it would be his duty to take, if this dif-
ficulty could not be surmounted, he intimated, a last resort towards an amicable adjustment might probably be a proposition for arbitration.\textsuperscript{126}

Aberdeen went further and censured Pakenham in person for his peremptory rejection of the American offer. After admitting that it was unacceptable and that Pakenham acted correctly in refusing it, Aberdeen went on to inform him that

\begin{quote}
... Her Majesty's Government can not but express their regret that in signifying to Mr. Buchanan the impossibility of your acceding to the terms submitted to you by him, you had not informed him at the same time that, considering the important interests involved in the question respecting the Oregon Territory you would, nevertheless, convey his proposal to the knowledge of Her Majesty's Government, and leave them to deal with it as they might think proper.

In pursuing this course, without committing your Government in any way, or departing from the Letter or Spirit of your instructions, you would still have left an opening for further negotiation ... .

As matters now stand such a basis, in consequence of the withdrawal of the United States' proposition, is altogether wanting; and it is difficult to devise any plausible scheme for again bringing on the discussion.\textsuperscript{127}
\end{quote}


\textsuperscript{127} Aberdeen to Pakenham, Foreign Office, October 3, 1845. P. R. O., F. 0. 115, LXXXIX, Lib. of Cong., Photo., pt. 2.

Pakenham did not receive this rebuke with good grace and attempted to shift the blame for the existing situation from himself to Buchanan. On October 29, 1845, he asked Aberdeen "Does it not appear to Your Lordship after all, that if the American Government really desired to bring about a fair and amicable settlement of the Oregon Question they would have begun by proposing something which it was within the reach of probability that Her Majesty's Government might accept,—instead of coming forward with an offer which they knew as well as I did could never be accepted, nor as I honestly believe, by any possible modification of it, be made the basis of equitable adjustment between the two governments, or would they, if they really had any wish to settle the question otherwise than on terms of their own dictation, have abruptly withdrawn their first and only proposal, inadmissible as it was, on a mere point of form, and because the British Plenipotentiary felt obliged without consultation with his Government to declare his inability to accept it.

"I humbly submit that Mr. Buchanan was not justified from any thing contained in my answer to his proposal in thus abruptly withdrawing it, before he had even an opportunity of hearing from the American Minister in London how it
Pakenham attempted to have Buchanan withdraw his withdrawal but to no avail. President Polk at least, realized the superior bargaining position the United States now enjoyed and would do nothing to restore the diplomatic balance. From this time until the final settlement of the boundary, the British government could do nothing except offer arbitration periodically in the hope that the constant suggestion of this expedient would, to some extent, dissipate the odium that would attach to Great Britain should the Oregon problem result in war.

had been received, and accordingly that whatever inconvenience may arise from the interruption of the Negotiation, which has thus been brought about, is more justly chargeable to him than to me." Pakenham to Aberdeen, Washington, October 29, 1845. P. R. 0., F. O. 5, CCCXIX, Lib. of Cong., Photo., pt. 1.

But this explanation did not satisfy Aberdeen. "... you appear not fully to have understood the precise cause of the regret which I expressed on the part of Her Majesty's Government at the line which you pursued on that occasion. Her Majesty's Government expressed regret that in declining to accept Mr. Buchanan's proposal for formal reference to your Government, as one respecting which you entertained any doubt yourself, you had not, at the same time, distinctly intimated to Mr. Buchanan that, considering the vast importance of the matter, you would nevertheless not fail to put Her Majesty's Government in possession of that proposal, in order that they might deal with it as they should think proper.

"Had this course been pursued, instead of calling upon Mr. Buchanan to make another proposal, it is probable that the progress of the Negotiation would not have been suddenly stopped, for Mr. Buchanan could not, with safety, under such circumstances, have withdrawn his proposition, and Her Majesty's Government would thus have possessed some basis on which to proceed in the future management of the affair ... ." Aberdeen to Pakenham, Foreign Office, November 28, 1845. P. R. 0., F. O. 115, LXXXIX, Lib. of Cong., Photo., pt. 1.
CHAPTER V

THE OREGON BOUNDARY SETTLEMENT, 1846

The year 1846 resulted in a falling off of immigration to Oregon, but for no apparent reason. The only credible explanation seemed to be that the frontier settlements of Indiana, Illinois, and Missouri had been drained of their surplus population by the previous years of emigration. The nomadic frontiersman, whom John Wentworth of Illinois described in the House of Representatives as refusing to live "... in a community after his wife could not invite every person within five miles for fear her log cabin would not contain them," was becoming scarce on the former frontier.¹

As a result, Oregon and California publicists in the United States sought to recruit emigrants from all sections of the country. The more timid in character, or those more reluctant to leave well established homes, were stirred up by appeals to their courage and pride. One propagandist warned the population "... not to be deterred by any stories told you on the frontier about danger, what others have done, you can do,—recollect one thing however, is certain, that you will meet with difficulties and trials."²


²Joseph E. Ware, The Emigrant's Guide to California, Containing Every Point of Information for the Emigrant—including Routes, Distances, Water, Grass, Timber, Crossing of Rivers, Passes, Altitudes, With a Large Map of Routes and Profile of Country, etc.—With Full Directions for Testing and
At the same time, advice and recommendations for making the journey poured in from relatives and friends already in Oregon. This information was valuable and with each succeeding immigration, the journey to Oregon became easier and the hardships at least more endurable. For example, Jesse Applegate advised his brother to

Have nothing in your wagons but provisions and such articles as are absolutely necessary for your comfort on the road. A bale of gaudy calico shirts cotton h'cfs. and such light articles will be useful to you after you cross over to this side of the Mts. to trade to the Indians. Ammunition is also a good article of trade. For such articles you can hire them to assist you in crossing streams or purchase from them provisions, skins, etc. Have plenty of teams. Oxen are best.

You might bring a drove of choice cattle from 2 to 4 years old are preferable. They will give the boys employment on the road.

The remainder of your wealth invest in goods which you can ship from New York.

Of the stock, Tobacco, coarse boots and shoes, farmers and carpenters tools (except ploughs) should form the principle [sic] part.\(^3\)

However, the Oregon settlers discovered at this time, much to their dismay, that many emigrants who originally had set out for that country were being diverted into California at Fort Hall by the machinations of the Hudson's Bay Company trader, Captain Grant, and the American land-speculator, Lansford W. Hastings. The Oregonians determined to take measures at once, in an attempt to stop these piratical raids on the life-blood of their growing community. Consequently, a meeting of citizens of Oregon was held at the City Hall in Oregon

Assaying Gold and Other Ores, St. Louis, 1849, 9-10.

The same authority also warned them of the dangers of starving to death on route. "Persons having families, with children, will find it necessary to make nearly as large an estimate for each child, as for an adult. Men, women and children, eat twice the quantity on the road that they would otherwise require at home. Make no calculation upon anything in the shape of game—you will need that too." Ibid., 14.

\(^3\) MSS Coe Coll., Jesse Applegate to Lisbon Applegate, Polk County, Oregon Territory, February 15, 1846.
City on June 15, 1846, for the purpose of sending a delegation to Fort Hall to meet the immigration of 1846 and to insure its continued progress to the Willamette Valley. Moreover the delegation was to do its utmost to prevent the immigrants from "... being deceived and led astray by the misrepresentations of L. W. Hastings, who is now on his way from California for that object ..."

To achieve this latter end they carried with them the signed statement of three ex-Californians who were, fortunately, now residents of Oregon. This affidavit testified that

We, the undersigned, left the United States in 1845 to proceed to Oregon, and upon our arrival at Fort Hall, having been told by Capt. Grant that the road to Oregon was so bad and destitute of grass and wood, by his advice and others, we were induced to leave the Oregon trail and go to California. When we arrived at the plains of the Sacramento valley, we found the whole country burnt up by the sun, and no food for either man or beast; having been deceived ourselves, our object is to prevent others being deceived in like manner. Owing to the drought, no vegetables for sauce of any amount can be raised. Flour is from 10 to 12 dollars per hundred, and unbolted at that; from 5 to 8 bushels of wheat to the acre, is about the average raise in California; the rain commences in January, and ends about the 1st of March, and then no more of any consequence till the year rolls round; four months grass and eight months drought. There is no timber but scrub oak, except on the mountains, from 10 to 50 miles from the settlements; lumber is from 40 to 80 dollars per thousand, and most of the buildings are dobie, covered with tooly. The country is so flat and marshy that, in the winter, one-fourth is inundated, and leaves the swamps full of water, which dries away in the summer, and causes intermittent complaints to be prevalent. There is no good society at all, and it is very difficult for a man to keep his own. The Roman Catholic Institute is destroyed; no land can be obtained by foreigners without purchase, and then a poor title; and it is almost impossible to get any clothing—the duties are so high, that no shipping comes in. When we left California for Oregon, Lansford W. Hastings started to meet the emigration from the states, to try to persuade them to go to California. He told us publicly that he and Capt. Suter [sic] intended to revolutionize the country, as soon as they could get sufficient emigrants into California to fight the Spaniards; this plan was laid between Capt. Suter and L. W. Hastings, before said Hastings published his book of lies in 1844.

We have now traveled this side of the Umpqua mountains 80 or 90 miles before we reached the settlements in the Willamette valley, and we can say

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4Oregon City, Oregon, Oregon Spectator, June 25, 1846.
we have found the most splendid and beautiful country, with rich prairie land and timber adjoining, together with good water and springs; there is probably one thousand farms can be had convenient to the Willamette river, such as will suit the fancy of any farmer, and far exceeding anything we have seen in California.

Truman Bonney
Jairus Bonney
(Corroborated by) Abner Frazer

Signed at Oregon City, June 17, 1846, in presence of A. L. Lovejoy and F. Prigg.

As an inducement to further immigration, the Oregon settlers surveyed a new route into the country through southern Oregon, which was designed to cut off the desolate stretch of road from Fort Hall to the Columbia River and to avoid the dangers of the water passage down that river from the Dalles to Fort Vancouver. This new route was advertised in newspapers in the United States under the title of a "Letter of Jesse Applegate to the Future Emigrants to Oregon Territory." Applegate described the new route as following

... the road to California about 320 miles from this place, and enters the Oregon Territory by the way of the Clamet Lake, passes through the splendid valleys of the Rogue and Umqua Rivers, and enters the valley of the Willamette near its Southern extremity.

The advantages gained to the emigrant by this route is [sic] of the greatest importance—the distance is considerably shortened, the grass and water plenty, the sterile regions and dangerous crossings of the Snake and Columbia Rivers avoided, as well as the Cascade Mountains—he may reach his place of destination with his wagons and property in time to build a cabin and sow wheat before the rainy season. This road has been explored and will be opened at the expense [sic] of the citizens of Oregon, and nothing whatever is demanded of the emigrants.

5 Ibid.


The Oregon settlers had a secondary reason for establishing a new route into Oregon, which was: "In case war should occur, and Great Britain be successful, it was important that we should have a way by which to leave the country without running the gauntlet of the Hudson's Bay Company's forts, or falling a prey to the Indian tribes which were under British influence." Jesse A. Applegate, Recollections of My Boyhood . . . . 88.
In spite of the decreasing number of United States citizens with the moral and physical stamina necessary for the journey to Oregon, and in spite of the growing competition from California, the immigration of 1846 reached a respectable figure, roughly estimated at thirteen hundred fifty. Though this was less than half that of 1845, it was still a sizable group and with the settlement of the boundary, the number of immigrants again shot upwards.7

In spite of the fact that the Oregon settlers were doing everything in their power to stimulate and protect a steady stream of immigration, the reception accorded the new arrivals did little to guarantee their permanent residence in the country. An immigrant of 1846 charged that "... the treatment by some of the earlier settlers here, of the emigrants that came after them was shameful. The truth is, for myself,--& I was not the only one,--I was pared & scraped & shaved so that when I got in here I only needed a butcher to take off my skin."8

This reception was not entirely the fault of the former residents, however. The novelty of welcoming immigrants had worn off rapidly after the immigration of 1843 and with each succeeding wave of immigrants, the prior settlers found their economy strained to the breaking point and their own standard of living reduced to the subsistence level. As a result, they did not look upon further increase in the population as an unmixed blessing. One of them complained editorially

7For a brief but excellent account of the Immigration of 1846 and of the troubles and disputes between the twenty wagons destined for Oregon and the forty headed for California see MSS Banc. Coll., Antonio B. Rabbeson, Growth of Towns, Olympia, Tumwater, Portland and San Francisco, 1878, 1-5. The group of immigrants to California described in this account included the ill-fated Donner Party.

8MSS Banc. Coll., L. Quinn Thornton, Oregon History, 1878, 34.
... who would ... have supposed that in the rapid march of settlement in this country ... not one step should be made to keep pace with it in our mercantile affairs; and that the fourth and fifth great emigrating party would find not as many goods at this day in the stores of our merchants, as there were in the fall of 1843, and that it is now believed by persons having a right to know, that there are not now sufficient materials for shirting in store, to make a shirt apiece for each citizen, or to furnish the male inhabitants one leg of a pair of pantaloons each, and that these articles which our pressing necessities demand, have in consequence of their scarcity, advanced in value so as to place them beyond the reach of our indigent farmers whose nakedness is more and more apparent, and under the present reduced prices of labor and the production of the soil, growing out of the controlling influence of those who have the trade of this country locked up, must produce embarrassments intolerable and not long to be borne without a change. 9

Moreover, as the settlers became established on their claims and the threat of imminent starvation grew more remote, they began to cast about for the luxuries considered essential to the civilized life they had enjoyed in the United States. Where the stock of Indian supplies carried by the Hudson's Bay Company had more than satisfied them upon their arrival, their better condition now resulted in demands that the company was unable to meet and did not intend to meet. This situation is apparent from the following excerpt from a letter of Jesse Applegate to his brother on February 15, 1846.

The H. B. C. sell now for ready pay, either Beaver, cash, or wheat delivered, and at prices reasonable enough, but as their goods are calculated for the Indian trade they can only partially meet the wants of the emigrants. The American merchants here are generally a set of skin flints and when they have the trade in their own hands they practice excessive extortion. And in fact the supply is wholly inadequate [sic] to the demand. People are compelled to go barefoot and almost naked not for lack of means to buy but for lack of the articles needed & not to be bought ... . Building materials, nails, glass etc., common wool hats, calicoes, casquetts and such other cotton & woolen goods as are the manufacture of the U. S., in these articles the H. B. Co. offer little if any competition and they are sold at enormous prices and frequently for nothing but cash.

I saw a pair of boots of the coarsest kind sold for $25, a half worn axe for $12 and the common price of coarse shoes is $6.00. I paid for the meanest kind of split leather boys shoes for Rosalie & Synthia $1 per

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9Oregon City, Oregon, Oregon Spectator, October 15, 1846.
pair. Common tobacco sells for 75 cts to $1.00 lb.\textsuperscript{10}

The settlers thereupon blamed the merchants of the territory for their misery and unleashed their fury on them at the least provocation. The following complaint is typical:

... we have had four ship arrivals, but I am not certain that this will much relieve our former condition; two of them belong to the Hudson's Bay Company, one only of which has goods on her, and the remaining two are under the control of Mr. Stark, supercargo, and agent of the house at this place [Oregon City], which is connected with that of Benson & Brothers, New York. The vessels of the H. B. Co. are confined to the business of that company, and the other two are American vessels, and confine themselves to the trade of the house just mentioned, refusing freight unless at 50 per cent. on former prices, and passage at 100 per cent. Thus our monopoly works ... . The avenues of trade are closed to all but those connected with these companies. They fix the price of their merchandise and that of our surplus products, to suit an insatiable thirst for gain, whilst our indigent families and unoffending women and children must pay the penalty. I will give an example: Last fall, after the large emigrating party had arrived, it was ascertained that salt would be scarce; it immediately raised from 62\textfrac{1}{2} cts. per bushel, (the price we had formerly paid for it at Vancouver,) to that of $2 cash, and was sold through the winter, at the store of John McLoughlin, at this price, whilst this sum, in cash, was not sufficient to satisfy the cupidity of Mr. Stark and F. W. Pettygrove, who control the house at this place, connected with that of Benson & Brothers, having the monopoly of the salmon trade in view, they refused sale, at all prices, leaving many of our families, who had means to pay, without this necessary seasoning in their beverage, for months at a time, when they had hundreds of bushels in store, and had actually effected the object I supposed they had in view.\textsuperscript{11}

It is true that speculators both from within and from without Oregon were making the most of the situation and were dumping items in the country at exorbitant prices which were considered luxuries by the settlers.

They went to shipping old furniture in here from the east. Capt. Kilburne [Colborne] brought a ship load in. It was so near to pieces that I charged him more for mending it up than it cost ... . He brought out

\textsuperscript{10}MSS Coe Coll., The Letters of Jesse Applegate. Jesse Applegate to Lisbon Applegate, Polk County, Oregon Territory, February 15, 1846.

\textsuperscript{11}Letter of M. M. McCarver to the editors of the Oregon City, Oregon, Oregon Spectator, July 23, 1846.
a cargo of second-hand furniture, stoves etc., that he picked up East. It was just like coining money to sell that off. He sold the stoves for $45 & $60. It was a venture from Newburyport.¹²

There were factors involved in Oregon's distress, however, which it was impossible to remedy. One of these was the concentration of population south of the Columbia and especially in the Willamette settlements. Until the boundary was definitely settled no immigrant would run the risk of taking up and improving a claim north of the Columbia as long as the possibility existed of his being ousted from his holdings or forced to become a subject of Great Britain in order to retain them. When the boundary was finally agreed upon and the vast area between the Columbia and the forty-ninth parallel was thrown open to settlement immigrants ceased heading directly for Oregon City and thus took the strain off of the mercantile system in that vicinity.

Another factor which held down supply in Oregon in the face of rising demand, was the tremendous distances to be traversed in reaching the country. Paul Kane, an artist from Toronto, Ontario, who visited Oregon in 1846, noted in his Journal for November 16 of that year, that it had taken him fifteen days to cover the twelve hundred miles from Boat Encampment, at the headwaters of the Columbia, to Fort Vancouver, and it had taken him four months to cover the same distance on his return.¹³ Since this was the fastest and most direct supply line into the country it is little wonder that prices were high and goods

¹²WSS Banc. Coll., James Athey, Workshops at Oregon City, 1878, 3.

There was still no currency in Oregon at the time. Athey mentions that while he was working as a cabinet-maker "... there was no money in circulation, & the medium was wheat, & orders on stores. I got my pay in that way. Gold came in plentifully in 1849, 50 & 51." Ibid., 6.

¹³Paul Kane, Wanderings of an Artist Among the Indians of North America from Canada to Vancouver's Island and Oregon, Through the Hudson's Bay Company's Territory and Back Again. London, 1859, 155.
in short supply.

Provisioning Oregon by sea was even less efficient and much more expensive. The voyage from seaports on the Atlantic coast of the United States by way of the Straits of Magellan, besides involving thousands of miles and months of sailing, was a dangerous undertaking. Nor was arrival at the mouth of the Columbia River considered the end of the journey by any stretch of the imagination. Crossing the constantly shifting sand-bar at the mouth of the river and making their way upstream to Fort Vancouver and Oregon City through narrow and rapidly shoaling channels was considered by most sea captains the most perilous part of the whole voyage. Eugène Duflot de Mofras, Chargé d'Affaires of the French embassy in Mexico City, described the entrance of the Columbia as

... an immense line of breakers eight or nine miles across, lined up in front of the mouth of a river in sort of a crescent. At low tide and especially during the season of melting snows, the current of the river becomes so rapid that it moves more than two leagues an hour, and is tangled with the debris such as enormous trees and parts of entire forests from flooded land. When the sea winds blow the ocean water toward the mouth of the river, the concussion of meeting waters makes waves more than sixty feet high, so that when one is anchored just inside the river mouth, and encircled with luxuriant vegetation, it is an inspiring and poetic sight to look over the bar with the crashing of the water which can be heard for many leagues, and the waves which race along the horizon of the sea ... 14

It is not surprising, therefore, that these trading captains asked exorbitant prices for their goods as compensation for the risk to their vessels and crews. However, the fact that forces of nature were against them did little to lessen the anguish felt by Oregon citizens who were unable to buy what they now considered necessities of life or were forced to invest everything they owned in one small item.

Social conditions in Oregon at this time were nearly as bleak and unpromising as the economic situation. The Reverend George Gary considered

The want of society enlightened and cultivated is the great desideratum to render residence here desirable and pleasurable. Duty may lead a man here and keep him here; the ambitious may come here and remain here that they may be great in the community of which they are members; the avaricious may come and remain that they may become rich; the guilty and wandering may come to get rid of their shame and perhaps their name; but aside from these and a few other considerations, I would advise friends to remain in the land of their nativity and of their high, rare privileges . . . 15

National differences also helped somewhat to keep the settlers apart and to retard the evolution of the social life and institutions characterizing a stable community. Duflot de Mofras, while visiting Oregon, noticed that

The Canadians are used to thinking of anything coming from France as actually superior. They express this favorable opinion in the smallest things. They speak of the best domestic ducks as French ducks, English leather shoes as French shoes, Europe as France, and all white people, Frenchmen. Ironically even the Indians have this prejudice so that when an old, half-breed guide was asked where the very good gun that he carried on his shoulder came from, he answered that it come from France through London.16

Some effort was being made, however, to acquire the amenities of life. On March 4, 1846, the following notice appeared in the Oregon Spectator:

Be it ordained and established by the Mayor and Trustees of Oregon City, in Council assembled . . . .

3. That from and after the first day of April, 1846, all owners of swine, be and they are hereby prohibited from suffering the same to run at large within the limits of said City, under a penalty of not . . . more than ten dollars for each and every such offence . . . . 17

But these dislocations, both social and economic, were common in frontier


17Oregon City, Oregon, Oregon Spectator, March 4, 1846.
communities and normal conditions in every new settlement throughout the west, and had been so ever since the frontiersman started moving westward from the eastern seaboard. A too rapid increase in population which prevented a normal and quiet assimilation of the newcomers, was responsible for most of these difficulties. That the population of Oregon was increasing by leaps and bounds there could be no doubt. Paul Kane, the wandering Canadian artist, noted in his Journal for January 10, 1847, that

Oregon City contains about ninety-four houses, and two or three hundred inhabitants. There are a Methodist and a Roman Catholic church, two hotels, two grist mills, three saw mills, four stores, two watchmakers, one gunsmith, one lawyer, and doctors ad libitum. The city stands near the Falls of the Willamette which is here about thirty-two feet high.

The water privileges are of the most powerful and convenient description. Dr. McLoughlin (sic), formerly a chief factor in the Hudson's Bay Company, first obtained a location of the place, and now owns the principal mills. A great drawback, however, to its prosperity, is, that vessels cannot ascend the river nearer to it than fifteen miles, on account of the rapids. At the head of the navigation a city is building, which must eventually rival, if not eclipse Oregon City in commercial prosperity. 18

18Kane, Wanderings of an Artist . . ., 191-192.

Dr. John McLoughlin's formal retirement from the Hudson's Bay Company took place on June 1, 1849, but his active participation in the affairs of the company ceased long before that. On January 4, 1846, he moved from Fort Vancouver to Oregon City where he carried on the business of the company until the end of the fiscal year, May 31, 1846. After that date, he was no longer active in the company.

E. E. Rich, the editor of McLoughlin's Fort Vancouver Letters, gives the following brief sketch of the closing years of McLoughlin's life: "The boundary had been determined in June, 1846; in November the news reached Oregon that all the mainland south of the 49th parallel had become a part of the United States. In 1849 Oregon became a Territory. McLoughlin was ready and willing to become an American citizen, and in May of 1849—as soon as it was possible for him to do so—he took the oath and made his declaration to become a citizen, as required by the naturalization law. Now, at last, he expected to be able to secure full legal title to the Willamette Falls property; but he had reckoned without his host. The violent prejudice against the Hudson's Bay Company lingered on, and took the form of gross discrimination against himself. The prejudice even extended to persons who arrived in Oregon after he had retired to Oregon City, and in particular to Samuel R. Thurston, an immigrant of 1847, who was elected Oregon's first delegate to Congress in 1849. Young, able, and in this matter completely unscrupulous, Thurston contrived to have inserted in the
The first official census of Oregon in 1850 lists the total white American population at 13,294. This represents an immigration into Oregon over a seven-year period, of approximately thirteen thousand people. This figure might not be considered remarkable in modern times, but when one considers the distances involved and the hardships encountered in those days, this population shift is truly amazing.

Due to the concentration of population in the Willamette valley, American settlers began crossing the Columbia early in 1846 and settling in the area between that river and the forty-ninth parallel. Prior to that time there were approximately eight families living north of the Columbia and these had been

Oregon Land Donation Law of 1850 the notorious eleventh clause, whereby McLoughlin was deprived of all his holdings at the falls. Abernethy Island was given to the milling company currently in possession, while the rest of the property was placed at the disposal of the Legislative Assembly of Oregon, 'the proceeds thereof to be applied...to the establishment and endowment of a university...'

"McLoughlin was not without friends, and a reaction soon set in in his favour. But recompense came only after his death, and it was not until 1862 that the Legislative Assembly at long last corrected a great injustice by conveying the land claim (except Abernethy Island) to the legatees under McLoughlin's will, upon payment of the nominal sum of one thousand dollars.

"McLoughlin was never actually dispossessed; he lived in his home and conducted his business in Oregon City while the controversy raged about his head. But no man could endure such treatment without becoming deeply embittered, and it is recorded that in his last days he remarked to a friend: 'As for me, I might better have been shot forty years ago than to have lived here and tried to build up a family and an estate in this government.'

"He died on September 3, 1857, within a few weeks of his seventy-third birthday. So closed a career that had spanned a continent, and embraced an entire period in the history of the Pacific Northwest." McLoughlin, Letters, Third Series, 1841-1846, lxii-lxiii.

The unidentified city referred to here by Kane was Portland, Oregon; and his prediction of future greatness was even then coming true. Henry H. Peters of New York City noted on July 21, 1850, that "...the second town of Oregon has a population of 4 or 500 & seems to be growing rapidly..." New York Public Library, MSS Coll., Henry H. Peters, Diary: San Francisco to Oregon, 1850, 9.

brought in by the Hudson's Bay Company to make shingles at Fort Nisqually on Puget Sound.\(^\text{20}\)

Without waiting for the settlement of the boundary, exploring parties of Willamette valley settlers were looking over the prospects north of the Columbia. One of these was responsible for the following inducement printed in the Oregon Spectator for February 19, 1846:

We are informed by a respectable gentleman, who has just returned from exploring the north side of the Columbia river and Puget's Sound, that the exploring party are highly pleased with the country. North of the Columbia, particularly in the vicinity of Puget's Sound, the country, susceptible of settlement, is much more extensive, and the soil much better than before represented. Splendid prairies, surrounded with the finest of fir, pine and cedar, with a great many beautiful water courses, sufficiently large for steam boat navigation, and possessing water power well calculated to propel any kind of machinery; of these Frazier's, Snohomus, Puyallup, Cowlitz, Chehalus and Nesqualla, are the most considerable. The last named stream empties into the Sound, which forms one of the best harbors on the Pacific. Hitherto the country has been unexplored by emigrants wishing to settle.

We are well satisfied, from the information received that, that region of country north of the Columbia, as far as Frazier's river, will, in a short time, be populated with the enterprising emigrant, who anticipates and intends to realize the advantages of a location at or near the harbor of Puget's Sound. To show that the above conclusions are well founded, we are informed, since writing the above, that five families have already located immediately on the Sound.\(^\text{21}\)

This invasion of an area hitherto considered by the British as falling to themselves in any boundary settlement, did not seem to distress them unduly at this particular time. Peter Skene Ogden and James Douglas, in a letter to Captain Duntze of H. M. S. Fisguard, then in Puget Sound, merely noted the fact

\(^{20}\text{Cf. supra, 169. One of the early settlers in this area remarks that "Prior to 1846, there were so few people, not Hudson's Bay Co. employees, in the Territory, that they exercised so little influence as not to be noticeable." MSS Banc. Coll., Elridge Morse, Notes of the History and Resources of Washington Territory, 2lv., I, 15.}\)

\(^{21}\text{Oregon City, Oregon, Oregon Spectator, February 19, 1846.}\)
that American settlers from the Willamette were looking over the country around Fort Vancouver for possible farm sites, but that they made no attempts to encroach on the company's property. In fact, the Hudson's Bay Company followed the same policy in supplying these new settlers north of the Columbia, that they employed south of the river. On January 12, 1846, Peter Skene Ogden and James Douglas, informed Dr. William F. Tolmie, Chief-trader at Fort Nisqually, that

... we see no objection to your supplying the American settlers in your neighborhood with such articles as can be spared, without inconvenience to the business, from the Company stores either for cash or such production of the Country as we are in the habit of purchasing in this quarter, such as wheat and shingles. In dealing with these people the system of prompt payments is decidedly the most advisable in all cases, as there is always more or less trouble in collecting debts, and it gives rise to much unpleasant feeling. In the present destitute circumstances of the few people at Nisqually, we shall dispense with the established regulations as far as to permit you to advance such of them now there as require assistance but no others to the amount of 20 or 25 Dollars, in molasses, coffee or other articles of the sort; but their outstanding accounts ought never to exceed that amount.

In general the relations between the Americans and British in Oregon throughout 1846 were excellent and remained so up to the time news reached them.

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It might be noted in this connection that although the United States accepted England's offer of a boundary in June, 1846, and a treaty was ratified by both nations in August of the same year, definite word of the boundary settlement did not reach Oregon until early in November, 1846.


For brief accounts of American settlers in the vicinity of Fort Nisqually and the Puget Sound country, as well as their dealings with the Hudson's Bay Company, see ibid., Journal of Occurrences at Nisqually House ... 1833-1859 ... Together with the Journal of the Puget Sound Agricultural Co., 1858-1859, II, 6-7, 12, 16-17.
of the boundary settlement. On July 12, 1846, after notifying Sir J. H. Pelly of the Hudson's Bay Company in London that the Americans were conducting themselves in a peaceable and orderly manner, Dr. McLoughlin furnished him with a breakdown of American political opinion in Oregon.

... some are Desirous that the Columbia be the Boundary because it will afford them a Double market ... others again think that the whole of Oregon united with California would make a Respectable Independent state — and that such a union would be more advantageous for them — and be Independent than the two states to be Dependent on a Distant Government and if the attempt to Revolutionize California which I am informed is to be made this Summer is successful I Believe a proposal for the Union will be made, if the Boundary between Britain and the United States is not previously known. But at present the majority from a national feeling are desirous of Union with the United States — Indeed I am of opinion even if this Country and California were United still a great number and perhaps a majority would be for Union with the United States.2h

Moreover, the fact that the Hudson's Bay Company were operating in close cooperation with their Provisional Government served to flatter and render the better class of Americans less hostile to the company and the British in general. An Englishman traveling through the country in 1845 observed that

... the degree of importance which the new legislature has already obtained may be estimated by the fact that the officers of the Hudson's Bay Company have accorded their acknowledgement of its powers, by applying through the chief governor of all the stations in the territory (Dr. McLoughlin) [sic] for a charter for a canal around the Willamette Falls ... .

This recognition of the authority of the legislative confederacy would, however, be a politic course in the resident governor of the Hudson's Bay Company, even though he should be ever so averse to it; for such recognition would not affect the interests of his association in case it were overthrown by his own government, and it would afford him, meanwhile, an opportunity for the quiet pursuit of his plans. It is but just, however, to bear in mind, that the jurisdiction exercised by the company over all the citizens in the territory, previous to this legislative convention, was not their own arrogation, but the investiture of the British Government, for its own special objects; and it is no less just to say that this power was exercised by the gentleman above named, during his rule, with a

temperance and fairness but seldom found in those who have no immediate superior to account to.  

So intense, in fact, was the interest of the Hudson's Bay Company in the Oregon Provisional government that a company political machine, under the guidance and direction of James Douglas, was beginning to take shape. In a letter to Dr. Tolmie on May 22, 1846, after congratulating him on the announcement of his candidacy for Sheriff of Lewis County, Douglas pointed out that, although he had nothing against the American candidate, "... it would not be proper or appear right to the world, that we who possess a prevailing influence and hold so large a share of the property of the County, should allow a fragment of the population to represent and legislate for the interests of the whole."  

The boundary question evoked spirited discussion in Oregon, but unlike that in the United States, the view of the greater majority of the American settlers was surprisingly moderate. This is partially explained by the fact


Tolmie also received his instructions regarding other matters up for consideration by the people of Oregon at that time. "The number of qualified voters at Fort Nisqually is 16, as per statement herewith. Besides the voters for the return of a member for the Legislature, you will also submit the proposed amendment in the land law, and take the sense of the people, as to the manner of electing the Judges of County Courts whether by the people or by the House of Representatives. On the first point, we intend to oppose the amendment on the land law, as it is, in all circumstances, dangerous to tamper with and make inroads on fundamental institutions, and more so in a new Country, where things have not assumed a settled form, nor had time to take hold on the affections of the people. The law in its present state is certainly not perfect, neither is the amendment calculated to improve it. "On the second point, the sense of this country is decidedly in favour of the Judges being elected by the people in their several Counties... "I think the majority of the suffrages of the people at the Cowlitz will be given in your favour as we intend to lend you all our influence." Ibid.
that the Americans realized to a certain extent that should war result from the issue, their position would be extremely dangerous, if not fatal. Hence, war to them was definitely a last resort. One of them maintained that

If the people here were to decide the question every American and many of the British would oppose any part of the Territory being surrendered to G. B. and if the Columbia is made the line a majority of the people will leave the country. The exclusive navigation of the Columbia is of as much importance to Oregon as the exclusive navigation of the Mississippi is to the Western States.

The British population tho' very quiet, peaceable citizens, and the officers of the H. B. Co. most courteous and accommodating, yet they have not been able to overcome the prejudices so natural to the Western people. They having never had any peaceable intercourse with England only remember the British as the enemies with whom their forefathers struggled for liberty, and believe in case of war between the two countries, that they will as heretofore set the tomahawk and scalping knife of the Savages to work upon their defenceless families.27

The number of moderate articles clipped from British newspapers and published in the Oregon Spectator not only had a calming effect on the population but also served to indicate that public opinion in Oregon did not demand extreme measures in the settlement of the boundary. The following from the London Times for January 2, 1846, serves to illustrate this point.

Oregon should the American population ever attain a substantial preponderance, would not long remain a British colony; but occupancy, though an irresistible power, is not a right, and depends on numbers, not arms . . . .

War is too monstrous to be thought of for a moment, except after every effort at a compromise has been exhausted. Britain and America must be too sensible of their mutual benefits, mutual dependence, and mutual respect, to peril the substantial blessings they now enjoy, and are daily multiplying in the relations of peace, for the bloody and precarious glories of war.28

Moreover, such assurance as the following, reprinted from the Baltimore,


28Oregon City, Oregon, Oregon Spectator, September 3, 1846.
Maryland, Patriot, calmed the fears of those Oregon settlers who were living under the guns of the British Navy.

The Washington correspondent of the Baltimore Patriot writes as follows concerning the opinion of the British Admiral Seymour, concerning war with England:

'One of the evidences that England is not going to war with us about Oregon, is to be found in the fact that none of her naval officers believe it. Our late charge d'affaires to Lima had a friendly conversation in that city a few months ago, he informs me, with Sir George Seymour, the commander of the British fleet in the Pacific ocean. In that conversation, Sir George, who is a brave, clear-headed man, who has seen much service, and had half of his face shot away in battle, informed Judge Bryan that England would not and could not go to war with the U. States about Oregon, and that the British Admiralty had not a thought about it.29

Though the bulk of the Oregon population did not manifest the callous attitude toward war that characterized certain elements in the United States, still they advocated pressing the extreme American claim to the territory up to

29Oregon City, Oregon, Oregon Spectator, August 20, 1846.

Jingoism was present in Oregon, however, and since the country boasted of only one newspaper, the phenomenon existed of the Spectator presenting both radical and conservative views, sometimes in the same issue. The following is a sample of the former: "Whar, I say whar, is the individual who would give up the first foot, the first outside shadow of a foot of the great Oregon? There aint no such individual. Talk about treaty occupations to a country over which the great American Eagle has flown? I scorn treaty occupation. Who wants a parcel of long flung, outside barbarians to go in cahoot with us, and share alike a piece of land that always was and always will be ours? Nobody. Some people talk as though they were afeerd of England. Who's afeerd? Hav'n't we lick'd her twice, and can't we lick her again? Lick her! yes; just as easy as a bar can slip down a fresh peeled saplin. Some skeery folks talk about the Navy of England; but who cares for the navy? Others say that she is the mistress of the ocean. Suppose she is—aint we the masters of it? Can't we cut a canal from the Mississippi to the Mammoth Cave of Kentucky, turn all the water into it, and dry up the d-----d ocean in three weeks? Whar, then, would be the navy? It would be no whar! There never would have been any Atlantic ocean if it hadn't been for the Mississippi, nor never will be after we've turned the waters of that big drink into the Mammoth Cave! When that's done, you'll see all the steam ships and their sail ships they splurge so much about lying high and dry, flourerin' like so many turtles left ashore at low tide. That's the way we'll fix 'em. Who's afeerd?" Ibid., May 28, 1846.

Since this article was written in an affected patois, no effort has been made to indicate variant spellings.
fifty-four-forty. At a meeting of citizens held in Oregon City, September 26, 1846, it was agreed that a Memorial to Congress should be drawn up; one subject of which was to be "... that nothing short of 54 degrees 40 minutes north lat. be made the boundary of Oregon territory to the north."\(^{30}\)

With this increased interest in and excitement over the boundary issue, the British doubled their naval concentration in the vicinity. On May 16, 1846, H. W. S. Fisgard, commanded by Captain J. A. Duntze, dropped anchor in Puget Sound.\(^{31}\) Two months later the frigate C\(\text{o}\)m\(\text{a}\)r\(\text{a}\)r\(\text{a}\)nt, accompanied by the surveying ship Herald and the tender Pandora, arrived off Fort Victoria, on the tip of Vancouver Island, and evidenced every intention of remaining there indefinitely.\(^{32}\) These vessels were later joined by the brig Rosalind,\(^{33}\) and the frigates Con\(\text{c}\)t\(\text{a}\)n\(\text{s}\)e and In\(\text{c}\)on\(\text{a}\)nt.\(^{34}\) These were later replaced by the frigate Thetis and other vessels.\(^{35}\)

The United States navy also made a token visit to the territory in 1846,

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\(^{30}\)Ibid., October 1, 1846.

\(^{31}\)Univ. of Wash. Lib. MSS Coll., Journal of Occurences at Nisqually House ... 1833-1859, II, 17.

\(^{32}\)Ibid., II, 23.

\(^{33}\)Ibid., II, 24.

\(^{34}\)MSS Banc. Coll., Finlayson, History of Vancouver Island and the Northwest Coast, II. Roderick Finlayson, the Hudson's Bay Company trader at Fort Nisqually on Puget Sound, frequently visited the warships anchored in his vicinity and from the officers of those vessels received the confident assurances that, should they receive orders to that effect, "... they could take the whole of the Columbia Country in 2\(\frac{1}{2}\) hours." Ibid.

\(^{35}\)Ibid., 44. Bancroft, in his History of Oregon, gives a complete list of the ships comprising the British Pacific squadron at that time. Bancroft, History of Oregon, I, 497 n54. Of the fourteen ships with a complement of three hundred fifty-five guns listed by Bancroft, nearly half were, at one time or another, stationed in the waters of the Oregon country.
but their show of strength consisted in one vessel, the U. S. S. Shark—a schooner, under the command of Lieutenant Neil Howison. This was enough, however, to instill a sense of confidence in the settlers. On September 7, 1846, Ogden and Douglas notified Captain Duntze of the Fisgard,

The Americans having never shown any predilection for settling on the north side of the Columbia River until the United States' schooner, Shark, arrived at this port, and the excitement among them having greatly abated since her departure from hence, we cannot help thinking that the people were directly or indirectly encouraged by the officers of that vessel to encroach upon our settlements. This was, to speak of it in the mildest terms, a most imprudent act on their part, which cannot possibly do any good, nor add one iota to the rights of the United States; but, on the contrary, must tend to much evil, by dragging the ignorant and over-excitable population of the country into mischievous courses.

We beg to add, in justice to Captain Howison, the commander of the Shark, that he evinced much concern on observing the lengths to which his countrymen were disposed to carry their encroachments, and made some exertions to put a stop to their proceedings. 36

With peace in such precarious balance in the Oregon country, President Polk instituted proceedings looking to the eventual assumption of exclusive

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One of the Oregon settlers at that time points out that the Hudson's Bay Company holdings at Fort Vancouver stretched "... thirty-five miles from east to west along the north bank of the Columbia river, reaching back as far as their stock traveled." Minto, Rhymes of Early Life in Oregon, Salem, Oregon, 1915, 28. Thus the temptation was always present of squating on the company's land. Moreover, from the land clauses in Lim's various bills as well as from the land law of the Provisional government the settlers implied, rightly or wrongly, that their "... rights to 640 acres were much stronger than that of the Hudson's Bay Company ... ." Ibid.

Lieutenant Howison's estimate of the company's holdings at Fort Vancouver was much less than that set down by Minto. Howison described Fort Vancouver as being surrounded by eighteen English claims, extending nine miles on the river front and two back. U. S. Cong., House of Rep., House Miscellaneous Documents, 30th Cong., 1st Sess., 1847-1848, Serial No. 523, Doc. No. 29, 20.
sovereignty by the United States over the whole territory up to fifty-four- 
forty. In his Annual Message to Congress, December 2, 1845, he explained the 
motives which impelled him to offer the British the forty-ninth parallel as a 
compromise settlement: "... in deference to what had been done by my prede-
cessors, and especially in consideration that propositions of compromise had 
been thrice made, by two preceding administrations ... in two of them yield-
ing to Great Britain the free navigation of the Columbia, and that the pending 
negotiation had been commenced on the basis of compromise ... ."37 He then 
goes on to describe the curt rejection of the American offer by the British 
Minister and the subsequent withdrawal of the offer by the United States gov-
ernment. Polk warned Congress that, although the negotiation had come to a 
halt temporarily, nothing should be done by the United States that could be 
construed as a violation of the Convention of 1827. However, he recommended 
that Congress institute legislation as quickly as possible enabling him to 
terminate the convention after giving due notice to Great Britain and after 
the passage of the twelve months from the date of giving notice, prescribed in 
its third article.38

37U. S. Cong., Senate and House of Rep., Cong. Globe, 29th Cong., 1st 
Sess., 1845-1846, XVI, Appendix, 3. Senator Benton denies that Polk made the 
offer of the forty-ninth parallel for the reasons alleged in his Message to 
Congress. Benton maintains that the British reaction to Polk's inaugural ad-
dress, which made war almost inevitable, was the reason impelling Polk to make 
the offer. Thomas H. Benton, Thirty Year's View; or A History of the Working 
of the American Government for Thirty Years, from 1826 to 1850, 2v., New York, 
1859, II, 661. Benton further maintains that the outcry from the fifty-four 
forties and the extremist American press forced Polk to withdraw the offer of 
the forty-ninth parallel and that Pakenham's rejection of the proposal had 
nothing to do with the suspension of negotiations which ensued. Ibid., II, 
662.

38U. S. Cong., Senate and House of Rep., Cong. Globe, 29th Cong., 1st 
Sess., 1845-1846, XVI, Appendix, 3.
He also recommended that Congress enact legislation for the protection and well-being of United States citizens in Oregon, taking care at the same time that it did not constitute a violation of the convention. This legislation was to include the extension of the laws and jurisdiction of the United States over Oregon in much the same manner as the British Parliament had extended English law over the country in 1821. It would also include the extension of the laws of the United States regulating trade and intercourse with the Indians west of the Rocky Mountains; the establishment of Indian agencies and sub-agencies in the Oregon country; the erection of military posts along the immigrant trail for the protection of those traveling to Oregon; the raising of an adequate force of mounted riflemen as a guard for immigrant trains and finally, the organizing of an overland mail system linking Oregon with the rest of the Union. To encourage immigration to Oregon, Polk advised Congress to make liberal grants of land to patriotic pioneers who were willing to undergo the hardships of settling in the territory. But whether this could be done prior to the termination of the Convention of 1827, and without violating the convention itself, the President left to the discretion of Congress. He concluded by pointing out that, at the end of the year's notice

... we shall have reached a period when the national rights in Oregon must either be abandoned or firmly maintained. That they cannot be abandoned without a sacrifice of both national honor and interest, is too clear to admit of doubt.

Oregon is a part of the North American continent, to which, it is confidently affirmed, the title of the United States is the best now in existence. The British proposition of compromise which would make the Columbia the line south of forty-nine degrees, with a trifling addition of detached territory to the United States, north of that river, and would leave on the British side two-thirds of the whole Oregon territory,

39Ibid., 3-4. For the operation of British law in Oregon, cf. supra, 280-282.
including the free navigation of the Columbia and all the valuable harbors on the Pacific, can never, for a moment, be entertained by the United States, without an abandonment of their just and clear territorial rights, their own self-respect, and the national honor.40

Both Houses of Congress began to consider the expediency of carrying out the President's recommendations almost immediately. Before the Senate could take up the matter, however, Senator Lewis Cass of Michigan introduced a resolution calling on the Committee on Military Affairs to investigate the military condition of the country. Cass, at least, realized that any one of the President's recommendations or a combination of any of them, could result in war, and, although he heartily endorsed them, he considered that under the circumstances the first business of the Senate was to look to the military preparedness of the Republic. As for war itself,

... England has placed herself in the path that is before us; and if she retain her position, we must meet her. If the last proposition she has submitted is her ultimatum, it is effectively a declaration of war. Its advent may be delayed a few months; but as soon as the notice expires, if she persists, as she will do, in her occupation of the country, the struggle must commence. It is not the notice which is a belligerent measure, for that is a treaty right; but it is the subsequent and immediate course the parties will probably pursue that must lead to war...

I take it for granted we shall give the notice recommended by the President; for if we do not, we shall leave the people of Oregon without a government, or with an impracticable one; and, in either event, the country is lost to us; and the notice being given, in twelve months, without an abandonment of a large portion of her claim, we shall find ourselves involved in a war with England... It will do no good to shut our eyes to the prospect before us. Danger can neither be averted nor avoided by indifference, nor by presumption. Let us look our difficulties and our duties fully in the face. Let us make preparation adequate to the conjuncture. Let us exhibit to England and to Europe the spectacle of an undivided people, anxious for peace, but ready for war... It is my firm conviction, and I do not hesitate thus publicly to avow it, that the best, if not the only hope that we have of avoiding a war with England is by exhibiting a public and united determination to prosecute it, should it come, with all the energies that God has given us,

and by an instant and serious consideration of the preparations necessary for such offensive and defensive measures as may be required, and as prompt an adoption of them as a just regard to circumstances may demand. 41

Senator Archer of Virginia thought this loose talk of war would do the country more harm than good even though it were for the laudable end of prudent preparation.

Suppose the result of this debate should be to impress the idea that war is inevitable: what would be the effect on the public funds? Will you not impair the fortunes of thousands at a single blow? This debate will be wafted to the remotest bounds of the country. Can any one imagine the horror that will prevail in the bosoms of thousands at the supposition, for a small strip of territory, almost absolutely worthless and barren, two civilized nations are to be plunged into the miseries of warfare? Would it not be astounding that for an object so inconsiderable two great nations should rush into an act of such criminality . . .?

Whatever may be the consequences, this very discussion, even at this stage, is fraught with incalculable mischief. We shall have communicated anxiety and horror to thousands, and all this that we may exhibit our patriotism . . . . My constituents live, for the most part, on the Atlantic seaboard. What will be their destiny? Sir, we heard last year that Great Britain had one hundred and sixty steam-vessels of war. There is not a river, bay or creek, but may be perforated by those vessels, in that part of the Southern country. 42

The opinion of the Senate was almost equally divided for an against Cass's resolution. There were those, such as Senator Ambrose Sevier of Arkansas, who believed war with England to be inevitable, therefore every effort ought to be made to prepare the country for that eventuality. Moreover, Sevier was not in favor of arguing the Oregon matter with Great Britain; he advocated telling and defying her. 43 Others, agreeing with Archer, were of the opinion that this war

42 Ibid., XV, December 15, 1845, 50.
43 Ibid., XV, December 16, 1845, 57. This stand was seconded the same day by Senator William Allen of Ohio, Chairman of the Senate Committee on Foreign Relations. Ibid., 58-59.
talk was damaging the business and general stability of the country. On December 16, 1845, Daniel Webster pointed out that

Every member of the Senate knows, and every man of intelligence knows, that unnecessary alarm and apprehension about the preservation of the public peace is a great evil. It disturbs the calculations of men, it deranges the pursuits of life, and even, to a great extent, changes the circumstances of the whole business of the community. This truth will be felt more especially by every gentleman acquainted or connected with the seaboard. They all know what an immense amount of property is afloat upon the ocean, carried there by our citizens in the prosecution of their maritime pursuits. They all know that a rumor of war, or the breath of a rumor of war, will affect the value of that property. They all know what effect it will have upon insurances. They all know what immense amounts of property on shore will be affected by the agitation of public opinion upon an intimation of the disturbance of the pacific relations existing between this country and foreign states. 44

Certain Senators held divided opinions on Cass’s resolution. Senator Crittenden of Kentucky saw nothing wrong with the resolution as such and believed that the military and naval forces of the United States needed strengthening. But, since he judged war with England unlikely, he deprecated all talk of war as an uncalled for show of hostility toward that country. 45 And, finally, Senator J. M. Clayton of Delaware believed something should be done immediately about the deplorable state of the country’s defences, whether there was to be war or peace, with England or any other country. 46

44Ibid., XV, December 16, 1845, 61.
45Ibid., XV, December 16, 1845, 55-56.
46Ibid., XV, December 16, 1845, 59. Even the most conservative senators were agreed that the United States military establishment was probably at its lowest ebb in history. The aggregate of the United States Army, according to the latest report from the Adjutant-General’s Office of November 26, 1845, was shown to be 8,319 men, while those available for immediate service numbered 6,500. U. S. Cong., House of Rep., House Documents, 29th Cong., 1st Sess., I, Doc. No. 2; Table B, 220.

A similar report, as of December 30, 1845, listed the number of ships in the United States Navy now at sea or in port ready for service to be: “one ship of the line, 713 men; six frigates, 400 men each; fifteen sloops-of-war, 16...
On December 18, 1845, the Senate commenced discussion of the recommenda-
tions contained in the President's message to Congress. The first point con-
sidered was that of giving notice to Great Britain. Senator William Allen of
Ohio introduced a joint-resolution "... advising the President of the United
States to give notice to the government of Great Britain that the government of
the United States will, in virtue of the second article of the convention of
the 6th of August, a. D. 1827, between the two governments, relative to the
Oregon Territory, annul and abrogate that convention ... "47

The same day, Senator David R. Atchison of Missouri introduced a series of
resolutions designed to carry out the rest of the President's recommendations.

1. Resolved, That the Committee on Territories be instructed to in-
quire into the expediency of organizing a government for the Territory of
Oregon.

2. Resolved, That the Committee on Military Affairs be instructed to
inquire into the expediency of establishing block-house and stockade forts
and military posts from the frontiers of Missouri to Frémont's pass, in
the Rocky mountains; and from thence through the Oregon Territory to the
mouth of the Columbia river; and, also, to inquire into the expediency of
raising and organizing a corps of mounted riflemen for the purpose of es-
corting emigrants to, and protecting American citizens in, the Oregon Ter-
ritory.

3. Resolved, That the Committee on Public Lands be instructed to in-
quire into the expediency of granting lands to actual settlers in the Ter-
ritory of Oregon.

4. Resolved, That the Committee on the Militia be instructed to in-
quire into the expediency of organizing, arming and equipping the militia

men each; six brigs or schooners, 60 men each; one sea steamer, 188 men; one
lake steamer (Lake Erie) and four armed store ships. The report continues "Of
others, in ordinary, there can be equipped in three months, two ships-of-the-
line, one frigate, four sloops, one sea steamer, two coast steamers and two brigs, and one ship-of-the-line, for harbor service.
"In six months, another ship-of-the-line, one frigate, and two sloops
could be equipped; and in twelve months, two small frigates could be razeed to
large corvette sloops." U. S. Cong., Senate, Senate Documents, 29th Cong., 1st
Sess., V, Doc. No. 263, 1.

47U. S. Cong., Senate, Senate Journal, 29th Cong., 1st Sess., 1845-1846,
Serial No. 169, 58.
of Oregon Territory.

5. Resolved, That the Committee on Indian Affairs be instructed to inquire into the expediency of establishing Indian agencies and sub-agencies in the Oregon Territory; and the extension of the laws of the United States regulating intercourse with the Indians over said Territory as far as they may be applicable.

6. Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from the frontiers of Missouri to the city of Oregon, in the Oregon Territory. 48

However, before the Senate could seriously consider any of these measures, the extreme advocates of the United States's title to the whole of Oregon up to fifty-four-forty, attempted to block any possible settlement of the question by compromise, asserting that the United States government had no power to alienate the Oregon territory or any portion thereof to the jurisdiction of any foreign power. This denial of the treaty-making powers of the Federal Government was implied in a series of resolutions introduced by Edward A. Hannegan of Indiana, December 29, 1845, which read as follows:

1. Resolved, That the country included within the parallels of forty-two degrees and fifty-four degrees forty minutes north latitude, and extending from the Rocky mountains to the Pacific ocean, known as the Territory of Oregon, is the property and part and parcel of the territories of the United States.

2. Resolved, That there exists no power in this government to transfer its soil, and the allegiance of its citizens to the dominion, authority, control, and subjection of any foreign prince, state, or sovereignty.

3. Resolved, That the abandonment or surrender of any portion of the Territory of Oregon would be an abandonment of the honor, the character, and the best interests of the American people. 49

The following day, John C. Calhoun of South Carolina, made a motion to amend Hannegan's resolutions

... by striking out all after the word Resolved, where it first occurs, and inserting:

48 Ibid., 57-58.

49 Ibid., 73-74.
That the President of the United States has the power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senate present concur.

Resolved, That the power of making treaties embraces that of settling and fixing boundaries between the territories and possessions of the United States and those of other powers, in cases of conflicting claims between them in reference to the same.

Resolved, That however clear their claim may be, in their opinion, to the country included within the parallels of forty-two degrees and fifty degrees forty minutes [fifty-four degrees forty minutes] north latitude, and extending from the Rocky mountains to the Pacific ocean, known as the Territory of Oregon, there now exist, and have long existed, conflicting claims to the possession of the same, between them and Great Britain, the adjustment of which has been frequently the subject of negotiation between their respective governments.

Resolved, therefore, That the President of the United States has rightfully the power, under the constitution, by and with the advice and consent of the Senate, provided two-thirds of the members present concur, to adjust by treaty the claims of the two countries to the said territory, by fixing a boundary between their respective possessions.

Resolved, That the President of the United States, in renewing the offer, in the spirit of peace and compromise, to establish the forty-ninth degree of north latitude as a line between the possessions of the two countries to the said Territory, did not abandon the honor, the character, or the best interests of the American people, or exceed the power vested in him by the constitution to make treaties . . . .

In a speech advocating his amendment, Calhoun pointed out that the original resolutions not only denied the authority of the government and denounced, by implication, the President's recent offer of settlement, but

If . . . it shall appear that a majority of the Senate sustain these resolutions, it will be clear that the question can only be settled by force of arms; and that no peace, should war be commenced between the two countries, can ever be obtained, but by our dictation at the cannon's mouth. The vote on these resolutions, therefore, will draw a broad line, which cannot be misunderstood, between those members of the Senate who desire to settle the question by a resort to arms, and those who are disposed to continue the pacific course of negotiation.51

50 Ibid., 78-79.

51 U. S. Cong., Senate, Cong. Globe, 29th Cong., 1st Sess., 1845-1846, XV, December 30, 1845, 109. The Senate was not anxious that such a "broad line" be drawn, for after considering Hannegan's resolutions and Calhoun's amendment on January 12, 1846, further action was postponed to February 10 and not being brought up on that date disappeared completely from the Senate agenda. U. S.
Hannegan's reply to Calhoun brought out into the open a rift that had been steadily growing between the west and the south over the dual question of Texas and Oregon.

There had been a singular course pursued on this Oregon question, and... it contrasted so strangely, so wonderfully, with a precisely similar question—the annexation of Texas. Texas and Oregon were born the same instant, nursed and cradled in the same cradle—the Baltimore Convention—and they were at the same instant adopted by the democracy throughout the land. There was not a moment's hesitation, until Texas was admitted; but the moment she was admitted, the peculiar friends of Texas turned, and were doing all they could to strangle Oregon...! There was no negotiation then, so far as Mexico was concerned: we took all. But when Oregon is brought into question, we are called on, as an act proper and right, to give away a whole empire on the Pacific, if England desire it. He never would consent to a surrender of any portion of the country north of 49°, nor one foot, by treaty or otherwise, under 54° 40'...52

From this time forth any suggestion by a southern senator or representative that the Oregon boundary might better be settled by negotiation or compromise, caused them to be branded by western extremists as traitors to the cause of American expansion and devotees of sectional interests.

On January 14, 1846, Senator Crittenden of Kentucky attempted to retard somewhat the precipitancy with which the Senate appeared to be preparing for the exercise of exclusive sovereignty over Oregon. Since the Convention of 1827 would have to be abrogated before the exercise of any such sovereignty would be legal, and since much of the undue haste centered around the giving of notice to Great Britain, he introduced a joint-resolution containing the following restraining provision: "That in order to afford ample time and opportunity for the amicable settlement and adjustment of all their differences and..."

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disputes in respect to said territory, said notice ought not to be given till after the close of the present session of Congress."

The House of Representatives also acted promptly on the recommendations contained in the President's message. James B. Bowlin of Missouri gave notice to the House, December 8, 1845, of his intention to introduce a bill "... organizing a territorial government in the Oregon territory ... ." Eleven days later, Bowlin offered a series of resolutions that covered most of the other items suggested by Polk and, in some instances, went beyond his suggestions. Bowlin first

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of employing a portion of the home squadron within our Territory of Oregon in exploring the coast, rivers, harbors, bays, and straits, and also for the protection of our extensive commerce on the North Pacific ocean.

2. Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of establishing an exploring expedition by land to examine the various passes in the Rocky mountains and the territories adjacent thereto, for the purpose of ascertaining the most practicable route for connecting the navigable waters of the valley of the Mississippi with those of the Oregon Territory.

3. Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of employing a portion of the troops of the United States as a pioneer corps to aid and protect emigrants by land on their route to Oregon.

4. Resolved, That the Committee on Indian Affairs be instructed to inquire into the expediency of extending the laws regulating our Indian intercourse over the Territory of Oregon, with provision for the gradual extinguishment of the Indian title to lands in that Territory, upon principles of justice and equity, so as to avoid conflicts between the settlers and the Indian tribes relative to their possessions, and for the purpose of securing lasting peace and friendship between them.

5. Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of establishing a system of surveys in Oregon, commensurate with the settlement by American citizens, similar to the system already established in other portions of the Territories of the United

53Ibid., XV, January 14, 1846, 198.

States.
6. Resolved, That the Committee on the Militia be instructed to inquire into the expediency of organizing the militia in the Territory of Oregon, and furnishing them with arms and ammunition, to enable them to defend themselves against the encroachments of the hostile Indians in that vicinity.
7. Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of transporting a monthly mail to Oregon, by means of small detachments of otherwise unemployed soldiers, from Fort Leavenworth, so as to secure the mail facility at little additional cost to the government, and preserve a line of military patrol along the route.55

These resolutions seemed to Robert C. Winthrop of Massachusetts, to be destined toward an exercise of exclusive sovereignty in Oregon that was unnecessary and very likely to plunge the country into war. Hence, much like Crittenden in the Senate, Winthrop sought to slow down this headlong drive towards an unwarranted assumption of sovereignty on the part of the United States. To this end, he submitted a series of resolutions on December 19, 1845, which read as follows:

1. Resolved, That the differences between the United States and Great Britain, on the subject of the Oregon Territory, are still a subject for negotiation and compromise, and that satisfactory evidence has not yet been afforded that no compromise which the United States ought to accept can be effected.
2. Resolved, That it would be a dishonor to the age in which we live, and in the highest degree discreditable to both the nations concerned, if they shall suffer themselves to be drawn into a war upon a question of no immediate or practical interest to either of them.
3. Resolved, That if no other mode for the amicable adjustment of this question remains, it is due to the principles of civilization and christianity that a resort to arbitration should be had; and that this government cannot relieve itself from all responsibility which may follow the failure to settle the controversy while this resort is still untried.
4. Resolved, That arbitration does not necessarily involve a reference to crowned heads; and that if a jealousy of such a reference is entertained in any quarter, a commission of able and dispassionate citizens, either from the two countries concerned, or from the world at large, of-

55 Ibid., 139.
fers itself as an obvious and unobjectionable alternative. 56

Stephen A. Douglas of Illinois countered with two resolutions designed to neutralize any effect the resolutions of the gentleman from Massachusetts might have on the moderate element in the House. Douglas' resolutions demanded first, "That the title to any part of the Oregon Territory south of fifty-four degrees forty minutes of north latitude is not open to compromise, so as to surrender any part of said Territory." And second, "That the question of title to said Territory should not be left to arbitration." 57

The debate that then ensued in the House did not deal specifically with any of the bills or resolutions precipitated by the President's Message to Congress, but rather discussed the Oregon question in general and, ultimately, resulted in a long and acrimonious struggle between two factions in the House as to the rights of the United States to the whole territory and the means best suited for asserting those rights.

Stephen A. Douglas criticized the House for its timidity on the subject of Oregon and observed that "There seemed to be a terror in the Oregon question that made gentlemen shrink from it, who had met the Texas question boldly and

56 Ibid., 144-145.

57 Ibid., 145-146. Numerous other bills and resolutions, duplicating those already submitted, were recorded between December 19, 1845, and the first of the new year. Stephen A. Douglas presented a bill, December 19, 1845, designed to protect the rights of American citizens in Oregon until the termination of the joint-occupation convention, Ibid., 137; Jacob Brinkerhoff of Ohio submitted a bill December 31, 1845, requiring the establishment of stockade and block-house forts along the immigrant trail to Oregon, Ibid., 183; and Francis A. Cunningham of Ohio introduced a series of resolutions, January 2, 1846, which, in general terms, required the government to adopt such measures as would protect United States citizens in Oregon and maintain the title of the United States to the whole of that territory. Ibid., 186-187.
without shrinking, last year. 58

Robert C. Winthrop of Massachusetts, on the other hand, used withering sarcasm in an attempt to discredit one of the favorite arguments of the proponents of absolute right to the whole territory. On January 3, 1846, he remarked that

There is one element in our title . . . to which I may not have done entire justice. I mean that new revelation of right which has been designated as the right of our manifest destiny to spread over this continent. It has been openly avowed in a leading administration journal that this, after all, is our best and strongest title; one so clear, so pre-eminent, and so indisputable, that if Great Britain had all our titles in addition to her own, they would weigh nothing against it. The right of our manifest destiny . . . This right of our manifest destiny, Mr. Speaker, reminds me of another source of title which is worthy of being placed beside it. Spain and Portugal, we all know, in the early part of the sixteenth century, laid claim to the jurisdiction of this whole northern continent of America. Francis I. is related to have replied to this pretension, that he should like to see the clause in Adam's will in which their exclusive title was found. Now, sir, I look for an early reproduction of this idea. I have no doubt that, if due search be made, a copy of this primeval instrument, with a clause giving us the whole of Oregon can be hunted up. Perhaps it may be found in that same Illinois cave in which the Mormon Testament has been discovered. I commend the subject to the attention of those in that neighborhood, and will promise to withdraw all my opposition to giving notice or taking possession whenever the right of our manifest destiny can be fortified by the provisions of our great first parent's will. 59

The most important of Polk's recommendations, namely that of giving notice to Great Britain, was embodied in a joint-resolution presented to the House on January 5, 1846, by Charles J. Ingersoll of Pennsylvania, Chairman of the Com-

58 U. S. Cong., House of Rep., Cong. Globe, 29th Cong., 1st Sess., 1845-1846, XV, January 2, 1846, 125. On January 5, 1846, Joshua R. Giddings of Ohio delivered a venomous speech aimed squarely at the southern delegation in the House. He accused them of fanatic support of the Texas-Oregon issue as long as the pro-slave territory hung in the balance. But now, with Texas in the Union, he accused them of rapidly losing interest in Oregon, which obviously was destined to be a non-slave territory of the north. For the full text of Giddings' speech see Ibid., XVI, Appendix, 72-74.

59 Ibid., XV, January 3, 1846, 134.
mittee on Foreign Affairs. Ingersoll's resolution required that notice be given "... to Great Britain 'to annul and abrogate' the convention between
Great Britain and the United States of August 6, 1827, relative to the country
on the northwest coast of America, westward of the Storv mountains," commonly
called Oregon ... "60

This was immediately followed by a minority report from the same committee,
presented by Garrett Davis of Kentucky, which challenged the right of the House
to act in any way on the subject of notice. The minority stated that

The first, and a very grave matter for inquiry is, whether the Presi-
dent can properly invoke Congress [the House of Representatives] to aid him
in giving this notice; and whether the cooperation of the House—a branch
of the law-making power, and invested by the Constitution with no Execu-
tive function whatever—can be properly united with the President and the
Senate in the act of giving this notice ... ?

The House had no agency in the formation of this convention with Eng-
land. It is a treaty with a foreign Government, that was made properly,
and that could only be made by the President and the Senate. The sanction
of the House was never given to it, nor was this necessary for its full
and complete effect. There are two modes by which this treaty may be
terminated. First, by a declaration of war; secondly, by giving the no-
tice of twelve months, according to its stipulation. In the first mode
the concurrence of the House would be a necessary constituent; and if the
President had deemed that the best, it would not only have been proper,
but indispensable, that he should ask the cooperation of the House. But
what warrant has the House to act in the other mode of putting an end to
this treaty? The constitution no more confers upon it any power, or agen-
cy, to terminate a treaty than to make one, except only by a declaration
of war, which dissolves all subsisting treaties. The provision for the
notice is a part, and an essential part, of this treaty ... The House
may be, and often is, required to exert appropriate legislative powers in
the execution of treaties; but this notice is not one of that class. It
has no property of a legislative power. It is executive in its essence,
or it is, in our system, of the nature of, and incident to, the treaty-
making power ... .

To give this notice rests properly with the treaty-making power. The
maintenance of all our foreign intercourse pertains to the President. He
negotiates treaties and submits them confidentially to the Senate, which
approves or rejects them. Secret and confidential relations subsist be-

60 31. S. Cong., House of Rep., House Journal, 29th Cong., 1st Sess., 1845-
1846, Serial No. 472, 195.
tween him and the Senate, such as he does not and cannot have with the House.

It is not denied that the House might, in the form of resolution, express its opinion upon the subject of this notice, or any such public matter appertaining to the General Government; but these resolutions would be merely abstract opinions, of no practical operation, and having no authority but their moral weight. The House, by its resolution, might declare that it was expedient or inexpedient to give this notice; and if in the one form or the other, the President might or might not give heed to it. But it has no power to originate, or to concur in a legislative proceeding, whether in the form of joint resolution or bill to authorize this notice to be given. It can neither give nor withhold power to that end. 61

61 U. S. Cong., House of Rep., Cong. Globe, 29th Cong., 1st Sess., 1845-1846, XV, January 5, 1846, 138-139. John A. McClernand of Illinois disagreed with this report and maintained that "Congress is vested with 'all legislative powers' granted by the Constitution. Congress, therefore, may annul a treaty—being a law—although expressly excluded by the Constitution from any participation in the formation of treaties. It seemed to be proper that the law-making power should have a voice in annuling such laws as consist in treaties, as a compensation for the deprivation of a voice in making them. This view derived additional force from the reflection that the power to make treaties partook as much of the essence of the law-making as of the executive power; and he doubted not that, although convenience might elect the Executive and Senate as the agents to make treaties, yet the interests of the country and the safety of its institutions would be as well subserved by leaving a co-ordinate power to annul them to the exercise of Congress. It was in the exercise of such a power that Congress, in 1798, annulled, by legislative enactment, the treaties of alliance and commerce previously entered into with France. Laws U. S. III, 76" Ibid., January 8, 1846, 167. Allan G. Thurman of Ohio, later seconded this position and referring "... to the respective clauses of the Constitution granting to Congress the power to 'provide for the common defence and general welfare of the 'United States,' 'to regulate commerce with foreign nations and among the several States, and with the Indian tribes,' and 'to declare war,' as being each sufficiently broad to include this power—the first in case of its being necessary for the 'common defence' to rid the territory of the United States of a foreign jurisdiction and foreign subjects; the second, inasmuch as the occupation of our territory by British subjects interfered with our commercial regulations, and our trade with the Indians; and the third, inasmuch as, in order to put this country in a state of preparation for war, it was necessary to annul this treaty. The error, as he conceived, into which the minority of the Committee on Foreign Relations had fallen, was, in supposing there was no such thing as a concurrent jurisdiction between the different departments of this Government." Ibid., January 28, 1816, 273. The House was not enjoying any degree of consistency in this matter. In 1843, the majority report of the Committee on Territories, made by Aaron V. Brown of Tennessee, definitely stated that "any possible inconvenience arising from the continuance of the convention of 1827, not now anticipated by the committee, can, and doubtless will, be looked to by the Executive, who can, at any time, abrogate the same by giving
Joseph J. McDowell of Ohio did not commit himself one way or the other on
the power of the House to engage in legislation for giving notice. His doubts
lay in another direction.

... he entertained doubts, and honest doubts, whether the President of
the United States, and the Senate of the United States, had the power to
transfer our territory and our citizens, with their allegiance, to another
Government, contrary to their wishes. It would be an exercise of power
which would be disastrous to the liberties of our country ... . Negoti-
ations! He had rather make that territory the grave of his fellow-
citizens, and color its soil with their blood, than to surrender one inch
of our soil to the British Government, and by that surrender, forever seal
our own infamy.62

The debate on giving notice to Great Britain resolved itself, as usual, in
to a discussion of the various rights and claims of the two nations to the Ore-
gon territory. The reason for this was that very few Representatives, and
later, very few Senators, considered the twelve-month interval between the re-
ception of the notice and the termination of the convention to be sufficient
time for reaching an amicable agreement on the subject. Therefore, the United
States government should be of one mind on whether, at the end of the twelve-
month period, they were to assert their title to the whole of the country or to
merely a portion thereof; whether they should exercise this exclusive sovereign-

the notice contemplated in it. The giving of that notice being a matter of
treaty stipulation, belongs, perhaps, exclusively to the Executive, on whose
province there is no occasion, and the committee have no inclination to in-
trude." Ibid., 27th Cong., 3rd Sess., 1842-1843, XII, February 16, 1843, 297.

62H. S. Cong., House of Rep., Cong. Globe, 29th Cong., 1st Sess., 1845-
1846, XV, January 5, 1846, 141. These sentiments were later embodied in a res-
olution by Edward D. Baker of Illinois and presented to the House on January 13,
1846. Baker's resolution held that "... the President of the United States
cannot, consistently with a just regard to the honor of the nation, offer to
surrender, either by treaty or otherwise, to any foreign power, any territory
to which, in his opinion, we have a clear and unquestionable title." U. S.
No. 479, 252.
ty by force or maintain the status quo by continuing negotiations; and, finally, whether it would be expedient to give notice to Great Britain at all, thereby forcing a showdown with that country the outcome of which no one could foresee.

The spectre of war at the end of the twelve months haunted the conservative and moderate elements in both Houses of Congress, inducing a sense of caution on the giving of notice, on the manner in which it should be given, and on the action to be taken by the United States after it was given. In this frame of mind, Edmund S. Dargan of Alabama submitted two amendments to the joint-resolution for giving notice:

Resolved . . . , That the differences existing between the government of the United States and the government of Great Britain, in relation to the Oregon Territory, are still the subject of honorable negotiation and compromise, and should so be adjusted.

And be it further resolved, That the line separating the British provinces of Canada from the United States should be extended due west to the coast south of Fraser's river, and from thence through the centre of the straits of Fuca to the Pacific ocean, giving to the United States that portion of the territory south, and to the government of Great Britain that portion of the territory north, of said line.63

The members of the House were generally agreed that notice should be given to Great Britain as a means of breaking up the deadlock that had existed for so many years on the question. But the moderate element wished to phrase the document so as to leave the door open to future negotiation and compromise. This was the spirit of an amendment proposed the same day by John W. Tibbatts of Kentucky.

Resolved . . . , That the President of the United States forthwith cause notice to be given to the government of Great Britain . . . and that the President of the United States, accompany said notice with an assurance to the government of Great Britain of the sincere desire which exists, on the part of the government of the United States, for a speedy and amic-

cable settlement of all disputes between the two governments in relation to the Territory of Oregon...64

Tibbatts was, nevertheless, aware that no matter how conciliatory the text of the notice might be, war was still a possibility upon the cessation of the joint-occupation agreement. He therefore proposed a further amendment authorizing the President...

... to repel any and all aggressions upon the commerce of the United States; to resist any attempt which may be made to exercise exclusive jurisdiction over any part of the territory claimed by the United States, and to repel invasions of the same; and for these purposes to employ such portions of the militia of the United States as he may deem advisable...65

The western representatives were in favor of giving the notice immediately but without any qualifications designed to maintain the peace or settle the issue by compromise. While advocating the blunt notification of England that the joint-occupation convention would end in twelve months, William W. Wick of Indiana stated "... I am for Oregon and against a war; but for Oregon, war or no war... I am determined to claim all Oregon, and am ready to claim all the continent, upon the principle of manifest destiny..."66

Lucien B. Chase of Tennessee proposed giving the notice and then "If the whole territory up to 54° 40' could be secured, and that speedily, by negotiation, he should be willing to have negotiations again opened; but he was opposed to compromise or arbitration, and, rather than surrender one inch south...

64Ibid.
65Ibid., 331-332.
of 54° 40', he declared that he would vote for a declaration of war."

Slightly more moderate elements in the House considered that giving notice in itself would prove sufficient to show Great Britain that the United States government seriously intended to settle the Oregon boundary by one means or another and that when faced with the alternative of war England

... will have sufficient address to bow herself out of it with a tolerable grace. Such is her position now. She claims that which is ours; if we submit, she will take it, and Iowa and Wisconsin into the bargain. If we do not submit, she, seeing that war would be more perilous to her than to us, will re-examine her title papers, and find and bring to light some map with red lines traced upon it, that will let her out of the difficulty, and cover her retreat.

On February 6, 1846, Isaac Parrish of Ohio aimed a series of resolutions at the Whigs and conservative Democrats in the House, declaring their arguments "... that this Government cannot enlarge its territorial limits, or by discovery or treaty increase the number of States in its Union without endangering its peace, its strength, and its perpetuity, as also the political opinion that any such enlargement or admission evinces a spirit of aggrandizement, of conquest, or of ambition ..." to be "... opinions emanated by the advocates of arbitrary governments, which are proven false, in our own opinion, and cannot be admitted by the American people." Wherefore

Resolved, That the late indication, even by a friendly power, to introduce on the American continents the European system of balance of power justified the President in his annual Message in bringing the subject before Congress and the country, and in declaring before the world that the American continents, by the free and independent condition which they have assumed and maintained, are henceforth not to be considered as subjects for future colonization by any European power; and that it should be distinctly announced to the world as our settled policy that no European col-

67Ibid., XV, February 1, 1846, 307.

68B. Ficklin of Illinois, in a speech to the House of Representatives, February 6, 1846. Ibid., 328.
ory or dominion shall, with our consent, be planted or established on any part of these continents.

Resolved, That this principle, thus avowed, whilst it does not pretend to create or perfect title, has an immediate application to the Oregon territory, where our title is clear and unquestionable, and has arisen, and its declaration and maintenance become necessary, since the proposition was submitted to the British Minister to adjust the boundary at forty-nine degrees north latitude, and now precludes the Executive from accepting any proposition, or entering into any treaty, whereby any portion of the country westward of the Stony or Rocky mountains shall be ceded to Great Britain.69

Though Parrish might approve of the action of the President in putting the question of Oregon before Congress and the people, there were others who disapproved of his handling of the situation on all counts. Commenting on Polk's refusal of a recent offer of arbitration made by Pakenham, T. B. King of Georgia maintained that

In taking this ground the Executive has not only departed from the long-tried and well-established custom of civilized nations, but he has taken a ground which has never before been assumed by the United States. This Government has, on three several occasions, submitted questions of territorial rights and limits to the decision of commissioners or arbitrators.70

King then went on to point out the benefits of peace and harmony which flowed from these former arbitrations such as those provided for in the fifth article of Jay's Treaty of 1794, dealing with the St. Croix River and the eastern boundary of Maine; the article of the Treaty of Ghent in 1814, arbitrating certain islands in the Bay of Passamaquoddy; and other articles in the same treaty arbitrating islands in the St. Lawrence River and the northern lakes.71

69Ibid., 329.

70Ibid., XVI, Appendix, February 9, 1846, h64.

71Ibid., h64-h65. King unjustly attributed the intransigence of the Administration on the subject of Oregon to party politics, and accused it of secretly designing "... to throw this country into a war, not for the purpose of acquiring Oregon, (for that would soon be lost sight of in the smoke and din
King, however, pointedly omitted any reference to the arbitration of the Maine Boundary by the King of the Netherlands in 1831—a touchy subject even after the passage of fifteen years.

The joint-resolution for giving notice to Great Britain passed the House of Representatives on February 9, 1846, by a vote of one hundred seventy-two to forty-six, and the concurrence of the Senate was requested.72

With the reception of the joint-resolution of the House of Representatives, Senator William Allen of Ohio, Chairman of the Senate Committee on Foreign Relations, delivered an impassioned plea to the Senate for a steadfast maintenance of the United States's claim to the whole of Oregon up to fifty-four-forty of the conflict,) but for the purpose of covering up their own party purposes and achieving their political ends." Ibid., 465. C. J. Ingersoll of Pennsylvania defended the Democratic Party by pointing out that "The Oregon controversy, as it now existed, was the fruit of the false policy of the Whig party: and if war should result from it, it would not be produced by Mr. Polk, but it would be inherited from Mr. Webster . . . .

"Though Lord Ashburton came here with full power to adjust the Oregon question, yet it was adjourned. It was a gross absurdity thus to separate the northeastern from the northwestern boundary question. They should have been kept indivisible. The giving up of one would render more difficult the settlement of the other . . . .

"He . . . must be suffered here to say, that he saw with great regret that southern gentlemen, with whom he had so long acted, were marshalled against us on the Oregon question. In the whole history of the United States, but three territorial acquisitions had been made, and these were Louisiana, Florida, and Texas—all adding immensely to the power and influence of the southern States. He regretted to see a powerful combination, on the part of the South, against the first proposition to add territory to the northern States . . . ." Ibid., XV, February 9, 1846, 344-345.


He insisted that the Senate stood committed

... by the voice of the nation, expressed in the election of the present Chief Magistrate, upon the issue made and proclaimed by the Baltimore Convention. We stand committed, by the declaration of the President, made from the eastern portico of the Capitol, with the oath of office fresh upon his lips. We stand committed, by his Annual Message, at the opening of our present session. We stand committed, by a vote of three to one, and one over, in the House of Representatives, within the last twenty-four hours. By all these acts, in all these forms, have we proclaimed the deep-seated conviction of every American mind, as to the strict justice of our claim, and the absolute frivolity of the pretensions of England. Thus, do we stand in the presence of all nations, asserting an indisputable right to a contiguous territory. And now, sir, it remains to be seen, whether this Government possesses the force of will—the firmness of resolution—to maintain that claim. This is really, the great, the only question before us.73

He followed this appeal to party solidarity with an oratorical tour de force designed to whip up a war-spirit in the American populace but having little connection with the issues being considered.

What . . . have we to do, to secure Oregon? Extend over it our laws. What else have we to do, for its defense? Tell the people the truth. Tell them it is their soil. Tell them this—prove it to them—as we have before told them, and before proven it. Tell them that arrogant England—their hereditary enemy, the enemy of all free governments—is seeking to snatch it from them, to fence us out from the Pacific Ocean, to belt us about, yet more closely, with her kingly despotism. Tell them these things, and then ask them, if they will surrender this large part of their country—surrender it to that government which, in two wars, employed savages to hack to pieces, in cold blood, the women and children of America—surrender it to that government which hates ours, because it is free—which envies our people for their happiness, in proportion to the misery of its own. Tell them these things, and ask, if they are ready thus to surrender this vast territory, from the mere dread of invasion, by a rabble of armed paupers, threatened to be sent by a bankrupt government, whose whole power of the sword, and the dungeon is required to stifle the cries of famine at home, or to protect its own life, against the uplifted hands of starving millions. Tell them these things—ask them if they are ready to make this surrender. Ask the American people this, and they will give you an answer which shall make the British empire tremble, throughout

As in the House, a great majority of the Senate favored giving notice to Great Britain. The motives, however, impelling various Senators to take this step were varied and, at times, opposing. Many, such as John M. Clayton of Delaware, considered joint-occupation a risky expedient, and were in favor of putting an end to the arrangement before a collision took place between British and Americans in Oregon which would result in total war. Thomas Hart Benton of Missouri considered that the Convention of 1827 had turned out to be "... delusive and fallacious in its terms of reciprocity; unequal, unjust, and one-sided in its operation..." as a result of the decided advantage enjoyed by the Hudson's Bay Company of acting as an unofficial but efficient agency of the British government within the letter of the convention. Since the United States had no such corporate entity acting as a vanguard for its imperialism, and since the organization and subsidization of such a company would be impossible under the American constitution, Benton advocated the repeal of the Convention of 1827 as the only means of redressing the economic and social inequalities existing in Oregon.

The conservative elements in the Senate favored rescinding joint-occupation as a means of stimulating negotiation and looking toward a final settlement of the problem. They acknowledged the point made by their more radical colleagues that the continuance of the joint-occupation was decidedly to England's advantage, since she held virtual control of the country. They also ad-

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74 Ibid., 841-842.
75 Ibid., XVI, Appendix, February 12, 1846, 362.
76 Ibid., February 12, 1846, 404.
mitted that, in these circumstances, it was highly unlikely England would make any move to abrogate the convention or even push negotiations with any noticeable ardor. But they made it clear that their support of the resolution was not for the sake of acquiring the whole of the Oregon territory by antagonizing the British to the point of war, nor would they support any resolution in the nature of an ultimatum. Daniel Webster of Massachusetts summarized the attitude of the Senate conservatives when he inquired on February 26, 1846, as to how the question was to be eventually settled. He admitted that he was puzzled by the contradictory attitudes of Congress on this point.

All . . . we hear is, "The whole of Oregon or none." And yet there is to be negotiation. We cannot conceal from ourselves or the world the gross inconsistency of such conduct. It is the spirit of the whole negotiation, on our part, that Oregon is ours; there is nothing like admitting even a doubt, on the part of ourselves or others, as to that position; and yet we are to negotiate! What is negotiation? Does any gentleman expect that the administration are, by negotiation, to persuade Great Britain to surrender the whole of what she holds in Oregon . . .? But I do not understand the position we are placed in. The executive seems to be for negotiation, and yet is against taking any thing but the whole of Oregon. What, then, is to be the grounds of negotiation? What is the basis on which it is to proceed . . .? Compromise I can understand; but negotiation, with a fixed resolution to take and not to give, with a pre-determination not to take less than the whole, is what I do not and cannot understand in diplomacy.77

The western bloc of Senators expected the notice to Great Britain to be a casus belli and welcomed the idea as a means of acquiring the whole of Oregon up to fifty-four-forty. Sidney Breese of Illinois did not think that the first duty of the Senate was to preserve peace but to preserve "... all our national rights, the protection of our interests, and the vindication of our national honor. That is our duty; and if, in doing so, war ensue, then I say, let it come; then the nerve of the American people will be tested; the American people

77 Ibid., February 26, 1846, 432.
would be found ready to meet it.\textsuperscript{78}

To which Walter T. Colquitt of Georgia replied:

I do not think it a great evidence of nerve\textsuperscript{79} for a man to say he was backed by his constituents in making a declaration of war. But that is not the question. The question is not one of nerve or no nerve; it is this: Are our rights in that territory so fixed and established by municipal, or international, or any other law, that they cannot be a subject for negotiation? That is the question; and it would not have been necessary for me to advert to it now but for the sentiments expressed here so often, that it would be dishonorable to make any treaty or compromise with the British Government, giving up one inch of Oregon.\textsuperscript{79}

On March 4, 1846, William H. Haywood of North Carolina, a close friend and admittedly a confidant of President Polk, delivered a lengthy speech in the Senate which indicated an attempt on the part of the Administration to shift the whole management of the Oregon question over to the Senate and, by inference, made the subject of giving notice to Great Britain a test case for the purpose of ascertaining the mind of the Senate on the expediency of holding out for the whole of Oregon or settling on the forty-ninth parallel as a boundary. Haywood considered

\ldots it essential that they should be informed of what was the true position of the Executive. As a friend of the President, he desired that a free communication should be made by the Executive of his position, before the Senate came to any division as to the revocation of the convention of 1828 (1827), in order that it might be known to this body what are his own views, and what is the action he expects from the legislative branch.

\textsuperscript{78}\textsuperscript{78}Ibid., 433.

\textsuperscript{79}\textsuperscript{79}Ibid.
other. Believing that the Administration stood committed to accept an offer of a division of the territory on the parallel of 49°—or substantially that—he should sustain the Executive in that position . . . . He rebuked the cry which had been set up by some of the friends of the President, which placed him in the position of being the mere organ of the Baltimore convention, and declared that, if he could believe that the Executive would permit the resolution of that convention to overrule his duty to the country, he would turn his back upon him.

Mr. W. then proceeded to deduce, from the language and acts of the Executive, that he had not put himself in a position which imposed on him the necessity of refusing to negotiate on the parallel of 49°, should negotiation be resumed on that basis . . . . No one could contend for a moment that the rejection of the offer of 49° by Great Britain released the President from the obligation to accept that offer whenever it should again be made. The question was to be settled by compromise; and, on this principle, the negotiation was still pending . . . . It is obvious that Great Britain does not consider the negotiation terminated, as she would have recalled her minister; and the President cannot deem it closed, or he would have made a communication to Congress to that effect. The acts of the President were not such as to justify any apprehensions of a rupture . . . .

He regarded the course of the President as saying to Congress, I have done my duty—it is now for you to say what you will do. If you are disposed to fight for 51° 40', say so, and I will close the door of negotiation; if you are not, say so, and we stand on the parallel of 49°. He did not believe that if we passed this notice, the President would use the great moral power thus confided to him to a traitorous purpose. 80

This unofficial announcement of the stand to be taken by the Administration came as a shock to the fifty-four-forties and their reaction to this revised program was sudden and violent. The following day, Edward A. Hannegan of Indiana rose to say that

... if the President has betrayed that standard which the Baltimore convention put into his hands, and whereby he committed himself to the country, into the hands of the enemy . . . I shall hold him recreant to the

80 Haywood gave as his reason for thus commenting on the position of the Executive, the fact that hitherto "... there was presented to the world the singular spectacle of two branches of the Government acting distinctly and inconsistently—the Executive at one end of the Avenue, engaged in carrying on negotiations; while Congress, at the other end, was engaged in a debate denunciatory of all the nations of the earth. He did not look on this phenomenon as chargeable against the Administration . . . ." Ibid., 156.
principles which he professed, recreant to the trust which he accepted, recreant to the generous confidence which a majority of the people reposed in him. I shall not abandon the principles of the democratic party. I shall not abandon the principles of the democratic party. I shall not abate one jot or tittle of the principles we gave to the country then; I shall sustain them; but I shall hold and exercise the privilege of speaking of him in the language of truth and fearlessness.

If this allegation be true, these intentions of the President must sooner or later come to light, and when brought to light what must follow but irretrievable disgrace. So long as one human eye remains to linger on the page of history, the story of his abasement will be read, sending him and his name together to an infamy so profound, a damnation so deep, that the hand of resurrection will never be able to drag him forth. He who is the traitor to his country can never have forgiveness of God, and cannot ask mercy of man.81

81Ibid., March 5, 1846, 460. In the face of this onslaught, Senator Haywood refused to commit himself one way or the other—whether he was speaking for the President or not. The following dialogue portrays his evasions on the subject: "MR. HANNEGAN . . . I desire through the Vice President, to put a question to him ["Mr. Haywood], which I have committed to writing. It is this: I ask him if he has the authority of the President, directly or indirectly, for saying to the Senate that it is his (the President's) wish to terminate the Oregon question by compromising with Great Britain on the 49th degree of north latitude . . .?"

"MR. HAYWOOD. I have already said what, for fear of mistake, I had previously written, and which I shall print. It would be unwise and impolitic for the President to authorize any Senator to make such a declaration as that implied in the question of the Senator from Indiana.

"MR. ALLEN. I desire to say that I construe the answer of the Senator from North Carolina into a negative.

"MR. HAYWOOD. Then I desire to say that my friend from Ohio only proves what I have shown on a former occasion that he is a very bad hand at construction.

"MR. ALLEN. Well, then, I will adopt the other construction, and consider his answer as an affirmative; and I put the question, and demand an answer to it as a public right. The Senator here has assumed to speak for the President. His speech goes to the world; and I demand, as a public right, that he answer the question; and if he won't answer it, I stand ready to deny that he has expressed the views of the President.

"MR. HAYWOOD. . . . his constituents had not sent him here to answer questions which no one had a right to propound to him. What he had spoken, he had written—no—he had written them before he had spoken—and he should print it." Ibid., 459.

Polk himself disavowed any connection, official or unofficial, between Haywood's speech and his own plans for Oregon. In a conference with Senator Hannegan on March 1, 1846, he informed the Senator that "... no one spoke ex cathedra for me, that my views were given in the annual message of the 2nd of December last, and that I had authorized no one to express any other opin-
President Polk's own intentions with regard to Oregon are best expressed in a conference he had with Senator Benton of Missouri on March 11, 1846. After Benton indicated to the President that he would support a treaty dividing Oregon on the forty-ninth parallel of latitude or some proposition making the forty-ninth parallel the basis of settlement, Polk replied that

... in the present state of the matter I would make no proposition, but I would say to him confidentially that if the parallel of 49° was offered, or that parallel with perhaps a modification surrendering the Southern cap [sic] of Vancouver's Island to Great Britain, my present impression was that it would be my duty to submit it to the Senate for their previous advice before I acted on it. This he decidedly approved. I told him if Great Brittain [sic] offered 49° and insisted on the perpetual free navigation of the Columbia River, I would reject it without submitting it to the Senate. I told him I would never surrender the perpetual free navigation of that River, but that if the Navigation was desired for a term of 7
or 10 years to enable the Hudson's Bay company to wind up their business that would not be important, and such a proposition might be submitted to the Senate for their advice. In these views he concurred. I told Col. B. that these suggestions were made to him very confidentially, and not to be used or spoken of in any way, for if no such proposition were made it would never be necessary to act upon it. 82

The reverberations of Haywood's speech echoed throughout the Senate chamber for weeks. The conservatives, although acknowledging the unofficial nature of Haywood's pronouncement, considered the administration to be finally swinging over to their point of view. As a result, they defended the President's right to settle the question on the forty-ninth parallel if he saw fit. Senator Reverdy Johnson of Maryland pointed out to the Senate that if previous offers of settlement along the forty-ninth parallel in 1818, 1824, 1826, and 1843 compelled Polk to make a similar offer in 1845, the obligation of settling the controversy on those terms was even greater now that he had made that offer. Johnson further maintained that it was perfectly right and proper for those former offers to have been made and what was right and proper then was right and proper now. So much so that, if England should now propose to settle the dispute on the basis of the forty-ninth parallel and the United States should refuse it, "... from one end of the civilized world to the other the absolute and unmixed reprobation of the American character, the deep and permanent dis-

82 Polk's Diary, I, 286-287. In later years, Benton maintained that Haywood's speech was but a subterfuge, prepared with the full connivance of the President, for the purpose of preparing Congress, and the country, for a gradual recession from the stand taken by the President in his Inaugural Address and Annual Message to Congress. Benton, Thirty Year's View, II, 663. Benton further attributed to himself the suggestion that the President escape from his political commitments to the Baltimore Convention and to the people in the Presidential campaign of 1844, by shifting over to the Senate the onus of accepting or rejecting any British offer of the forty-ninth parallel through the simple device of seeking their prior advice on the matter before taking any executive action. Ibid., II, 674.
John C. Calhoun interpreted Haywood's speech as indicating some diplomatic change in the Oregon question which warranted Polk's recession from the former uncompromising stand of his Inaugural Address and first message to Congress. Calhoun considered the administration's new policy to be due, more than likely, to an expected offer from Great Britain to establish the boundary along the forty-ninth parallel. He then defended the President's right to revise his opinion on the subject of Oregon, and warned the western radicals that any statesman who stubbornly adhered to a line of action for consistency's sake only "... would be guilty of the political quackery of advocating always the same course of policy, though the circumstances of his country had completely altered." 84

Notwithstanding the possible changed viewpoint of the President, Daniel Webster believed the extravagant statements in the Inaugural Address and Message to Congress had destroyed any peaceful character the notice to abrogate the Convention of 1827 might have had. If it were not for these, Webster considered, "... notice would have been harmless, and perhaps would have been authorized by both houses without much opposition, and received by England..."


84 Ibid., XV, March 16, 1846, 503. Two weeks later Calhoun met with the President and stated that he believed the United States could and ought to settle the question on the basis of the forty-ninth parallel. Moreover, he did not believe diplomatic etiquette should prevent either government from making a new proposition. Polk replied that, under the circumstances, he could make no proposition and that Great Britain probably would not until she saw the result of Congressional action on the notice. Calhoun then wished to know what the President would do when and if Great Britain did make an offer. But Polk would not commit himself further than to say he would submit it to the Senate if he thought it worth submitting. Polk's Diary, I, 313-314.
He then proceeded to censure these former assertions of the President and, by implication, the motives behind them.

Surely, the President could not be guilty of playing so small a part, as to endeavor to show himself to possess spirit, and boldness, and fearlessness of England greater than his predecessors or his countrymen, and yet do all this in the confident hope that no serious collision would arise between the two countries. So low an ambition, such paltry motives, ought not to be imputed to him. When the President declared that, in his judgment, our title to the whole of Oregon was "clear and unquestionable," did he mean to express an official, or a mere personal opinion? If the latter, it certainly had no place in an official communication. If the former, if he intended a solemn official opinion, upon which he was resolved to act officially, then it is a very grave question how far he is justified, without new lights, or any change of circumstances, in placing the claims of the country, in this respect, on other grounds than those upon which they had stood under his predecessors, and with the concurrence of all branches of the government for so many years; for it is not to be doubted that the United States government has admitted, through a long series of years, that England has rights in the northwestern parts of this continent which are entitled to be respected.

In conclusion, Webster believed that, since the notice had taken on such a war-like air as a result of the imprudence of the President, all consideration of the measure should be postponed for at least a month in the hope that, in the interval, the negotiations would come to an end and in a manner favorable to the United States.

Senator Alexander Barrow of Louisiana had a much simpler explanation of President Polk's apparent vacillation on the subject of Oregon. He believed

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86 Ibid.
87 Ibid., 568. Webster made no secret of what he considered a favorable outcome of the dispute. "... I am of opinion that this matter must be settled upon the forty-ninth parallel. Then as to the use of the Columbia River permanently or for a term of years, and also in regard to all that respects straits, and sounds, and islands in the neighboring seas, they are fit subjects for negotiation. But that England must not expect any thing south of the forty-ninth degree . . .." Ibid., 569.
that, as a good politician and nothing else, Polk was sounding out public opinion in the United States and intended

... to place himself on the fence, that he might fall on either side, as might be desirable; that if public sentiment should come up loudly in favor of 54° 40', war, or no war, the President could get on that side of the fence; but if the sober judgement of the American people, after they came to investigate the question, should decide in favor of an amicable arrangement on the parallel of 49°, why, then, some of his faithful friends, practised in special pleading, could get up there and show he was from the beginning in favor of 49° and against 54° 40'.

In the course of the debate as to whether the United States should settle on the forty-ninth parallel as Haywood indicated the President was now disposed to do, or hold out for the whole territory, the subject of the United States's rights in the country received some attention, especially from the conservative faction. On March 11, 1846, Reverdy Johnson of Maryland proposed the difficulty that if the United States had a right to Oregon in 1818 they had that right by their own discovery, and if they had no rights there then it was because the title was either in France or Spain. In this event, the United States would have to decide on one of three sources of title or they would have no rights in the country at all. Johnson maintained that if the United States derived a valid title from France, by means of the Louisiana Purchase, then there was no title from Spain; and, if they drew their title from Spain, they had no rights from their own discoveries and acquired none from France. William S. Archer of Virginia agreed with this analysis, and added the further consideration that no matter what our rights or those of Spain, we invalidated Spain's

88Ibid., XV, March 30, 1846, 571.

89Ibid., XV, March 11, 1846, 482. Certain members of Congress were just now realizing the conflicting validity of the grounds for the several claims put forth by the United States. Pakenham had already pointed out this inconsistency to Buchanan in another connection. Cf. supra, 305-307.
rights in 1818 by negotiating with England over a division of the territory and agreeing to the first joint-occupation convention with that nation. As for James Buchanan's handling of this matter "The doctrine of the Secretary of State... was a mistaken one. He said, if we had one ground of title, and acquired another, we could make use of both. That was quite true; but they must not be repugnant titles, as these were...".

Senator George McDuffie of South Carolina did not go deeply into the question of conflicting rights in Oregon. He contented himself with pointing out to the Senate that they were mistaken if they believed the people of the United States were unanimously in favor of claiming the whole of Oregon up to fifty-four-forty. He maintained that this impression was founded solely on the fact that "... the discussion here and elsewhere has been confined, with a very few exceptions, to those who maintain our title to that extent." Moreover, since he considered a settlement of these differences with England could be arrived at in a peaceable manner, and since he estimated any other settlement, namely war, would cost the country one hundred millions annually for at least

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90 U. S. Cong., Senate, Cong. Globe, 29th Cong., 1st Sess., 1845-1846, XV, March 18, 1846, 520-521. Others also questioned the validity of Buchanan's reasoning on the rights and claims of the United States. Meredith P. Gentry of Tennessee analyzed for the House of Representatives what he considered Buchanan's real attitude to be. "That gentleman... was a lawyer; but bring him up to the Bible to swear to his own arguments, and he believed he would stand aghast at the idea. The Secretary knew that we had no perfect title to the whole of Oregon, and there was no doubt that he had been very much astonished to find intelligent gentlemen on this floor adopt the conclusion that we had. The Secretary had argued as a lawyer would for his client and his fee; such was his duty; but that gentleman... did not himself believe the conclusions at which he had arrived, nor did he expect any other man to believe them." U. S. Cong., House of Rep., Cong. Globe, 29th Cong., 1st Sess., 1845-1846, XV, February 5, 1846, 314.

five years, he "... would not give one-tenth part of it for the whole of Oregon." 92

Although the supporters of the extreme claim to Oregon were considerably taken aback by Haywood's unofficial commentary on the President's new Oregon policy, they continued to prefer war to compromise. If, under the present circumstances, to give the notice would mean war, Senator David Atchison of Missouri was completely indifferent to that eventuality.

He would vote for the notice... nor, in voting for it, would he take into consideration the question of peace or war. These matters had no influence on his judgement or his vote; for as he viewed the case, they were questions entirely aside from the real one, which might be reduced to one plain point: "Is it right, is it politic, is it for the best interests of this country, that we shall give this notice...?" 93

At the same time, manifest destiny was still as strong as ever in the hearts of certain western congressmen. Senator C. Ashley of Arkansas was confident that "... if war came, it would result in sweeping away every vestige of European power from this continent. The United States need not fear a contest with the whole world. They had the means of meeting successfully the combined assaults of the whole world." 94

92 Ibid., 606.

93 Ibid., XV, March 12, 1846, 490.

94 Ibid., XV, April 3, 1846, 597. Certain members of the House of Representatives also considered Great Britain no match for American arms. On January 14, 1846, John S. Chipman of Michigan pledged that "... upon a contract with the Government, Michigan alone would take Canada in ninety days: and if that would not do, they would give it up, and take it in ninety days again. The Government of the United States had only to give the frontier people leave to take Canada." U. S. Cong., House of Rep., Cong. Globe, 29th Cong., 1st Sess., 1845-1846, XV, January 14, 1846, 207. S. P. Leake of Virginia was not convinced the enterprise would be that simple and on February 3, 1846, wryly observed "... that the rapidity of their conquests finds no parallel, unless it be that recorded in the pages of sacred history, where the walls of Jericho were overthrown simply by the blowing of rams' horns. And gentlemen seem to
Samuel Houston, delegate to the Senate from Texas, took a more practical, if more cold-blooded, view of war. He held that war was a state of things to which every nation which had advanced as rapidly as we had done to the highest rank, was subjected; he could not help believing that the evils of war had been somewhat exaggerated. It had some advantages, among which he enumerated the draining off the restless and dissatisfied portion of the population, who might be killed off with benefit to the remainder; and also the effect it had in disciplining the habits of men into subordination to the rules of order.

Not all talk of war in the Senate was completely irresponsible, however. On April 10, 1846, Senator Arthur P. Bagby of Alabama proposed a question which in the light of all the evidence brought forward, and in line with the convictions of a majority—if not all—of the Senators, admitted of but one answer.

Bagby stated that there appeared to him to be an inconsistency in those who desired to throw all the responsibility of war on the United States in any case. They were willing to fight up to 49°. Yet Great Britain had rejected the offer of 49°; and with whom, then, is the blame, the responsibility of war, if war arise on that point, to rest?

After nine weeks of expressing their minds on every aspect of the Oregon question, the Senate finally took up the House joint-resolution for giving notice to Great Britain. On April 16, 1846, Senator Reverdy Johnson of Maryland thought that they can conquer Great Britain by a process as simple and as easy. Why . . . Caesar, in the height of his power and the pride of his glory could conquer almost with the rapidity of the lightening's stroke; but it was necessary that he should first come and see before he could overcome."

96 Ibid., XV, April 10, 1846, 647.
97 The House had requested the concurrence of the Senate in their resolution on February 10, 1846. Cf. supra, 355 n72. For the message of the clerk of the House requesting this concurrence see U. S. Cong., Senate, Senate Journal, 29th Cong., 1st Sess., 1845-1846, Serial No. 469, 144.
land proposed an amendment to the House resolution, which, in effect, substituted a whole new resolution. The pertinent passages resolved

... that it has now become desirable that the respective claims of the United States and Great Britain should be definitely settled, and that said Territory may no longer than need be remain subject to the evil consequences of the divided allegiance of its American and British population, and of the confusion and conflict of national jurisdictions, dangerous to the cherished peace and good understanding of the two countries; and therefore, that steps be taken for the abrogation of the said convention of the sixth of August, eighteen hundred and twenty-seven, in the mode prescribed in its second article, and that the attention of the governments of both countries may be the more earnestly and immediately directed to renewed efforts for the amicable settlement of all their differences and disputes in respect to said Territory:

Sec. 2. And be it further resolved, That the President of the United States be, and he is hereby, authorized, at his discretion, to give to the British government the notice required by its said second article for the abrogation of the said convention of the sixth of August, eighteen hundred and twenty-seven.98

A struggle then ensued between the radical and conservative factions in the Senate over the wording of Johnson's amendment. In phrasing his amendment, Johnson had been as diplomatic and as conciliatory as possible, so that England could take no offence at the manner in which the convention was being terminated, nor would the negotiations then in progress be endangered by any intemperate choice of words. The radicals, on the other hand, wished to make the notice abrupt and blunt—insulting, if possible. By this means they hoped to force England to take offence, at least to the extent of breaking off the negotiations which were imperiling their designs through the constant threat of compromise. Hence, Senator Allen of Ohio proposed amending the amendment by striking out all from the word 'has' to the words 'said Territory' and inserting: "become the duty of Congress to consider what measures it may be proper to adopt for the security and protection of our citizens, now inhabiting, or

98Ibid., 246.
who may hereafter inhabit Oregon, and for the maintenance of our just title to that Territory." 371

The conservatives and moderates in the Senate proved victorious, however. When Allen's amendment was put to a vote, it was voted down thirty-two to twenty-two. Senator Sidney Breese of Illinois then attempted to amend the second section of Johnson's amendment by proposing the elimination of the phrase 'at his discretion.' This would leave the resolution to read in such a way that the President was obligated to give the notice by an implied order from Congress. Breese's proposal lost by the same margin, thirty-two to twenty-two. 100

Senator Johnson's amendment was accepted finally without change by a vote of thirty to twenty-four. Thereupon the whole resolution was agreed to forty to fourteen, and the concurrence of the House requested. 101

99 Ibid., 247.

100 Ibid., 247-248.

101 Ibid., 248-249. President Polk agreed with the radicals and preferred as he put it "... a naked Notice." However, since it gave the notice, and that was the whole end in view, Polk hoped that the House would concur in the amended resolution. He feared that if they did not, the resolution might be postponed indefinitely "... or laid on the table to await the arrival of more British [sic] Steamers." Polk's Diary, I, 334-335. Polk feared that "... if the House non-concurred or amended the proposition of the Senate, that the measure of notice in any form might be postponed, and possibly fail between the two Houses upon a difference as to the form of notice. The notice was the thing desired and if it could not be had in the form most acceptable it was better to take it [in] any form than not to get it at all." Ibid., I, 336. The members of the Cabinet agreed with Polk and considered it best, under the circumstances, to advise the Democratic members of the House to concur in the Senate's amendment to the House resolution. Ibid.

This the House refused to do and on April 18, 1846, Robert Dale Owen of Indiana submitted an amendment to the Senate's amendment calling for the elimination of all after the word 'earnestly' and the insertion of the following:

directed to the importance of a speedy adjustment of all their differences and disputes in respect to said Territory.

Sec. 2. And be it further resolved, That the President of the United States is authorized and requested to give to the British government the notice required by its said second article for the abrogation of the said convention of the 6th of August, eighteen hundred and twenty-seven.102

The House agreed to Owen's amendment, ninety-nine to eighty-seven, and voted to accept the Senate's amendment as thus amended, one hundred forty-four to forty. The Senate was then invited to concur in this further revision of the resolution to give notice.103 The Senate refused by a vote of twenty-nine to twenty-one, and a deadlock ensued over the wording of the resolution.104

103 Ibid., 685-687.
104 Ibid., 691-692.

President Polk was exasperated at this passing back and forth of the resolution between the two houses of Congress, and gave voice to the suspicion that a majority in the Senate would like to see the notice, in any form, defeated. Hence, he considered the only safe course, in the circumstances, was for the House to recede and pass the Senate's amendment as it stood. Polk believed that if this were not done, no notice would be authorized "... and the great leading measure of my administration would then be defeated." Polk's Diary, I, 340-341.

President Polk was still convinced that the propensity manifested by certain Senators to use the resolution for giving notice as a political instrument for advancing their Presidential aspirations in 1848, was at the root of all the difficulty the measure was encountering. "The long delay in the Senate and our divided councils in Congress have added greatly to the embarrassments of the question. Had the notice been authorized in December the question would either have been settled or it would have been ascertained that it cannot be settled before this time. The speech of Mr. Webster, Mr. Calhoun, and others in the Senate advocating peace and the British [sic] title to a large portion of the country, have made the British [sic] Government & people more arrogant in their tone and more grasping in their demands. If war should be the result, these peace gentlemen & advocates of British [sic] pretensions over those of their
Robert T. Roberts of Mississippi endeavored either to force the Senate to accept the stronger wording of the House's amendment or to prolong the deadlock by moving that the Senate insist on its amendment to the amendment. He was opposed by Meredith P. Gentry of Tennessee who moved that the House recede from its position entirely. Gentry's motion was defeated ninety-five to eighty-seven and Roberts' sustained, ninety-nine to eighty-two.105

At this juncture, Robert Dale Owen proposed that a conference be arranged between the two Houses of Congress for the purpose of arriving at a joint-resolution suitable to both. The House agreed, April 21, 1846, by a vote of one hundred twenty-six to fifty, and Charles J. Ingersoll of Pennsylvania, Robert Dale Owen of Indiana, and Henry W. Hilliard of Alabama were appointed House conferees.106

The same day the Senate, after voting down, thirty-one to twenty, a motion by Senator Allen of Ohio that they recede from their disagreement to the House amendment of the Senate amendment, agreed to the conference and John MacPherson Berrien of Georgia, Thomas Corwin of Ohio, and William H. Haywood of North Carolina were appointed by ballot to carry on the conference in behalf of the own country will have done more to produce it than any others.

"The truth is that in all this Oregon discussion in the Senate, too many Democratic Senators have been more concerned about the Presidential election in '48 than they have been about settling Oregon either at 49° or 54° 40'. Forty-eight has been with them the great question, and hence the divisions in the Democratic party. I cannot but observe the fact, and for the sake of the country I deeply deplore it. I will however do my duty whatever may happen. I will rise above the interested factions in Congress, and appeal confidently to the people for support." Ibid., I, 344-345.


106 Ibid., 696, 699-701.
The disagreement of the two Houses of Congress on the wording of the joint-resolution apparently did not involve any great principle or element essential to the rights and honor of the respective legislative bodies, for only two days were spent in reaching an agreement. On April 23, 1846, Senator Berrien from the Committee of Conference reported that

... the joint conferees have unanimously agreed to recommend, and do recommend, to the respective houses as follows:

That the first section of the amendment of the Senate to the original resolution of the House be so amended as to be, in form, a preamble to the second section of the said amendment.

And that the Senate and House of Representatives respectively recede from their disagreements to the amendment of the original resolution of the House, and mutually agree to substitute therefor the following joint resolution:

JOINT RESOLUTION concerning the Oregon Territory.

Whereas by the convention concluded the twentieth day of October, eighteen hundred and eighteen, between the United States of America and the King of the United Kingdom of Great Britain and Ireland, for the period of ten years, and afterwards indefinitely extended and continued in force by another convention of the same parties, concluded the sixth day of August, in the year of our Lord eighteen hundred and twenty-seven, it was agreed that any country that may be claimed by either party on the northwest coast of America, westward of the Stony or Rocky mountains, now commonly called the Oregon Territory, should, together with its harbors, bays, and creeks, and the navigation of all rivers within the same, be "free and open" to the vessels, citizens, and subjects of the two powers, but without prejudice to any claim which either of the parties might have to any part of said country; and with this further provision, in the second article of the said convention of the sixth of August, eighteen hundred and twenty-seven, that either party might abrogate and annul said convention, on giving due notice of twelve months to the other contracting party.

And whereas it has now become desirable that the respective claims of the United States and Great Britain should be definitely settled, and that said Territory may, no longer than need be, remain subject to the evil consequences of the divided allegiance of its American and British population, and of the confusion and conflict of national jurisdiction, dangerous to the cherished peace and good understanding of the two countries.

With a view, therefore, that steps be taken for the abrogation of the
said convention of the sixth of August, eighteen hundred and twenty-seven, in the mode prescribed in its second article, and that the attention of the governments of both countries may be the more earnestly directed to the adoption of all proper measures for a speedy and amicable adjustment of the differences and disputes in regard to the said Territory:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby authorized, at his discretion, to give to the government of Great Britain the notice required by the second article of the said convention of the sixth of August, eighteen hundred and twenty-seven, for the abrogation of the same.108

In startling contrast to the lengthy debate preceding the serious consideration of this joint-resolution, the Senate agreed to the report of the committee the moment it was received, by a vote of forty-two to ten, and the House did likewise, one hundred forty-one to forty-seven.109 The Speaker of the House signed the measure on April 21, 1846. Three days later it was signed both by Vice-President Dallas in the name of the Senate and by President Polk.110

President Polk was not enthusiastic about the resolution as finally submitted to him for signature and noted in his diary that

I would have preferred a naked notice without a preamble, and think it unfortunate that such a notice had not been authorized early in the Session of Congress. After all, however, Congress by authorizing the notice, have sustained the first great measure of my administration, though not in a form that is altogether satisfactory or one that was preferred.111

108 Ibid., 260-261.

The Senators who voted against accepting the amended resolution were: Allen (Ohio), Atchison (Mo.), Breese (Ill.), Bright (Ind.), Cass (Mich.), Dickinson (N. Y.), Fairfield (Me.), Jenness (N. M.), Semple (Ill.), and Westcott (Fla.). Ibid., 261.
111 Polk's Diary, I, 317-318.
Several members of Congress tried to prevail upon the President to accompany the notice to England with some conciliatory gesture of his own. For example, Senator McDuffie of South Carolina advised him to accompany the notice with a renewal of the American offer of the forty-ninth parallel. McDuffie considered that this would manifest a desire for peace on the part of the President, especially since there was now no point of honor to prevent him from doing so. But Polk would have none of it. He notified McDuffie that he would give the notice without any offer and, since the British plenipotentiary had rejected the last American proposal, it was now the place of England to make the next overture. However, he promised McDuffie that if England should offer the forty-ninth parallel or its equivalent or with slight modifications, he would ask the advice of the Senate before he acted on it.112

After signing the document in duplicate, April 28, 1846, Polk despatched the notice to Louis McLane in London with instructions to present it personally to Queen Victoria.113 Thus the controverted joint-occupation Convention of 1818 and 1827 was finally brought to an end after almost thirty years of dubious service.

112Ibid., 348-349.

113Buchanan to McLane, Washington, April 28, 1846. Nat. Arch. Dept. of State. Diplomatic Instructions, Gt. Br., XV, April 16, 1843-July 21, 1849. Polk gives as his reason for a formal presentation of the notice to Queen Victoria, the fact "... that as the Executive Chief Magistrate of the U. S. I could hold no communication with a subordinate minister of the Government of Great Britain, but that any communication from the President must be addressed directly to the Sovereign of that country." Polk's Diary, I, 353.

McLane presented the notice to Queen Victoria May 21, 1846, and in his letter to Buchanan of the same date, gave the Secretary an account of the ceremony and protocol required for such an undertaking. Nat. Arch. Dept. of State. Despatches, Gt. Br., LVI, Louis McLane, J. McHenry Boyd, August 4, 1845-November 16, 1846.
Although the notice in itself was not a measure warranting the controversy it evoked nor even of sufficient importance to justify the time spent on its enactment by the Legislative and Executive branches of the United States government, still, as will be seen later, one extrinsic factor made it the key to the final settlement of the Oregon boundary dispute.

With notice to Great Britain finally disposed of, Congress turned its attention to the other recommendations contained in the President's Message to Congress of December 2, 1845. Of these recommendations submitted to the Senate in the form of resolutions by David R. Atchison of Missouri on December 18, 1845, only one was acted upon before the adjournment of this session of Congress, namely, that "... of establishing block-house and stockade forts and military posts from ... Missouri to Frémont's pass ... and ... of raising and organizing a corps of mounted riflemen for the purpose of escorting emigrants to ... the Oregon Territory." 114 The House, in like manner, found time to consider only one other recommendation of the President besides that of giving notice to Great Britain. This was the bill reported on December 19, 1845, by Stephen A. Douglas of Illinois, from the Committee on the Territories, "... to protect the rights of American settlers in the Territory of Oregon, until the termination of the joint-occupation of the same ... " 115

The Senate bill for erecting fortifications along the route to Oregon and for providing a corps of mounted riflemen to protect the immigrants journeying to that country, was first reported from the Committee on Military Affairs by Senator Benton of Missouri, December 30, 1845. It was debated on January 7, 114 cf. supra, 340.

115 cf. supra, 346 n57.
and the following day passed by a voice-vote with the amended title: "An act to provide for raising a regiment of mounted riflemen, and for establishing military stations on the route to Oregon." The concurrence of the House of Representatives was then requested.116

Because of their preoccupation with the subject of notice to Great Britain, the House did not take up this bill in earnest until April 10, 1846.117 It was then reported from the Committee of the Whole House by George Rathburn of New York, with an amendment requiring that all officers of the regiment of mounted riflemen be selected from the regular army. The House agreed to the amendment by a vote of ninety to eighty-two. The following day it was passed by a voice-vote and sent back to the Senate for their concurrence in the House's amendment.118

Since both Houses of Congress were engrossed at this time in the final drafting of the joint-resolution of notice, the Senate did nothing more than refer the amended bill to the Committee on Military Affairs. A month later, on May 11, 1846, Senator Benton reported that the Committee disagreed with the amendment proposed, and the House was so notified on May 15, 1846.119

The House reconsidered the whole bill the next day and by a vote of ninety-


117S. 29, as it was listed on the House docket, was referred to the Committee on the Militia the day after it was received from the Senate, January 9, 1846. It was briefly referred to again on January 16 and April 7 and 9, 1846. U. S. Cong., House of Rep., House Journal, 29th Cong., 1st Sess., 1845-1846, Serial No. 479, 215, 264, 646, 654.

118Ibid., 658-660, 662.

seven to sixty-nine, agreed to recede from their amendment. It was signed by the Speaker of the House and Vice-President Dallas on May 19, 1846, and by President Polk, May 20, 1846.120

This bill authorizing fortifications along the Oregon trail and an escort for immigrants, was of little actual importance in the overall picture of the Oregon boundary dispute. Since it was generally understood that the military aids therein provided would not extend beyond the Rocky Mountains, they could not constitute a violation of the Convention of 1827 during its twelve-month interim period, nor could the British, for that reason, have cause for taking offence. As a result, there was little or no opposition to the bill in either house of Congress, practically no debate and the bill was enacted into law in record time. Its sole significance lies in the fact that, once having given notice to Great Britain of the abrogation of the Convention of 1827, Congress was hereby evincing every intention of enacting the rest of the President's recommendations into law--some of which might well have led to serious consequences had not the boundary been settled before Congress was able to do so.

The House bill calling for the extension of American laws and jurisdiction over Oregon to protect the rights of American settlers until the termination of the joint-occupation convention, was an altogether different piece of legislation. Depending upon the form the bill finally took when passed, and depending upon the mode of execution provided therein, it could very easily be interpreted by Great Britain as an unwarranted exercise of exclusive sovereignty in contravention of the Convention of 1827, with the attendant result of altercations.

between British and Americans in Oregon and possibly war between the two nations.

The debate in the House focused principally on the precedent of the extension of British law and the jurisdiction of Canadian courts over Oregon by the Act of Parliament of 1821 as giving the United States a right to similar privileges. The conservatives opposed the bill on the score that it would be impossible for two distinct codes of law and two alien jurisdictions to exist harmoniously in the same country and at the same time. As John A. Rockwell of Connecticut expressed it "... the conflict of these two systems of laws over the same country would be more dangerous than any other one thing that could happen." At this late date, practically all Congressmen recognized and admitted the fact that British law and jurisdiction, such as it was, had never been applied to American residents in Oregon nor had it in any way infringed upon their rights or liberties. William F. Giles of Maryland frankly acknowledged on April 15, 1846,

... that in the administration of this law, the intelligent agents of the Hudson's Bay Company have never construed it so as to make its processes bear on the citizens of the United States. I grant a construction has been given to it by the officers and agents of the Hudson's Bay Company, so as to prevent the execution of the law becoming an infringement

121 Cf. supra, 281-282.


This bill, reported by Stephen A. Douglas of Illinois from the Committee on the Territories, December 19, 1845, was briefly considered on January 2 and February 18, 1846, but was not actively debated until April 13, 1846. U. S. Cong., House of Rep., House Journal, 29th Cong., 1st Sess., 1845-1846, Serial No. 179, 188, h28, 667.
of the convention of 1827 . . . 123

Giles maintained, however, that the law itself and the general intention of the British Parliament in extending it over Oregon was what provided such an excellent precedent for the United States to do likewise. He held that it was only the construction placed on the law by Hudson's Bay Company officers, and not the law itself, which prevented an infringement of the Convention of 1827. 124

Even Stephen A. Douglas of Illinois, the House's foremost anglophobe, was forced to admit that "... the British authorities did not think it proper to execute that law, and therefore instructions were given to draw a distinction. American citizens were thus exempted, not from the law, but from mere motives of policy ... " 125 Douglas, nevertheless, urged the containment of British law in Oregon by superimposing American legal institutions in that country. This would not only free United States citizens from the stigma of theoretical subjection to the British Crown but would also tend to better the lot of the benighted British themselves. Douglas held that

... the British Government, through their judicial officer in that country, James Douglass [sic] ... exercises a more unlimited, unrestricted power in Oregon than any despot on earth. His will is the law, and his vassals execute his will. Talk about slaves in South Carolina or Louisiana: the British subjects in Oregon were mere slaves. Look into the condition of the Hudson's Bay Company, and you found slavery in all its forms ... .

These laws, under the law of 1821, were to extend over the whole of Oregon, absolutely, unconditionally, exclusively, without any exemption of American citizens from the operation of those laws. Yes, by the British

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124 Ibid.
125 Ibid., xv, April 17, 1846, 687.
laws now in operation over Oregon, every American citizen, if arrested, was liable to be taken to Canada, and put into jail, under trial, whenever the acting agent of the Hudson's Bay Company shall say so.126

Jefferson Davis of Mississippi looked upon even the theoretical exercise of British jurisdiction in Oregon as the first step towards acquiring the right of eminent domain. "It was necessary to limit the British act of 1821, which had found an excuse, in the absence of all other law, or 'civil government,' for an extension invasive of our rights, and injurious to our people."127

The Act to protect the rights of American citizens in the territory of the United States west of the Rocky mountains did not encounter any spirited opposition in the House and, when put to a vote on April 18, 1846, passed by the comfortable margin of one hundred four to sixty-four.128 It encountered real difficulty in the Senate, however, where the question was soon raised: over how much of the territory was this jurisdiction to extend—merely to the forty-ninth parallel or over the whole territory as far as fifty-four-forty? This inevitably led to a further discussion of American and British rights, which, for all practical purposes, killed the bill in this session of Congress; for it was still being considered when the session ended August 10, 1846.129 Yet the de-

126Ibid., 686-687.
127Ibid., XV, April 17, 1846, 688.
129For the progress of the bill from the time it was submitted to the Senate on April 20, 1846, up to the last report of the Committee on the Judiciary, August 3, 1846, see U. S. Cong., Senate, Senate Journal, 29th Cong., 1st Sess., 1845-1846, Serial No. 469, 251-252, 256, 259, 261, 307, 310, 311, 317, 321, 322, 371.
The debate on this bill was of the utmost importance to the final settlement of the boundary. The reason being that the British offer of settlement came in the midst of this debate and came after one man, by his exposition of and stand on the matter, had settled the doubts of the uncertain and had carried the undecided over to his way of thinking.

Senator William Allen of Ohio opened the debate on April 27, 1846, by pointing out that up until the present, the Convention of 1827 had protected American settlers in Oregon against British legislation and against British laws technically in force in the territory. But at the end of twelve months' time, the Americans in Oregon would no longer have the benefit of that protection but would automatically come under British law, as the only established law in the country. Hence, he considered it the duty of the Senate to pass this bill and pass it before the twelve months elapsed, in order that the jurisdiction of the United States might take the place of the convention and American citizens be protected as heretofore.

Senator James D. Jessewicz of Florida, on the other hand, considered the legislation unnecessary for two reasons. First, he was convinced that the British government had never attempted to subject American citizens to British legal forms or institutions, were not doing so now, and appeared to have no intention of doing so in the future. Second, the Americans in Oregon had erected a local government of their own which only lacked some form of recognition by the United States and it would be endowed with all the benefits and prestige which this legislation could furnish. He further informed the Senate that the

American government in Oregon would continue even if Congress did nothing. In fact,

It would continue till expressly annulled by Congress. It was not set up as an independent Government. It acknowledged the authority of the United States. The Governor, Judge, Legislative Council, and all its officers, and all subject to it, were citizens of the United States, and the people there founded their right to ordain it, and to make the laws they had made, on the fact that they were such citizens. The Oregon Government had got along, he understood, pretty well. There was, he thought, no great danger to be apprehended from it this summer or fall... Precipitate legislation might involve the country in difficulties. Pass the bill now before the Senate without alteration, and its construction by the Oregon judge, or the Federal Executive, may create troubles the end of which might be war. The citizens of the United States in Oregon and the British subjects there are the last people on the earth to desire collision in relation to that country. They now live there peacefully and harmoniously together, and unless difficulties were excited by unwise action here, Mr. W. said he apprehended none from them. He had been satisfied of this fact from conversation with intelligent gentlemen who had been in Oregon, and were acquainted with the country and its inhabitants.131

At this point, Senator William Hart Benton of Missouri entered the debate and for over a week discussed all phases of the rival claims of Great Britain and the United States. To the surprise of many in the Senate, and especially those advocating American rights to the whole territory, Benton took an uncompromising stand on the forty-ninth parallel and apodictically declared that the United States had not a vestige of right north of that line. Up until this time Benton had been a staunch defender of American rights in Oregon, but in

131 Ibid., XV, May 22, 1846, 851. Westcott later designated one item which in his opinion, would precipitate hostilities in Oregon if the laws of the United States were enforced in that country. "The extension of the 'laws of the United States' over Oregon, as proposed, would of course include the revenue laws; and if so, that would require a custom-house to be established, and officers appointed to enforce them. Mr. W. saw no necessity for such a course until the limits of the country were settled. It would lead at once and inevitably to collisions with the British subjects there. If anybody wanted to smuggle goods into the western States from the Pacific ocean across three thousand miles of mountain and desert, Mr. W. said he did not feel disposed to punish them very severely." Ibid., XV, May 28, 1846, 875.
his few brief appearances on the Senate floor in their behalf, had never def-
initely committed himself on how much of the territory these rights covered.
But he vented his oratorical spleen on the Convention of 1827, which he had op-
posed from the very beginning, and which he roundly condemned every time the
subject of Oregon came up in the Senate. These two elements, together with the
fact that he was a western man, one of the Senators from Missouri and for years
the colleague of that tenacious champion of Oregon from Missouri, Lewis Linn,
led many in the Senate to presuppose that Benton would be the heart and soul of
the fifty-four-forty movement. But Benton had made a long and careful study of
the Oregon question, and was a sufficiently rugged individualist to have made
up his own mind as to the merits of the subject independently of the will of
his constituents, his western colleagues, and, if necessary, his own political
party. For example, he had compared the two treaties by which the United
States and England came to an agreement with Russia as to that country's south-
ern boundary on the northwest coast. He found that in the American treaty the
boundary was as indefinite as could be—that the line of fifty-four-forty was
expressed in the same indefinite language as characterized the fifty-first de-
gree of north latitude in the Emperor's Ukase of 1821 which was established as
a mythical line in the ocean inside of which foreign vessels were not permit-
ted. 132 In the British treaty, which was more detailed, fifty-four-forty was

132 Cf. supra, 19-20, and Appendix VIII. Benton entered the discussion of
the House bill to extend the jurisdiction of the United States over Oregon,
when the question arose: over how much of the territory was this jurisdiction
to extend, and the subsequent discussion of the rights of the two nations in-
volved. Benton advocated the extension of United States jurisdiction over the
country, but only up to the forty-ninth parallel.
President Polk had expressed to him the desire that the House bill pass
the Senate as speedily as possible and had requested Benton to do all he could
to that end. This Benton promised to do, and further informed the President
merely the spot on the coast where British territory commenced. It did not run inland more than a few miles before turning north and certainly did not extend through the interior of the country to the Rocky Mountains.\textsuperscript{133} This convinced Benton that to refer to fifty-four-forty as if it were an actual line across the continent from the coast to the Rocky Mountains, and to consider that line as the northern limit of American claims or the southern limit of British rights, was absurd. After patiently explaining all this to the Senate, he relegated into obscurity the whole idea of fifty-four-forty, slogan and all.

"Dulce et decorum est pro patri mori."
Sweet and decent it is to die for one's country.

And this is the end of that great line! all gone—vanished—evaporated into thin air—and the place where it was, not to be found. Oh! mountain that was delivered of a mouse, thy name shall henceforth be fifty-four forty!\textsuperscript{134}

that, in this connection, he intended to discuss the whole Oregon subject before the Senate. Polk's Diary, I, 376-377.

Polk also endeavored to enlist the aid of Senator Haywood of North Carolina in furthering the cause of this legislation. But Haywood was reluctant to have anything to do with the bill. Polk insisted, pointing out to Haywood that it was one of the measures recommended in his Annual Message to Congress, it had passed the House by more than a three-quarters majority and, without doubt, it was approved by the country. Furthermore, should a majority in the Senate resist this measure and leave United States citizens in Oregon unprotected by United States laws, he "... would make an issue with that body before the country." Haywood was still unconvinced but consented to examine the matter further. Ibid., I, 378.

\textsuperscript{133}cf. supra, 22, and map illustrating the British-Russian treaty of 1825. For the text of the United States and British treaties with Russia, see Appendices IX and X.

Lewis Cass of Michigan elected to answer Benton in open debate. He denied the whole construction Benton put on the United States-Russian and British-Russian treaties and held as invalid the conclusions he drew therefrom. He maintained, however,

... if the honorable Senator from Missouri should succeed in the establishment of his position, that we are not bounded on the north by this parallel of 54° 40', I do not see, that the little band [of fifty-four-forties] is in any worse condition, or the pretensions of the country at all diminished; for the former seems to me intimately connected with the latter; but quite the contrary. In that event, we should fall back upon our original Spanish title, and carry our claim to the parallel of 61°. Our arrangement with Russia was an agreement to take less than the claim we could rightfully urge, as the grantees of the Spanish Government.135

Benton had already preoccupied the subject of Spanish rights on May 25, 1846, while discussing, within the framework of three geographical divisions of the northwest coast, the rights of all nations concerned. His first division consisted of the islands in and about the forty-ninth parallel, and these he considered to be the only territory actually involved in the British-Spanish Nootka Sound Controversy of 1790. As for American title to this first geographical unit as derived from Spain, Benton considered

... Spanish discoveries along that coast as dominant over the British, both for priority of date and for the spirit of ownership in which they were made. The Spaniards explored as masters of the country, looking after their own extended and contiguous possessions, and to which no limit had ever been placed: the British explored in the character of adventurers, seeking new lands in a distant region. Neither made permanent settlements; both abandoned; and, now, I see nothing, either in the value of the title of these islands, for the two nations to fight about ... I dismiss the question, then, as to this geographical division of the country, with saying that our title to these islands is better than that of the British, but that neither is perfect for want of settlement; and that now ... they should follow the fate of the continental divisions in front of which they lie.136

135Ibid., XV, June 1, 1846, 890.

136Ibid., XV, May 25, 1846, 858.
To the second of his geographical divisions, namely, to the Fraser River Valley and the territory drained by it north of the forty-ninth parallel, Benton held the United States had no title—not even from Spain.

At the time that we acquired this Spanish claim to Fraser's [sic] river, it had already been discovered twenty-six years by the British; had been settled by them for twelve years; was known by a British name; and no Spaniard had ever made a track on its banks. New Caledonia, or Western Caledonia, was the name which it then bore ... 137

He further maintained that British title to this region was acknowledged in all previous American offers of settlement with Great Britain.

All these offers [Jefferson, Gallatin, Rush, Monroe] leave Fraser's [sic] river and its valley to the British, because they discovered and settled it. All these offers hold on to the Columbia river and its valley because we discovered and settled it ... 

This is what the statesmen did who made the acquisition of the Spanish claim to Oregon in 1819. In four years afterwards they had freely offered all north of 49° to Great Britain; and no one ever thought of arraigning them for it ... For my part, I thought they were right then, and I think so now; I was Senator then, as I am now. I thought with them that New Caledonia belonged to the British; and think so still, and acting upon the first half of the great maxim—Ask nothing but what is right—I shall not ask them for it, much less fight them for it now.138

The third of the geographical divisions, that of the Columbia River Valley west of the Rocky Mountains, Benton considered to rightfully belong to the United States on all scores: prior discovery, exploration, settlement, and occupation by the United States; rights at least of contiguity, derived from France through the Louisiana Purchase; and, finally, any and all claims and pretensions inherited from Spain by reason of the Florida Treaty of 1819. This area, bounded by the forty-second parallel on the south, the forty-ninth on the

137 Ibid.
138 Ibid., 859. This was Benton's favorite maxim and appeared in all his speeches on the subject of Oregon. Some weeks previously, Calhoun had ventured to amend it for him so as to make it read: "Demand nothing which we are not certain is right!"—but obviously to no avail. Ibid., XV, April 9, 1846, 634.
north, the Rocky Mountains on the east, and the Pacific Ocean to the west, he
dwould fight for to the end.\textsuperscript{139}

Benton's arguments and reasoning on the forty-ninth parallel proved too
influential in the Senate for the fifty-four-forty supporters to answer them
piecemeal or to answer them at all. Lewis Cass contented himself with pleading
with the Senate to adhere to their claims up to fifty-four-forty if only for
the political advantages to be gained and for the sake of pure expediency.

\ldots we claim north of 49\textdegree. We may differ in our estimate of the nature
of this claim, and of the strength of our title. To some it may appear so
clear as to justify our assertion of it as a boundary at all hazards,
while to others it may appear doubtful, and a proper subject for negotia-
tion and compromise. I do not object to this. But I do object, and strenu-
ously too, to any attempt on the part of the Senate to discredit this
claim, whatever it may be. It seems to me unwise, impolitic, indeed un-
constitutional, if not dangerous. The Executive, in his negotiations with
a foreign Government, for the settlement of a great question of boundary,
asserts our title to a given limit. The matter is sub lice, to be settled
by the pen or by the sword. Does it become Congress to make a formal dec-
laration \ldots that 49\textdegree is our northern boundary, and that the President
and his predecessors have demanded more than we are entitled to? For it
is obvious, that when the Senate proposes to establish the boundary by
treaty, but that till it is so established, the parallel of 49\textdegree shall be
regarded as our northern limit, all the country to the north is at once
abandoned. England comes to 49\textdegree by our act, and a proposal for compromise
will be for her, in effect, a proposal to divide the region to the south.
So far she is sure. She has the best of the bargain, for we begin by ced-
ing to her one-half of the territory, without the slightest consideration
on her part. The disposition of the other half must abide events.

This is not the way in which men conduct their affairs in private
life. We should form but a poor estimate of the wisdom of the man, who,

\textsuperscript{139}Benton considered the Columbia river and its mouth an excellent harbor
and one to be possessed by the United States at all costs. He based his esti-
mation of this site on the answers received in reply to a series of questions
he submitted to Midshipman James Blair, one of the three officers in charge of
sounding and charting the lower reaches of the Columbia for the Wilkes expedi-
tion. \textit{Ibid.}, XV, May 28, 1846, 915. In this, both he and Blair differed with
Wilkes who thought little of the mouth of the Columbia either as a port of en-
try or as an anchorage for any except small craft. Cf. supra, 111-112. For
Benton's eulogy of that portion of Oregon drained by the Columbia river as the
garden spot of the whole territory and the \textit{North American Road} to India, see
\textit{Ibid.}, 915-918, 920-921.
claiming a tract of land, should commence a controversy by saying to his opponent; This whole land is mine, but I will begin by yielding to you one-half of it. Now, let us go to work to make a compromise for the other half . . .

England claims an undivided moiety of the Oregon territory. If we appropriate to ourselves the whole country south of 49°, without her consent, we are just as sure to have a contest with her, as if we extended our jurisdiction north of that line. We should place ourselves in no better position by this act of concession. It would be made equally without consideration and without benefit. By the assertion of exclusive jurisdiction, within whatever limits, we forcibly evict England from her possessions; and let it be the whole or a moiety, we equally interfere with her claim. We must negotiate or come into contact. And if we are to come into contact, let it be for the whole.140

But this Benton would not tolerate, especially since it involved a question of war.

The point before the Senate was a declaration of title, on the part of the United States, to Frazer's [sic] river and its valley, known as New Caledonia, and, as such, occupied by the British without question since 1806. Mr. B. said this was the question, for it was a question of peace or war, and a war upon a mistake—a blunder—geographical and political. The blunder was, that the United States had a line with Russia, dividing the country with her from the sea to the Rocky Mountains, and that all the country on this side was ours. This was the political blunder. The geographical blunder was in relation to Frazer's [sic] river and its valley, called by the British New Caledonia, and which was assumed to be a part of our Oregon. There was no such line, and no such extension of our Oregon. The Russian line was in the sea, confined to the islands. Frazer's [sic] river and its valley, covered with British establishments since the year 1806, covered the country from 55° to 49°. These were the facts. But the fifty-four-forties, upon a mistake as to the Russian line, and upon a mistake as to Frazer's [sic] river, set out to take that entire river and valley from the British, and, therefore, to involve us in war, and that ignorantly and unjustifiably, with Great Britain . . . . The gentlemen who had led the country into error, who had prepared them for a war upon a mistake, instead of retracting it, had this day taken their course to persevere in it! And what was war upon mistake before, now became war upon design, and without a pretext. Mr. B. said, without a pretext; for the Senator from Michigan, in a speech of an hour and a half this day, with an instinctive dread of the fatal point, never once mentioned Frazer's [sic] river; never once mentioned New Caledonia; never once ventured to assert that the United States had one particle of claim to that British possession. Yet he would still adhere to 54° 40', which includes it; and thus,

140 Ibid., XV, June 1, 1846, 893-894.
by inference, go to war for what he could not even venture to name. 1h1

Before Cass and the supporters of United States rights to the whole territory could regroup and undo the impression created by Benton, President Polk presented the British offer of the forty-ninth parallel to the Senate for their advice. Thus the last pronouncement on the Oregon question before its settlement was Benton's and his convictions, coupled with other factors such as previous American offers of settlement on that line, the apparently irresponsible attitude of the fifty-four-forties with regard to war, and, last but not least, actual and present war with Mexico caused the vast majority of Senators to choose the certain acquisition of a large territory by peaceful compromise rather than gamble on acquiring a still larger territory in the midst of the uncertainties of war. 1h2

The relative merits of the Oregon question did not provoke debate on the same scale in the British Parliament as in the United States Congress. The attitude of Parliament was one of wary waiting and jealous guarding of the national honor—the latter being considered the only important factor at stake in that distant outpost of the Empire. In an address before the House of Lords, March 17, 1846, the Earl of Clarendon warned that, although the official language of the two governments was still pacific and, as far as could be judged

1h1 Ibid., 894.

from information received from the other side of the Atlantic, the greater proportion of the American people shared in these sentiments, the fact could not be ignored that the two countries appeared to be gradually but involuntarily drifting towards war. In these circumstances, he believed the British government should be on its guard against manifesting such a determined desire for peace that they prove indifferent to preparations for war, thereby giving other nations, and particularly the United States, the impression that they were willing to purchase peace by concessions destructive of the national honor.143

As far as a desire for peace was concerned, the Earl of Clarendon considered Great Britain as having done everything possible to maintain friendly relations by repeatedly proposing arbitration of the problem before any impartial tribunal the Americans might wish to name. This course he judged to have met with the approval of the English people, and would justify Great Britain in the eyes of the world should any untoward incident take place. However, he looked upon present conflict for possession of Oregon, "... an unoccupied territory, the whole fee-simple of which is well known to be of such insignificant value as not to compensate the losses and miseries that one single month of war must produce ...," as being morally impossible.144 It was true a political party existed in the United States "... so reckless as to be ready to engage in war ..." to achieve their ends, but that this party...

... should faithfully represent the opinions and wishes of the great and enlightened majority of the people of the United States, does, I must say, seem to me a moral impossibility. I cannot believe that in a country whose state of civilization is equal to our own—in a country where statesmen are to be found as sagacious and enlightened as any in the world

143Hansard's Parliamentary Debates, 3rd Series, LXXIV, col. 1113.
144Ibid., col. 1114.
where wealth and knowledge are as widely diffused as in England—where they must assert the same power and confer the same advantages—and where, as among ourselves, morality and religion exercise the same degree of influence—in such a country, I cannot believe that such intentions can prevail, or that the people and Government of the United States would rush into a war without any just cause... 145

Lord Ashburton shared these sentiments, both as to the worthlessness of Oregon in relation to the cost of war, and as to the good sense of the American people ultimately recognizing this fact. He could think of nothing more absurd... than to suppose that either country should enter on these negotiations with a view to gain any particular advantage, or on the supposition that either has undisputed rights; for it is impossible to deny that both States have pretensions to the territory in dispute, and that the only question is how the disputed claims can be settled in a manner which any reasonable man shall say is a reasonable settlement. I think Europe and the world have a right to expect from us and from them that such could be the principle on which our negotiations proceed; and I am sure that on our parts they cannot be in safer hands than in those of my noble Friend [Earl of Aberdeen]. I hope I may add, from my own experience, and from my knowledge of the feelings of the people of that country, my confident belief that these negotiations will be brought at least to a safe and honourable conclusion. 146

Not all members of Parliament, however, thought this show of reasonableness on the part of Great Britain exerted a salutary influence on the American people or their government. On the contrary, Mr. P. Borthwick, member of the House of Commons from Evesham, held it had the opposite effect. On March 20, 1846, he cited the tenor of Her Majesty's Speech from the Throne opening the present session of Parliament, as well as the general tone of the debate on Oregon in the House of Commons, as being seized upon by the Democratic party in America as a sign of weakness and pusillanimity on the part of the British government. Hence, he considered

145 Ibid., cols. 1114-1115.
146 Ibid., March 17, 1846, cols. 1119-1120.
It . . . [was] time that England should distinctly make known to the war party in America, as it was known to all the world already, except to that party, that while England was ready to make every such effort for the maintenance of peace, as was consistent with her honour and her rights, yet she only deprecated war in this instance, inasmuch as any war in which this country was engaged could not but seriously interfere with the progress of human civilization; and that it was in this respect and in no other that this country and the House deprecated a war with the United States. It was high time, in his opinion, that some such expression of feeling on behalf of Her Majesty's Government should be distinctly made in the House of Commons. It would do more than any diplomatic negotiation towards the maintenance of that peace, so desirable to be maintained between this country and America.147

The policies of the British government, however, were not based on the utterances of individual members of the American Congress nor even on the apparent program of a whole political party, but rather on the spirit manifest in the official communications received from the United States government itself. Thus, when asked on May 29, 1846, by Mr. J. Hume, member of the House of Commons from Montrose, "... whether the American President had given notice to this country of the intended termination of the existing convention respecting this territory . . . .," Sir Robert Peel replied that he had.148

The Prime Minister then pointedly added that

In giving that notice, however, he has adopted the terms which were ultimately assented to by both Houses of the Legislature of the United States, viz., that the Notice shall be given with the view of leading to an amicable adjustment of all the differences and disputes in respect to this ter-

147Ibid., cols. 1277-1278. Queen Victoria's Speech from the Throne, opening the fifth session of the fourteenth Parliament, was delivered on January 22, 1846. The portion dealing with Oregon, referred to by Borthwick, reads as follows: "I regret that the conflicting Claims of Great Britain and the United States, in respect of the Territory on the North-western Coast of America, although they have been made the Subject of repeated Negotiation, still remain unsettled. You may be assured that no Effort consistent with National Honour shall be wanting on My Part to bring this Question to an early and peaceful Termination." Ibid., LXXXIII, col. 3.

148Ibid., LXXXVI, col. 1424.
As long as the American government continued to look forward to "... an amicable adjustment of all differences and disputes in respect to this territory," the British Ministry was willing to wait quietly for a favorable opportunity to achieve that end—an opportunity which even then was not far distant.

The American press, on the other hand, discussed all phases of the Oregon question in shrill and strident terms. Although rigidly divided according to party and sectional loyalties, individual papers and combinations of papers scattered their shots indiscriminately: at the President, at Congress, at England, at arbitration, at the notice, and at one another. Whig journals, such as the Baltimore, Maryland, American and the Cincinnati, Ohio, Daily Gazette, placed the whole blame for the present muddled state of the Oregon negotiations on President Polk. An article from the American, reprinted in the Gazette, maintained that Polk's failure to make up his mind whether to take his stand on the "clear and unquestionable" title to fifty-four-forty of his inaugural address, or on the forty-ninth parallel offers of his predecessors, had prolonged the dispute beyond all reasonable expectations. Moreover, since President Polk now insisted that Great Britain make the next proposal in the negotiation, the American wished to know how they could make

... any proposition in the face of our exclusive claim to the whole of Oregon?—Can she suggest any compromise which will not involve a doubt as to the validity of our title—which will not imply a partition of the country in dispute? And did we not reject the proposal to arbitrate expressly on the ground that our title should not be called in question nor the territory divided? How can England do anything but wait to see if we mean to carry out our declarations—to enforce our asserted claim, to make good our "clear and unquestionable" title.

The belief is now prevailing on this side of the water that the Pres-

149Ibid.
ident really did not mean what he said when he claimed the whole of Oregon; or that if he meant it at first he does not mean it now... "The whole of Oregon" means as much as we can get.

Tract and pamphlet writers, as well as other private commentators on the Oregon question, pilloried the administration for its handling of the affair. One anonymous writer accused James Buchanan and certain of his predecessors of using the Oregon negotiations to further their own Presidential aspirations.

We may trace the course of this haggling overreaching diplomacy in a great measure to the fact that our negotiators are generally aspirants to the presidency, and that it appears to them that the best way to recommend themselves to the public is by driving a hard bargain with foreign states in all negotiations, whether about territory or about compensation for damages, etc. They are thus led in their transactions abroad to act rather on the principles of the crafty, chaffering small dealer... than those of the man of honor, the gentleman. It must be admitted that the negotiators appear not to be altogether mistaken in their estimate of the road to popularity.

The conservative press also considered much of the malfeasance connected with the Oregon question and other current international problems, as growing out of too much party politics in the Federal government. Thus according to the Gazette,

... we see the powers of Government, and the patronage of the Executive, both as regards measures and men, wielded by party machinery, and for party ends! Is a man now-a-days asked to define his position as a "democrat"? He responds at once—"I stand by the Baltimore Platform." Are the terrible engines of party brought to play against any man, or set of men?—The charge is, that he or they oppose the Baltimore Platform. Thus a self-constituted and irresponsible body—controlled always as such bodies must be by a few men—stands in fact above Congress, above the Executive, saying to both, in authoritative tone, what they shall or shall not do.

150 Excerpt from the Baltimore, Maryland, American, reprinted in the Cincinnati, Ohio, Daily Gazette, April 6, 1846.

151 The Oregon Controversy Reviewed in Four Letters by a Friend of the Anglo-Saxons, New York, 1846, 35.

152 Cincinnati, Ohio, Daily Gazette, April 4, 1846. The Gazette earlier expressed its opinions on some of the "few men" it considered to be wielding
Politicians and diplomatists, to make their services appear more meritorious, have striven to put a higher value upon the title they were defending. But for this reason, we should have heard little about the fertility of Oregon, the beauty of its climate, the ease of communicating with it, or its importance for commercial purposes. The statesman's shortest and surest road to popularity nowadays consists in an affected zeal and watchfulness for the interests of our country in its foreign relations. There is no risk here of offending one portion of the sovereign people while seeking to please another. There is no divergence, no contrariety, of interests here to care for; if but few are directly interested in the prosecution of a claim against France or England, none are injured by it. The good-will that is thus conciliated is all clear gain. Not one in ten thousand of our vast population would be immediately affected by the successful assertion of our claim to the whole of Oregon. To the vast majority of our people the matter is one of perfect indifference, except so far as it is linked with the interests of a party. But to this party it is of vital importance. Hence the warmth and jealousy of each other which politicians manifest in combating the pretensions of a foreign power. One party makes a merit of having secured so much territory by a successful negotiation, as in the case of the Ashburton treaty; and the other party imputes to it as a fault that it did not obtain more. Lord Palmerston attacks Sir Robert Peel because Great Britain surrendered so much by that

party influence in Congress. Senator William Allen of Ohio, Chairman of the Senate Foreign Relations Committee, "... lacks forecast, weight, and that considerateness of character which commands influence in the Senate, and awakens attention among the people. A partizan [sic] may follow and applaud him. In times of political excitement, as a political gladiator, he may be put forward in the front rank of disputants, in or out of Congress. But people who reflect on what they say, or what is said by others, would never follow his lead, or give ear to his counsels, since he really wants, in almost every respect, the sagacity to plan, or the wisdom to direct, in the great affairs of life." Ibid., February 10, 1846. With regard to Senator Lewis Cass of Michigan, "we know of no man who has used himself more effectually than this brave old gentleman.—His fire is not subdued, but his wisdom (if ever he had any) is gone. At an age, when we should look for a wise valor, we have the sonorous boasting of youth; in a station, where we should expect well considered advice, we have only crude and empty gasconade." Ibid., February 16, 1846. While Stephen A. Douglas of Illinois was judged "... reckless as to consequences; without principle; a fighter for party, and good for nothing else. Possessed of some shrewdness, he knows that men who take the lead force themselves into notice, and often get the biggest share of the loaves and fishes, and therefore he does all that Conventions call upon the party to do." Ibid., March 15, 1846.
treaty; Mr. Benton attacks Mr. Webster because the United States surrendered so much. Both charges cannot be true; but that is of no importance. If similar attacks were not foreseen, the question about Oregon might be settled to-morrow. If the two countries are finally plunged into a war respecting it, it will not be because the bulk of the English or the American people care a straw about the land; but because the dominant party on both sides of the Atlantic wishes to preserve its ascendancy over its opponents. In its inception and fundamental character, it will be, as usual, a war not between two nations, but between two political parties. 153

153"The Oregon Question," The North American Review, New York, LXII, 229-230. The press in the United States, on the other hand, was not above using the Oregon question for its own ends. The New Orleans, Louisiana, Tropic, found the existing diplomatic crisis admirably suited for the purpose of delivering a few telling blows at northern abolitionism. "Is it found that the men who clamor so very loudly for war, and 54° 40' are the men upon whom the South would rely for advice and look for friends? quite the contrary. The spirit of abolitionism is struggling for 54° 40'. That dark fiend that has declared the Union a farce, and denounced the South for its institutions, is the head and front of the van, and is already gloating on the prospect of war as an instrument to carry on its hellish plans for destroying the South. Who do we find arrayed most prominently among the 54° 40' members of Congress? Men eminently distinguished for their Southern principles? Men hailing from Southern States? Who are they? Cass and Hannegan represent the West, and are from Free States. Michigan and Indiana have no especial sympathy with the South, and while its citizens bear their part of fighting as readily as any people in the Union, they are fortunately so situated by their geographical and agricultural character, as to come in for the largest share of the rewards of a war, that offer in the shape of money expended for food, for those carrying it on. When we pass beyond them, who are the noisiest 54° 40' men?—we blush to write the trio. The very names glare on a Southern eye horribly, and anything they advocate should be looked upon by Southern men with suspicion.—Adams, Allen, and Giddings. What singular juxtaposition of character, yet how united on the question of 54° 40'.—Of course they are the men for the South to look to for advice and counsel, they being so truly its friends.

"How is it that J. Q. Adams and Joshua Giddings are so violently for war? What sudden inspiration has seized upon these pseudo-chiulanthropists, and made them go in for their country's honor so heartily, when they have so willingly heretofore aided and abetted in schemes that would destroy its integrity, and involve it in civil discord. Such singular and inconsistent conduct, requires examination, and should be looked upon with suspicion by the South; there is danger to her in it, for they are abolitionists still, and must see covertly in the 54° 40' min. question, means of carrying on their designs.

"Let us look at the great leading men who are for 49°. Do we find among them, men tainted by the breath of suspicion regarding the true Southern interests? Are they men from Free States?—Are they not, on the contrary, Senators distinguished in Council, prominent for patriotism and every sentiment that adorns the American and Southern Statesmen? Are they not eminently the men of all others, to whom the South should go for advice in the hour of peril, and
While the conservative press analyzed the factors delaying the settlement of the Oregon question, radical newspapers and periodicals alternated between conjuring up visions of America's manifest destiny and labeling as traitors those who dared to insinuate that such fantasies might prove to be illusory. Early in 1846, the rumor that the Oregon boundary was finally to be established on the forty-ninth parallel, led the Cincinnati, Ohio, Daily Enquirer to comment editorially as follows:

This line will give us all that is most valuable in the Oregon Territory, for agricultural purposes, and, with California, all the principal harbors on the coast.

Should this question, which has given two countries so much trouble, be thus disposed of, it will open up in our history a new era . . .

We look upon it as a settled question, that, at some future period, after the commerce of the Canadas shall find outlets to the Atlantic at New York, Boston and Portland, they will desire to be annexed to the United States, and that they will be annexed, and, that all the British possessions in North America, both on the Atlantic and Pacific will follow in their train.

Mexico will be annexed by piece-meal, till the whole is swallowed up. Cuba also will come in her turn, and all else, at least as far as the whom the South should honor in prosperity—Calhoun, Benton, McDuffie, Berrien and Haywood. Are any of these names likely to betray the interests of the country to a Foreign power, or for fear of war, give up a portion of its territory? Argument is unnecessary. The South will sustain its true interests, and those of the whole country, and stand by her noble sons. Mr. Polk, and those about him cannot drive her from her position. To make the Oregon question entirely palpable at a glance, let us arrange the most distinguished advocates of 49° and those of 54° 40' min. beside each other, and a Southern man cannot hesitate where to be found.

"Leading Men In The Oregon Controversy"

"For 49 deg."
"Calhoun, South Carolina"
"Benton, Missouri"
"McDuffie, South Carolina"
"Berrien, Georgia"
"Haywood, North Carolina"

"For 54° 40' min."
"Cass, Michigan"
"Adams, Massachusetts"
"Allen, Ohio"
"Hannegan, Indiana"
"Giddings, Ohio"

Excerpt from the New Orleans, Louisiana, Tropic, reprinted in the Cincinnati, Ohio, Daily Gazette, May 2, 1846.
isthmus of Darien. We repeat, this is our destiny. 154

A concomitant doctrine was that of world revolution and the universal triumph of republican forms of government. Such a cataclysm was believed not far distant, and certain segments of the American press considered a declaration of war on the United States by Great Britain would serve nicely as the precipitating incident.

Great Britain governs at home and abroad with the sword, and her yoke sits heavily and uneasily upon the laboring millions, everywhere. The cup of her iniquity is well nigh filled to the brim; and if she provokes a war with this country, the masses will regard it as one involving "the rights of man," throughout the world. The recent attempt at revolution in Poland shows what spirit is at work in the old world; and it would not be strange if a war between democratic United States and monarchical England, should prove the signal of the "war of opinion," long since predicted by Canning, and a general rising of the oppressed throughout Europe. 155

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154 Cincinnati, Ohio, Daily Enquirer, January 7, 1846. The editors of the Enquirer were later to accept the final settlement of the boundary with equal good grace. However, they were slow to abandon their dream of American hegemony in the western hemisphere; preferring to rely on other factors to achieve the nation's manifest destiny. "We have no doubt of the annexation of Canada to the United States within the next quarter of a century—probably it may take place in less than half that time. The rail roads from Portland to Montreal, from Boston to Ogdensburg [sic], from New York to a point not far from opposite Kingston, will certainly accomplish the good work, sooner or later." Ibid., June 17, 1846.

155 Ibid., April 20, 1846. The conviction was strong in the United States at the time that, any form of government other than a republican form was illegal. This was especially true of Great Britain who "... is upon this Continent as she is in Ireland, India, New Holland, and the isles of the sea, by force of arms, and not by the will of the governed, from whom, alone, we acknowledge that governments derive any just authority." Ibid., April 17, 1846.

At the same time there were those who considered the means thus far employed by the United States in achieving its manifest destiny, not to be above reproach. An anonymous writer on the Oregon question was convinced that, "So far as North America has been colonized by fraud or by superior force, the wrong done to the aborigines by the colonization of the portion which we inhabit, is greater than any which can be done to us, the possessors under that wrong; even were the territory which we actually occupy the object of a new colonization, such as those made by the Danes, Saxons, and Normans in Great Britain. Our own course of conduct, as respects the rightful owners of the American soil, furnishes an apology for invasion by any nation which, having
Not all political commentators shared this belief in the ultimate triumph of Republicanism on a world-wide scale, nor were they convinced that republican forms of government were the only ones admissible, even in that enlightened age.

... another shallow and dangerous opinion which seems to be fast gaining ground among us—no longer confined, as formerly, to the ignorantly patriotic and the demagogues, but finding its way to higher places, and which exercises much influence over the public mind in reference to the Oregon controversy ... is the opinion that our own form of government, or rather, I should have said, our own government, is not only the best on earth, but that it is the only one fit to be tolerated among men. That our own government, if we do not corrupt it, is the best for us, all men here are generally agreed. To the assertion that it is the best on earth, when men are fitted to manage it wisely and enjoy it, I will not object. But that it is the only government fitted for mankind, and that all other governments are usurpations, tyrannies, systems of oppression, is both an extravagant and a dangerous doctrine.156

It was not safe, however, to question the validity or the good faith of either of these two current shibboleths—manifest destiny or messianic republicanism. Doing so led only to accusations of lack of patriotism, if not of downright treason. The following warning was issued to those subjected to the malevolent influence of the eastern press:

The British ministry have been preparing for a change of measures; but the new policy they are adopting may be more dangerous than that of intimidation, which they have had to give up. — We must not forget the Ashburton treaty—coaxing, delay, bribery, intrigues, have often had more effect than cannon. The character of the press in the Atlantic cities is not calculated to keep us on the alert as to the danger of this new policy. The majority of the editors thereof may be divided into four classes: 1st—Those who are positively under British influence. 2nd—Those who care nothing for honour or country where the loss of a dollar is at stake. 3rd—Those who are connected with British commercial and financial interests. 4th—Those who are so much dazzled by the immense aggressive power of sufficient incentives, may have also the requisite military strength." A Disciple of the Washington School. Oregon. The Cost, and the Consequences, Philadelphia, 1846, 10-11.

156 The Oregon Controversy Reviewed in Four Letters by a Friend of the Anglo-Saxons, New York, 1846, 36.
Great Britain, as not to perceive her weak points.  

Issues directly connected with Oregon, such as giving notice to Great Britain, the desirability of submitting the problem to arbitration, and the respective rights of the United States and Great Britain to the whole or a part of the territory, were vigorously discussed in all the journals of the day. The New York Evening Post advocated the abrogation of the Convention of 1827 for two reasons. First, it considered the encouragement of immigration to Oregon by the United States government as a means of holding the country against Great Britain to be unethical under the terms of the convention. The convention should therefore be abrogated and the country occupied by the United States, not by stealth, but in a dignified manner as befitted a great nation. Second, even under the present policy, the uncertainty of the boundary issue and the entrenched influence of the Hudson's Bay Company were forcing American immigrants below the Columbia river and as far south as California. Hence, the convention should be abrogated. Once that was done, the boundary would be speedily settled and immigrants would take up claims north of the Columbia and among the spacious bays and harbors of the Straits of Juan de Fuca with perfect safety.

157 An Adopted Citizen. Will there be War ...? Results and Consequences of an Obstinate War Between the Two Countries ... The Proper Course to Secure Peaceably, the Whole of Oregon, New York, 1846, 42-43.

158 Article from the New York Evening Post, reprinted in the Cincinnati, Ohio, Daily Enquirer for June 16, 1846.

The Evening Post advocated firm and energetic action on the part of Congress not only in the matter of notice but on all measures recommended to that body for the safeguarding of United States interests in Oregon. "Not only will the British Government refrain from any further advances towards a settlement, but her future course in the controversy will depend very much upon the nature of the measures adopted by Congress. If we keep our ground, we may adjust the dispute satisfactorily; if we give back, the British government will press on;
other members of the liberal press grew impatient with the delay in Congress on the subject of giving notice. In frustration, the Cincinnati, Ohio, Daily Enquirer became convinced that the statesmen of the Senate believed "all unoccupied territory, in all parts of the world, belonged exclusively to Great Britain, on the principle that what nobody else claimed was hers of right." 159

The conservative press espoused the cause of arbitration and roundly condemned its constant refusal by the United States government. The Cincinnati, Ohio, Daily Gazette looked upon it as a disgrace that monarchical England every step that we yield, they will take . . . . "Nor will they give up one inch of this possession, if they can keep it without going to war with the United States. That Great Britain will be willing to engage in an expensive and hazardous warfare, to the ruin of her manufacturing towns, and the crippling of her commerce, for the sake of shutting us out from the Pacific, we do not believe. But that she will give up the straits of Fuca [sic], and the noble roadstead of Puget's Sound, unless she sees us disposed to insist firmly on possessing them, we believe as little. If she sees hesitation and fear in our proceedings, she will assuredly point to her armaments and insist upon retaining possession of the waters, upon the shores of which her agents, the two companies she has chartered, have planted themselves.

"We regret to see symptoms of wavering and indecision on the part of the Senate. The wary diplomatists of Britain are watching it, to see how far the claims of Great Britain may be pressed without incurring the hazard of war." Article from the New York Evening Post, reprinted in the Cincinnati, Ohio, Daily Enquirer, for March 28, 1846.

159Cincinnati, Ohio, Daily Enquirer, April 13, 1846. The Enquirer also entertained a rather pessimistic view of the united front the population would present to a possible aggressor. "The idea that 'on all foreign matters Americans can have but one object, and one spirit, and that is to sustain the country,' is beautiful in theory; but if by Americans be meant citizens of the United States, the proceedings of the New England Federalists, during the last war, and the history of the Hartford Convention, tell of things practically different; and if we should have war on the Oregon question, we greatly fear we should have the same scenes acted over again. The opposition, from merely being the opposition, would be led on step by step, till, by the interests of commerce and cotton, meetings of the same character of the Hartford Convention, would disgrace and ruin them." Ibid., April 4, 1846.
should constantly offer ". . . to submit her rights to the discretion of a tribunal of citizens, and Democratic America, in the person of Mr. Polk, enacts the Despot, the Bigot, the Fool. Thank God there is a Senate left."\(^{160}\)

Some enlightened liberals wished the United States to lead the way in outlawing war as a factor in international relations, by using this God-given opportunity of arbitrating a major problem. So enamored were they of this vision that they were prepared to surrender nearly the whole of Oregon to that end.

A mixed commission of jurists and civilians, with an umpire—from different countries—to settle such difficulties as have always heretofore engaged nations in war! What a precedent! What an epoch might thus have been created! What an example would it have been to all time of the wisdom which might govern the world! For our own part, we could have been willing to have yielded up even the harbors of De Fuca's straits—we had almost said the whole of Oregon.\(^{161}\)

An even more visionary element believed the United States ought to arbitrate the Oregon question, rather than risk going to war for a piece of land that would do nothing for the nation except tempt ". . . the unsettled in mind . . . to colonize widely from the centre of government, when it is the interest of all to collect and unite their means, powers, and strength nearer to civilization and to the seat of government."\(^{162}\) The same author had no doubt as to

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\(^{160}\)Cincinnati, Ohio, Daily Gazette, February 13, 1846. The Gazette found its sentiments echoed in the Washington, D. C., National Intelligencer and promptly printed an excerpt from that paper the following day, which declared that ". . . this absolute and unceremonious refusal of arbitration, when even the choice of manner and form of arbitration is placed, as it were, at the absolute disposal of the United States, is scarcely defensible on the ground of mere expediency, and not at all defensible on the ground of public law." Excerpt from the Washington, D. C., National Intelligencer, reprinted in the Cincinnati, Ohio, Daily Gazette, February 14, 1846.

\(^{161}\)"The Administration and the Country," The American Review, III, 227-238.

\(^{162}\)Excerpt from the Washington, D. C., Union, reprinted in the Cincinnati, Ohio, Daily Enquirer for January 17, 1846.
the physical or brute courage of either the United States or Great Britain, should they become involved in a war over Oregon. But he did experience doubt as to their moral courage should they do so and decline to engage in

... the far more difficult, arduous, and important war of this most eventful period, which is about to commence, nay, which has commenced, between the ignorance of the past ages of inexperience and the progress of new knowledge derived from science based on facts unknown to change. Here is a field for combat worthy the most powerful, mental and moral efforts of the wise and strong of both nations—a combat a thousand times, nay, beyond all estimate, more important for the well-being and happiness of the population of each nation and of the world, than were the insane butcheries so long continued under the name of the wars of the cross and the crescent. 163

Probably the best and most sober analysis of the relative claims of Great

163 This article was written for the Union by Robert Owen, a self-styled "... partisan of no local ideas or district, but the sincere and unchanging friend of the human race." Ibid.

Numerous pacifist societies were also active during this period in both the United States and England—all bent on averting war between the two countries. The following is an excerpt sample of the correspondence exchanged between two of them:

"From the Inhabitants of Plymouth, Great Britain, to the Citizens of the United States of America, for the purpose of averting War between the two Countries.

"To the Legislators and Citizens of the United States of America:

"Friends and Brethren,—

"... whatever be the value of the Oregon Territory, it would be a poor compensation to the owner, for the blood and treasure which would be spent in acquiring it; and then too, the dispute respecting it may so easily be settled by arbitration, if other and simpler means be ineffectual.

"Dated 27th Jan., 1846.

"Signed by several hundreds of the Inhabitants of Plymouth, headed by the Mayor, and six Borough and County Magistrates, and two Clergymen of the Establishment."

"To the friendly appeal from the inhabitants of Plymouth, Great Britain, to the citizens of the United States of America, for the purpose of averting war between the two countries, by the inhabitants of Plymouth, Massachusetts.

"Friends and Fellow Christians.—"
Britain and the "United States to the Oregon Country, was that composed by Albert Gallatin for the Washington, D. C., publishers, Gales and Seaton. 16th In discussing the American claim based on the Florida Treaty of 1819 with Spain, Gallatin held that

"... the only nations which have set up any claims or attempted any settlements on the Pacific, north of the country actually occupied by the Spaniards, are Russia, Great Britain, and the United States. All three have asserted claims to the north-western coasts of America irreconcilable

"... for two such nations to fail to settle amicably a controversy like that now existing between our respective Governments, and therefore to become desolated by the calamities, and corrupted by the countless crimes of war, seems to us a sin alike against natural affection, the leadings of Providence, and the Redeemer's law of love, without defence or palliation. If Great Britain and the United States cannot amicably settle their present controversy, the friends of peace in the world may almost despair.

"Geo. W. Briggs,
"(Signed) H. Tomlinson, Committee of the Meeting.
"John Russell,
"Wm. Thomas, Chairman."


The daily press also printed the correspondence of these pacifist societies. Besides the two letters quoted above, the Cincinnati, Ohio, Daily Enquirer, printed in its March 17, 1846, issue, a "Letter from a meeting of the Town Council of Boston, Lincolnshire, England, to the Citizens of Boston, New England."; and "A Letter from the Manufacturers, Merchants, and other inhabitants of Huddersfield and its neighborhood, to the citizens of the U. S. of North America."

16th When Gallatin submitted his manuscript to this firm, he requested that they be circumspect in presenting it to any member or members of the Senate, since he had "... great confidence in, and sincere respect for, that body. Indeed, our hopes are centered in its wisdom; and I pray you to assure him or them, to which you may give a copy of it, that it was addressed to you, and must be considered as a mere suggestion, and not as an obtrusive interference." The Writings of Albert Gallatin, ed. Henry Adams, 3v., Philadelphia, 1879, II, 622.

Gallatin was a former American ambassador to England, and had carried on the negotiations of 1826-1827 which ultimately resulted in a renewal of the joint-occupation convention on August 6, 1827. Cf. supra, 27-28.
with the universal sovereignty claimed by Spain: Russia and England, from the time when their flags first floated along the coast and their subjects landed on its shores; the United States from a similar date, or at least from the time they acquired Louisiana.

If the right of Spain was absolute and exclusive to the whole, there was no reason why it should not have extended beyond the 61st degree of latitude. The right of Russia was founded only on her discoveries and the establishment of some trading factories. She respected the right of Spain only as far as it did not interfere with her own claim. She has, in fact, extended this more than six degrees further south; and to this the United States, who had acquired all the rights of Spain, have assented by a solemn treaty. Whatever might be the boundary acquiesced in by Spain, it was not Russia which recognized the claim of Spain; it was Spain which recognized that her claim was not unlimited. And, let it be also observed, that, since Spain still claimed as far north as the 61st degree of north latitude (the southern limit of the Russian factories when first visited by Spanish navigators), the United States, if they believed the Spanish right absolute and exclusive, ought not to have ceded to Russia a country extending more than six degrees of latitude along the shores of the Pacific.

Great Britain contested the exclusive claim of Spain from the year 1778, the date of Cook's third voyage; and he was the first British navigator that had for more than two centuries appeared on those coasts. This doctrine she has maintained ever since. She did not resist the exclusive claim of Spain by virtue of the Nootka convention, but prior to it. It was on that ground that she imperiously demanded indemnity and restoration for the property and factory of one of her subjects, which had been forcibly taken by the Spanish Government. She even threatened war; and the Nootka convention was the result of those transactions. Whatever construction may be given to that instrument, it is certain at least that Spain by it conceded a portion of the absolute and sovereign right she had till then asserted; that she yielded the right of trade with the natives on all that part of the coast lying north of her actual settlements; and that, by suffering the ultimate right of sovereignty to remain in abeyance, she made that pretension questionable which she had contended could not be called in question.

With respect to the United States, it is sufficient to advert to the convention between them and Great Britain of the year 1818, concluded prior to the date of the treaty by which they acquired the claims of Spain to the territory north of the 42d degree of north latitude.

The united States at that time distinctly claimed, in their own right and independent of the Spanish claims, that the boundary along the 49th parallel, which had been agreed on as that between them and Great Britain, from the Lake of the Woods to the Stony Mountains, should be extended to the Pacific. To this division of territory Great Britain would not accede; and the provision for a joint occupancy during the next ensuing years was substituted. A clause was inserted that the agreement should not be taken to affect the claims of any other Power or State to any part of the country west of the Stony Mountains. This provision clearly referred to the claims of Russia and Spain. The northern and southern
boundaries of the country, which the two contracting parties might claim, were left undefined. Great Britain probably thought herself bound by theootka convention to respect the Spanish claims to the extent provided by that instrument; the United States could not but recognize those derived from discovery, with which they were at that time but imperfectly acquainted, since their own claims were in a great degree derived from a similar source. But the convention decisively proves that the United States did not acquiesce in the antiquated claim of Spain to the absolute and exclusive sovereignty of the whole country; since, if they had recognized that prior claim to the whole, they could have had none whatever to any portion of it.

It is therefore undeniable that the assertion of the Spanish claim of absolute sovereignty cannot be sustained by a presumed acquiescence on the part of the only nations which now claim the country. 165

Gallatin did not agree with the United States negotiators who attempted to prove exclusive sovereignty to the whole of Oregon in virtue of the Spanish treaty of 1819. He judged that

The assertion of the solidity of this ancient exclusive Spanish claim has had an apparent effect on public opinion fatal to the prospect of an amicable arrangement. I am also fully satisfied that the resort to vulnerable arguments, instead of strengthening, has a tendency to lessen the weight of the multiplied proofs, by which the superiority of the American over the British claim has been so fully established. 166

And, as far as the eventual settlement of the dispute was concerned, he considered it to be "... almost impossible that a complete and absolute right to any portion of America can exist, unless it be by prescriptive and undisputed actual possession and settlement, or by virtue of a treaty." 167

An equally able, if somewhat less restrained evaluation of American rights

165 Albert Gallatin, The Oregon Question, New York, 1846, 7-10. This work was originally published as "Letters on the Oregon Question," in Gales and Seaton's Washington, D. C., daily newspaper, the National Intelligencer, beginning January 29, 1846. Due to its immediate popularity, it was republished in pamphlet form by Gales and Seaton and other publishers. The excerpt here quoted is from the edition by the Bartlett and Seford Company of New York.

166 Ibid., 11-13.

167 Ibid., 11.
The settlement... of a part of Oregon, by the United States, and the
acknowledgement of the British right by the Convention of 1818, was the
most solemn and conclusive denial by us of the exclusive sovereignty of
Spain. By the treaty of Florida we acquired whatever right belonged to
Spain. But in that treaty that right was not considered either sovereign
or exclusive. The Florida treaty contains a specific cession of
the Floridas to us—but it contains not a word about the cession of Oregon—except that a boundary is prescribed from the Gulf of Mexico to the
Pacific with a reciprocal release from each party of all territory
on either side. If the territory had belonged to Spain, as Florida did, the
cession to us would have been like that of Florida. But the terms of the
Spanish relinquishment of Oregon to us were precisely such as were proper
if Spain held a claim merely to Oregon, or, what was the fact, a right of
trade and settlement in common with us and Great Britain.—But now Mr.
Buchanan asserts this Spanish title to have been sovereign and exclusive,
and its acquisition by us to vest in us an exclusive right to the terri-
tory. When he is reminded that we never so acknowledged the Spanish right
before we obtained it, he answers that we are not bound by our former
declarations... No—we are bound by our former declarations, and
still more by our former conduct. We denied by our acts the sovereignty
of Spain, when we made our own settlements. We acted on the grounds as-
sumed by Great Britain in making her settlements. We invited her to join
us in negotiating with Russia, who also had settlements in Oregon, and we
concluded two Conventions with Great Britain, one of them nine years after
we acquired the Spanish title, in which we agreed to joint occupancy.—If
our honor now be incompatible with British claims to Oregon, it has been
equally so ever since 1819. If our right be clear and unquestionable to
the whole territory now, it was then. And John Quincy Adams, if he be-
lieved then as he does now, was a traitor of the darkest dye, for permit-
ting the joint occupancy to be renewed when he was President in 1828. Dis-
honorable, also, has been the conduct of all his successors, including
General Jackson, who acquiesced in this usurpation of our territory by a
foreign power. I distrust this new and noisy honor which can only be sup-
ported by impeaching the honor of the nation for the last quarter of a
century. 168

The British press by no means devoted the time or space to the Oregon
question that their American colleagues bestowed upon it. In general, the
British press was pacific but stubborn on the point of national honor. They
advocated compromise, arbitration, partition along the forty-ninth parallel;

168Cincinnati, Ohio, Daily Enquirer, January 20, 1846.
but they refused to be bluffed, coerced, or intimidated into surrendering the
territory, or any portion thereof, to which they considered Great Britain had
as sound a title as the United States. In this frame of mind, the London Morning Chronicle considered the notice to be given by the United States of the abrogation of the Convention of 1827 to be nothing less than an ultimatum. "For the American government to say, in one and the same breath—'Oregon is ours by right—the question of its ownership must and shall be definitely settled at the end of 12 months—and we have not the least idea of the possibility of a peaceful settlement by compromise,' would be extremely like giving a twelve months notice of war."169

The London Times looked upon the notice as a fait accompli and turned its attention to a solution of the boundary question. As far as the titles of the respective nations to the Oregon country were concerned, the Times considered it absurd

... to talk of numbers of degrees, square miles, superficial area, and all those things which are hauled into this discussion, rather, we suppose, for purposes of complexity than any thing else. These are not the

169 Reprinted in the Cincinnati, Ohio, Daily Gazette, March 2, 1846. The London Morning Chronicle had its own method of bettering Anglo-American relations. This consisted in pointing out to the Americans and especially to the western states, the tremendous trade potential inherent in the new British corn laws. "We must strengthen the bands of the peace party in the American republic, by reinforcing their pacific and patriotic counsels with the argument of commercial interest. We must disarm or neutralize the passions of the war party, by presenting to it that which interests it as a free-trade party. We must subdue the hostility of the bellicose and ambitious Western States, by addressing them in their other character of corn growing states. And we must do this soon—at once—for time presses: do it ere national passion reaches that point of development at which the sense of national interests becomes powerless. And we must do it—both because the etiquette of diplomacy now gives us the initiative, and still more because we alone can do it with effect ... . "The only 'message of peace' that we can send, and that the Americans in their present mood, are likely to listen to, is the message that we want their corn." Ibid.
things of importance. No man in England cares about them: and the Americans know it.170

The Times, however, did not advocate an abject surrender of the territory to the United States—an act that would be "dishonorable" to Great Britain and "degrading to her colonists . . . ."171 Rather it urged the British government to abide by a just and legitimate claim. Allow the 49th parallel, which is for so many hundred miles the boundary of the United States, to be extended as their boundary across the Rocky Mountains, and make it the landmark of your territories until it first reaches the sea, so as to leave you in possession of a harbor for your shipping and an access to the Columbia. It is a clear, distinct, geographical mark.172

Other British journals, adopting the tone of a mother lecturing a child, warned the United States that they must not push British patience and forbearance too far. The United States Service considered that Great Britain had thus far accepted all American blustering and threats with perfect Olympian detachment and great Jovian calm, but if the American war party should precipitate hostilities the outcome would be nothing short of disastrous for the United States.

The American navy is perfectly as nothing compared with our own, their army a mere skeleton, and though expectations have been excited that the Americans would attack Canada as a commencement, yet should blows be struck, we think it more than probable, that troops from Upper Canada will be conveyed across the lakes and assault the enemy in his own country . . . . The Americans have refused all mediation or interference from neutral powers, their reason is madly blinded in favor of dominion and slaughter, while England has quietly desired the continuance of peace, though equally as quietly making preparations for offence and defence. After all, we still maintain there will be no fighting—the bonds of commerce cannot be so easily broken—the invidious schemes upon the Hudson's Bay Company and

170 Reprinted in the Cincinnati, Ohio, Daily Gazette, March 12, 1846.
171 Ibid.
172 Ibid.
the fur trade must speedily be checked, if not by force of arms, yet by
the want of money. America cannot afford to fight—they have no American
Rotheschild to fall back upon—their wealth rests principally on their in-
dustry, and if they cramp the energies of their own hands it will be a de-
termined suicidal act.173

173 Reprinted in the Cincinnati, Ohio, Daily Gazette, April 11, 1846. The
conjecture of this journal that in the event of hostilities Canada would become
a British arsenal and point of invasion of the United States, was not far wrong.
On the score of defence, Lord Cathcart in his speech opening the Canadian Par-
liament, March 20, 1846, directed the attention of that body "... to the con-
dition of the militia law . . . the unsettled state of the negotiations which
have been for some time past, carried on between the Imperial Government and
that of the U. States of America, renders it imperative upon me to press im-
mediately upon your consideration the necessity of the re-organization of this
arm of the public defence." Cincinnati, Ohio, Daily Gazette, April 2, 1846.
Less than three weeks later, the Toronto, Ontario, British Canadian reported
war preparations in Canada in more detail. "In consequence of the present un-
settled state of the relations between Great Britain and the United States, or-
ders have been forwarded to Woolwich for a powerful armament, consisting of
various pieces of ordnance of different calibres, gun-carriages, ammunition,
etc., for the various ships of war and steam vessels at present stationed on
the coast and rivers of Canada, and the lakes that form the boundaries between
it and the United States.—The number of pieces of ordnance that will be re-
quired for this purpose, is estimated at more than 300. Toronto is to be for-
tified similar to Kingston, together with other projects of a like nature—so
that should 'brother Jonathan' precipitate matters, he will find a warm recep-
tion here as well as elsewhere." Reprinted in the Cincinnati, Ohio, Daily
Enquirer, April 22, 1846.

The "invidious schemes upon the Hudson's Bay Company" referred to in the
above mentioned article in The United States Service, had taken on a new as-
pect the previous year with the introduction of "native-americanism" to Oregon.
In a letter to the Gov. and Dep. Gov., and Comm. of the N. E. C., Fort Vancouver,
March 28, 1845, Dr. John McLoughlin reported that "... some of the Immigrants
last come have said that every man who has an Indian wife ought to be driven
out of the Country, and that the half breeds should not be allowed to hold
lands. This report was communicated to the Canadians by one of the American
trappers who has an Indian wife, and excites great sensation among the Ameri-
cans and Canadians who have half-breed families. But the persons accused of
suggesting this measure deny it, but others say still it is true, and one of
the American trappers believes it so firmly, that he bought powder and ball to
1846, 73. James Douglas communicated his views on this phenomenon to Sir
George Simpson in a letter from Fort Vancouver, April 4, 1845. "The Doctor
has communicated the wicked and absurd plan, started by a few Americans here,
with the view of expelling the half breeds and other population not of Ameri-
can origin from this country. These sentiments are not confined to the few
concerned in that plot; many would join heart and hand were they not restrained
One British paper, Willner and Smith's *European Times*, showed alarm at the war spirit manifesting itself among the English people. Commenting on the speeches of the Earl of Clarendon and Lord Ashburton, delivered March 17, 1846, the *European Times* observed that

It would be folly . . . to regard the bland and polite language of the British Minister as expressing the feeling of the British nation. We regret to state that anger and irritation have lately been called into existence by the news from America, and every day is calling into existence amongst us a war party as fierce and unreasonable as the most furious Loco-Foco in the Union can desire.---This feeling finds expression in many of the journals, and exists in private society to a greater extent than in the columns of the daily press.\(^{175}\)

The *London Times* placed the blame for the deadlock in the negotiations on President Polk alone. It accused him of lulling the American people into a sense of false security by repeatedly asserting that Great Britain will eventually yield to his extreme demands rather than risk a war with the United States. The *Times* believed that such an attitude on the part of the President prevented negotiation in any form. Now, it wondered,

... can he negotiate who assures the country that England is about to abandon to him the sum total of his demands? What concessions can he make to avoid war, when he asserts that it is by refusing all concessions that England will be brought to yield? Such policy is of the most short-sighted and perilous kind; for, in the position in which he now stands, the President of the United States must either make concessions, perfectly reasonable in themselves, but perfectly inconsistent with all his declarations, or he must run all the risk of plunging the country into a contest, which he has pretended to avoid, but which he alone may render inevitable.\(^{176}\)

by prudential considerations.

"No people can be more prejudiced and national than the Americans in this country, a fact so evident to my mind, that I am more suspicious of their designs, than of the wild natives of the forest . . . ." \(^{174}\) Ibid., Appendix A, 190.

\(^{174}\) Cf. supra, 391-393.

\(^{175}\) Reprinted in the Cincinnati, Ohio, *Daily Gazette*, April 24, 1846.

\(^{176}\) Ibid.
The Times then goes on to eulogize the patience shown by England in the face of so much provocation on the part of the United States.

Our reluctance to irritate and embitter public feeling on this question, either at home or abroad, is misinterpreted into a doubt of our own rights and a recognition of the superior rights of the other party. We are dispassionate, therefore we are about to yield; we are calm, that is a sign that the violent policy and language of Mr. Polk are on the eve of accomplishing a signal victory. Whoever knows anything of Englishmen and England knows how false and mischievous these views of our national conduct are. Few instances have occurred in the history of nations of a people more completely and unanimously resolved than we are now to maintain the rights we have long possessed and enjoyed; yet England has not shown the slightest indication of a brutal passion for war, but on the contrary, an earnest desire to avoid a conflict in which we have nothing to fear and everything to inflict on our antagonist. This full confidence in the justice of a cause, which claims no more than half the object in dispute, and actually less than the territory now in our possession—this reliance on the conciliatory disposition and on the firm resolution of the Cabinet—this consciousness of possessing the most tremendous naval resources which ever hurled destruction on an enemy—have allowed the English people to remain calm, even to apparent indifference. 177

Of the thousands of words published by the British press concerning the relative merits of the rights of the two nations, the morality and expediency of giving the notice, the diplomatic stratagems and tactics employed by both sides; only one journal adverted to the very real danger to British interests inherent in the policy advocated by the leader of the conservative bloc in the United States Senate—namely, John C. Calhoun's program of acquiring the Oregon country by "masterly inactivity." The London Morning Chronicle considered Calhoun's policy a distinct threat to British rights and holdings in the disputed territory especially since it encouraged

... the natural nonchalance of Great Britain. The Hudson's Bay Company is a strong company, so strong that it consists of the stronger sex only. The American squatter takes his wife with him.—The child follows. The different character of the immigration will make all the difference ten years hence. "Leave it till then." So says Mr. Calhoun; and for a

177 Ibid.
Malthusian American he says rightly.

The "sine die" policy is Mr. Calhoun's. Can we in England meet it? At present we are the strongest within the Oregon; or, illustrating the distinction within the rules, the constabulary is stronger than the thievedom.

But let the thieves multiply—what will happen then? Just what Mr. Calhoun reckons on—an unequal battle ten years hence.\textsuperscript{178}

The less responsible elements in British journalism took their stand on England's rights to the whole of her claim and manifested their extreme nationalism by a reckless indifference to the eventuality of war. One of these, writing under a pseudonym, maintained that

If Oregon were not, we should have no war or fear of war; but because Oregon is ours, and is threatened, we are compelled to go to all the inconvenience and expense of preparation for war, though in the end there may be, there most probably will be, no war at all. The bully, who finds that threats of mighty deeds produce in the rival a proper preparation, but no fear of consequences, invariably makes off from the prepared field with a bow and a scrape: and Mr. President Polk, seeing our Government firm and determined, will retire from the attempt with the best face that he can put on; while Britain, magnanimous and forgiving, will hang up her mail on the wall, put her men-of-war in harbour, and return to her commerce. We are "a nation of shop-keepers," but we are not Repudiators. If, however, America should declare that "her voice is still for war," we have the means in our power, which it would be folly to pass by, of giving liberty to the captive, by landing in her Southern States, and fighting her with her helot population.\textsuperscript{179}

In the realm of diplomacy, things were still at an impasse. The deadlock in the negotiations, precipitated by Pakenham's abrupt and discourteous rejection of the United States's offer of the forty-ninth parallel as a basis of compromise, still existed and no way around the obstacle could be found at the moment. Buchanan's withdrawal of the offer left no basis for negotiation and saddled Great Britain with the risky responsibility of making the first move. This, Great Britain was unwilling to do since she would more than likely be

\textsuperscript{178} Reprinted in \textit{Nile's National Register}, LXX, May 2, 1846, 129.

\textsuperscript{179} (Publius), \textit{Thoughts on Finance and Colonies}, n. p., n. d., 125.
setting herself up for a rebuff in kind which her national honor would never tolerate. The only expedient for reopening negotiations the English would consider was arbitration and there was little hope that the American government would agree to that solution. Consequently, upon orders from the Foreign Office the British Minister in Washington settled down to observing the action of the United States Senate on the resolution for giving notice and weighing the relative strength of the two factions in that body—those who advocated the extreme claim at the risk of war and those who desired peace on the basis of compromise.

Sir Richard Pakenham maintained a close liaison with the latter element and especially with its spokesman, John C. Calhoun. Pakenham was able to report to Aberdeen, January 2, 1846, that in a recent conversation with Calhoun the Senator had assured him that he expected to be able "... so to arrange matters in the Senate, as to defeat any measure likely to bring about a collision between the two Countries." At the same time, Calhoun informed Pakenham that he and his supporters in the Senate intended to oppose the giving of the notice, recommended by the President in his recent message to Congress.


181 Ibid. In a letter to James H. Hammond, Washington, January 23, 1846, Calhoun gave his reasons for opposing the notice and for his general opposition to the Administration’s handling of the Oregon negotiation. "... the Administration, while it professes to desire peace and expresses great confidence that it can be preserved, go for unqualified notice,—a measure, which under the circumstances must almost certainly lead to war. If it should not lead to compromise, such certainly will be the result; and that it will not, we have the President's own declaration, that there is no hope of a satisfactory compromise.

But as bad as this State of things is, I do not despair [sic]. I cannot doubt, but there is an overwhelming majority in both countries opposed to
On January 3, 1846, James Buchanan summarily rejected Great Britain's first proposal of arbitration made by Pakenham, December 27, 1845. In his letter to the British Minister, Buchanan pointed out that the United States could not consent to arbitration on the basis of a partition of the territory because this would automatically imply that Great Britain's title to a portion of the territory was valid. Buchanan considered arbitration as taking for granted the very question in dispute. Moreover, "... the very terms of the submission would contain an express acknowledgement of the right of Great Britain to a war. They are yet quiet, because they do not fully realize the danger; but as it approaches they will be roused, and utter a voice that will I hope be respected. I also believe, that those charged with conducting our affairs, have been looking more to popularity, than duty, and have been acting under the impression, that they could at pleasure avert the calamity to which they have exposed the country; but when they find their mistake, will be glad to seek the aid of the moderate to save themselves. Under this joint influence of both causes, I hope, if we of the peace party should not be able to prevent notice, we shall be able to amend the resolution for giving it, so as to reopen the negotiations on the basis of the 49th parallel, or to authorize a reference to adjust the conflicting claims of the two countries." "Correspondence of John C. Calhoun," American Historical Association Report, 2v., Washington, D. C., 1900, II, pt. 1, 678. A few days later, in a letter to another friend, Calhoun implied that the bungling of the Oregon negotiation was due to Polk's stubborn adherence to the party platform of 1844 and his subsequent imprudent statements in the Inaugural Address and succeeding Messages to Congress. Letter of John C. Calhoun to Thomas G. Clemson, Washington, D. C., January 29, 1846. Ibid., 680. Senator Thomas H. Benton of Missouri, reviewing the Oregon question in later years, was even more outspoken in his criticism of introducing foreign affairs into national elections. "The issue was an instructive commentary upon the improvidence of these party platforms, adopted for an electioneering campaign, made into a party watch-word, often fraught with great mischief to the country, and often founded in ignorance or disregard of the public welfare. This Oregon platform was eminently of that character. It was a party platform for the campaign: its architects knew but little of the geography of the north-west coast, or of its diplomatic history .... The conduct of the whigs was patriotic in preferring their country to their party—in preventing a war with Great Britain—and in saving the administration from itself and its friends. Great Britain acted magnanimously, and was worthyly represented by her minister, Mr. (now Sir Richard) Pakenham." Benton, Thirty Years' View, II, 677.
portion of the territory, and would necessarily preclude the United States from claiming the whole before the arbitrator." 182

The grounds on which Buchanan rejected Great Britain's offer of arbitration obviously took Pakenham by surprise. In his letter to Lord Aberdeen reporting the incident, he acknowledged that he could not see how the United States could now take this stand after having time and again in the past admitted Great Britain's equal rights in the territory. In proof of this he quoted a despatch from Albert Gallatin when the United States itself was urging the forty-ninth parallel on Great Britain as a compromise line, to the effect that the United States "... never having refused to agree to a line of demarcation with Great Britain, was a sufficient proof that we admitted that she also had claims which deserved, and to which we paid due consideration." 183

Lord Aberdeen would have been perfectly willing to submit the British title to arbitration were it not for the general antipathy to that form of settlement manifest in other portions of Buchanan's letter. Hence, he determined to study the situation further. 184

With every conceivable avenue of approach to negotiation temporarily


blocked, each side settled down to carefully watching the attitudes and movements of the other. Lord Aberdeen was particularly interested in evaluating the spirit of the United States Senate and the influence of the radical western element on the more conservative and detached group headed by John C. Calhoun. His sounding board was the debate on the question of giving notice. Should this debate result in the majority or even a large minority of Senators showing a marked antagonism towards England, there was little likelihood of avoiding war. On the other hand, should the western radicals be left standing pretty much alone and the overall tone of the Senate be pacific, then he would consider reopening the negotiations by some move on the part of Great Britain. To this end, he instructed Pakenham to keep the Foreign Office informed concerning the debate in the Senate down to the minutest detail—not overlooking in the meantime, the parallel attitudes of the administration and public opinion in general. In compliance with this order, Pakenham dispatched twenty-eight letters to the Foreign Office between January 5, 1846, and April 28, 1846. These letters contained enclosures of newspapers carrying the full debate in the House and Senate on the subject of giving notice, printed speeches of congressional leaders, copies of Resolutions and Bills on Oregon introduced in both Houses during the debate, messages of the President to either House of Congress on the subject of Oregon and, finally, official statistics on the United States Army and Navy insofar as he was able to obtain them. 185

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185 The newspapers forwarded to England were copies of the Washington, D. C., National Intelligencer and the Washington, D. C., Union. All of this correspondence was addressed to Aberdeen with but one exception, and bore the following Washington dates: January 5, 13, 15, 29 (three letters), 1846; February 8, 10, 14, 26 (two letters), 27, 1846; March 17, 29 (three letters), 30, 31, 1846; April 14, 17, 28 (four letters), 1846. The exception was a letter dated Washington, March 29, 1846, to H. U. Addington, containing two copies of
Pakenham's personal comments accompanying this material were of an optimistic tone at least in the early months of 1846. In his letter to Aberdeen of January 29, 1846, he considered the American temper to have become more pacific and this change he attributed to the moderate tone of the leading English newspapers in commenting on the President's message to Congress. 186

Pakenham early established a liaison with the moderate element in the Senate and unofficially constituted himself a one-man advisory board to aid in their parliamentary maneuverings. A description of one of his typical operations is conveyed to Aberdeen in his letter of February 26, 1846.

I am able to assure Your Lordship upon the very best authority, that there is a certain majority in the Senate in favour of an accomodation of the Oregon question, on the principle of equitable partition and compromise. Mr. Calhoun told me the other day that he thinks that there are only seven members of the Senate who would vote against such an arrangement,—and Mr. Webster has spoken to me with equal confidence in the same sense. I have occasionally opportunities of conversing with those members of the Senate who are most anxious to bring about an early and satisfactory settlement of the question, and a few days ago my opinion was asked as to the expediency of passing a resolution prescribing, more or less, to the executive the terms on which it would, in the opinion of the Senate, be advisable to settle the matter. This course I thought it prudent rather

to discourage, as having too much the appearance of an "ultimatum," and therefore raising beforehand a difficulty in the way of such modification of the terms recommended as it might be necessary to adopt in order to meet the views of Her Majesty's Government. I said that I thought that a vote in favour of arbitration would be the simplest course, but this I was told that it would be very difficult to carry by a sufficient majority to ensure its ultimate success when placed before the Senate in the form of a Treaty. It was then suggested that a resolution expressing the opinion of the Senate, that it would be advisable to resume negotiations on the basis proposed by Mr. Gallatin in 1826, might answer the purpose. To this course I saw no objection, as it would have the effect of restoring matters to a wholesome condition, and what is at the same time a matter of great importance, effectually to set at rest "the clear and unquestionable" claim to the whole of Oregon, and all the offensive consideration attached to it...

That Pakenham was perfectly willing to exploit the simplicity of these amateur diplomats to the advantage of Great Britain, is obvious from the policy he recommended to Aberdeen in the same letter. "...I am strongly of opinion that no further proposition should be made on the part of England...It cannot be doubted...that the Government of the United States have put themselves in the wrong by trifling too far with the forbearance of England,—and from this apprehension, if allowed to work out its own effects, I think that the best results may be expected."  

187 ibid.
188 ibid. Pakenham's dealings with certain members of the Senate did not go wholly unnoticed, however. A radical newspaper, the Washington, D. C., Times, published an irresponsible article accusing several Senators and especially Senators Colquitt (Ga.) and Crittenden (Ky.) of open collusion with Her Majesty's Minister in relation to the settlement of the Oregon question. The article specifically referred to a dinner and several meetings, at which the British ambassador and members of the Senate were allegedly attempting to defraud the United States of her rightful claim to the Oregon country. The Times stated that "Saucus meetings have been held; the principle of action laid down; votes counted, and the success of the resolutions in anticipation of final action, confidently counted on. But, what is more astonishing, and showing how false-hearted some of our American Senators are, while seemingly contending for the interests of their country and the welfare of its people—how traitorous they dare be in secret collusions with our hereditary enemy—all these intrigues to force the Administration into compromise—all these plots to abandon our
The British were also making full use of their propaganda outlets in the American press. On March 3, 1846, Mr. Anthony Barclay, Her Majesty's consul in New York, received orders from H. U. Addington of the British Foreign Office to present to Dr. Bartlet, editor of the Albion newspaper, a copy of Dr. Travers Twiss's recently published work entitled The Oregon Question Examined. This
	native soil—these bargains to disgrace the American nation, and of their substance fill the maw of the rapacious British lion, were canvassed, arranged at the British Minister's own table within the last few days, where a meeting, for this specific and express purpose, was had, attended by all the loyal advantages of the British claim, who are comprised in the Whig ranks of the Senate, with . . . a few exceptions from the West, of men who could not in their hearts become the plotters of treason against their country.

"On this occasion, disgraceful to the name of Republican, which one party to this dinner table compact assume, the whole strength of the compromise party was counted and ascertained— their firmness in the crisis was pledged for, and Minister Pakenham [sic], the Representative of the British Government put in possession of all her Majesty's party strength within the walls of the American Senate!" Reprinted in the Cincinnati, Ohio, Daily Enquirer, March 21, 1846.

For further excerpts from the Washington, D. C., Daily Times, accusing certain Senators of "dealing" with Pakenham on Oregon as well as the report of a Senate Committee appointed to investigate these charges, see Ibid.

Pakenham emphatically disclaimed any such actions on his part: ". . . as far as I am concerned, there is not the slightest foundation for any one of the imputations put forth in the publication . . . .

"No such dinner as that spoken of ever took place. I never attended a meeting of Senators on any matter connected with the Oregon question, nor have my communications with those Members of the Senate with whom I am best acquainted ever gone beyond what befits our respective positions, viewed with the strictest regard to public duty." Letter of Richard Pakenham to Lord Aberdeen, Washington, March 17, 1846. P. R. O., London. Foreign Office 5, v. CCCXLVII. Lib. of Cong., Div. of Man., Photo.

A select committee, composed of Senators Jarnagin, Benton, Dickinson, J. W. Clayton, and Turney, was appointed to investigate the charges made by the Times and found all of the paper's accusations to be false. Pakenham enclosed a copy of the report of this Committee in his letter to Lord Aberdeen dated Washington, March 29, 1846. In the report, Pakenham was absolved of all blame, a fact which he duly pointed out to Aberdeen. " . . . from the testimony of several of the most respectable members of the Senate . . . I am honorably acquitted of the indiscreet and injudicious line of conduct attributed to me."

"I am happy to say, that so little encouragement has the Times received from Public opinion that soon after the appearance of the Senate's Report, it ceased to be published." Ibid. The incident, however, produced one salutary effect. Pakenham and his so-called "friends" in the Senate, were more discreet in their relationship in the future.
statement of British rights and pretensions in Oregon was to be republished in the Albion in whole or in part according as might appear to Dr. Bartlet "... most likely to produce a beneficial effect in enlightening the American mind on this subject." Barclay was warned that this matter "... should be transacted between yourself and Dr. Bartlet as privately as possible, and that nothing should be publicly [sic] known of the part which you have had in it."190

The negotiations themselves were still deadlocked. If Great Britain's repeated offers of arbitration which even they judged had little chance of acceptance be discounted, no efforts were being made on either side to resume a discussion of the question. Louis McLane, United States Minister to England, was preoccupied with determining the precise object of Great Britain's rearmament program. Lord Aberdeen admitted that they were forced to consider the possibility of a rupture with the United States, in which event their present military and naval programs would be most useful and important. However, he distinctly informed McLane that they had no direct reference to the present relations between the United States and Great Britain and would have been embarked upon in the same manner and to the same extent were these relations more cordial. In proof of this he pointed out that their military preparations were well under way long before the relations between the two countries had deteriorated into their present state and therefore had no direct connection with the


190 Ibid. Pakenham also received copies of the same work for his use in Washington. Letter of H. U. Addington to Richard Pakenham, Foreign Office, March 3, 1846. Ibid.
difficulties which had since grown out of the Oregon Question. 191

McLane's own opinion was that the present relations between the United States and Great Britain certainly played a part in England's military program. And should a rupture between the two countries take place, Great Britain's fighting forces would be found to be at top strength and at the peak of their efficiency. However, he placed a certain amount of credence in Aberdeen's explanation, at least as far as the British navy was concerned. For their naval program largely consisted in replacing sailing vessels with steam vessels—a conversion program which need not be considered unusual at the time since other nations were engaged in the same project. 192

President Polk was preoccupied with a totally different and certainly less elevated problem. James Buchanan, his Secretary of State, had suddenly performed an about face on the subject of Oregon which left the President somewhat confused but not without an explanation for his actions. Buchanan had consistently maintained that the Oregon country should be divided along the forty-ninth parallel and that every effort should be made to adjust the question on this basis as a means of avoiding hostilities. Buchanan was adhering to this program as late as January 29, 1846, when, in a letter to Louis McLane describing Pakenham's revised arbitration offer of January 16, 1846, he intimated that McLane might attempt to elicit an offer from Great Britain on the basis of the forty-ninth parallel as a means of reopening negotiations. Buchanan suggested that McLane make known to the British government as discreetly as possible


192 Ibid.
that, though the President adhered tenaciously to fifty-four-forty, he would submit to the Senate for its advice, any proposition of the British government he deems fit. Buchanan pointed out that

... the Senate the President's constitutional advisers, are now in session. The question of peace or war may be involved in the issue. They are a branch of the war-making, as well as of the treaty-making power. In deference to the Senate, under these circumstances, he would, in the first instance, feel it to be his duty to submit such a proposition for their previous advice. It is manifest, therefore, that the British Government should at once present their ultimatum.193

Less than two months later, however, President Polk was to note in his diary that "... it is pretty manifest to me, that Mr. Buchanan has manifested a decided change of his position, and a disposition to be war-like. His object, I think, is to supersede Gen'l Cass before the country, and to this motive I attribute his change of tone ..."194 Polk's explanation for this abrupt change of mind was that Buchanan was "... governed by his own views of his chances for the Presidency. It is a great misfortune that a member of the Cabinet should be an aspirant for the Presidency, because I cannot rely upon his honest and disinterested advice, and the instance before me is clear evidence of this."195

During the crisis existing throughout the suspension of negotiations, the British Parliament maintained its poise and the Foreign Office continued offering arbitration in an attempt to pressure the United States into a resumption of the discussions. In speeches to the combined Houses of Parliament on Janu-


194Polk's Diary, I, 297.

195Ibid.
January 23, 1846, both Sir Robert Peel and Lord John Russell censured Pakenham for his cavalier handling of the American compromise offer of July 12, 1815. Other speeches on the same occasion by the Earl of Home, Lord de Ros, the Marquess of Lansdown, and Lord Brougham in the House of Lords; and by Lord Francis Egerton, Mr. E. R. Denison, and Mr. Joseph Hume in the House of Commons; exhibited a desire for a peaceful settlement of the question if possible. Though they consistently linked the new expenditures for armaments to the Oregon question, they also urged that every diplomatic means consonant with national honor be used to settle the dispute. At the same time they disclaimed the inference that the armament preparations were instigated specifically by the Oregon question.

Meanwhile, Lord Aberdeen's patience was wearing thin at the continued rejection of Great Britain's offer of arbitration by the United States government. In a conversation with McLane on this subject, he issued the following veiled threat which McLane promptly passed on to Buchanan in his letter of February 3, 1846. McLane reported Aberdeen as saying that he believed

... the President had determined to discourage any new propositions on the basis of compromise, and to concede nothing of the extreme demand; and he appeared not a little embarrassed to know what course it would be proper for this Government, in the present posture of the affair to pursue. He remarked further that, although he would not abandon the desire or the hope that an amicable adjustment might yet be affected, and peace preserved, he should nevertheless feel it his duty to withdraw the opposi-

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197 Ibid. The linking of the two topics in each instance, however, induced McLane to warn Buchanan that "... the extent of the armaments which have been for some time in progress in this country, whatever might have been the immediate cause of them, ought to have inspired a similar precaution upon our part." Ibid.
tion he had hitherto uniformly made to the adoption of measures, founded upon the contingency of war with the United States, and to offer no obstacle in future to preparations which might be deemed necessary, not only for the defence and protection of the Canadas, but for offensive operations. In the course of the conversation, I understood that these would consist, independent of military armaments, of the immediate equipment of thirty sail of the line, besides steamers and other vessels of war; and this information Lord Aberdeen appeared to think, he was called upon to communicate, in consequence of assurances he had given me in a former interview... 198

This induced McLane to suggest to Buchanan that he sound out Aberdeen informally and on his own responsibility with the following compromise measure, if Buchanan considered it to have a chance of acceptance at Washington.

... I would not be unwilling, taking the President's proposition of the 12th July as a basis, to urge a final adjustment of the question according to that proposition, but conceding to the Hudson's Bay Company a continuance of the privileges of joint occupation, including the navigation of the Columbia, for a period of seven or ten years longer; and I hope I may be allowed to add that, I would be willing to assume the responsibility of assenting to an adjustment by extending the boundary to the Pacific by the 49th parallel, and the strait of Fuca with free ports to both nations; or by extending the free navigation of the Columbia river for a longer period, provided similar advantages upon the St. Lawrence could thereby be secured to the United States. 199

Aberdeen's threat to withdraw his opposition to warlike preparations against the United States brought forth nothing but a burst of jingoism from Buchanan.

Should a fleet of "thirty sail of the line, besides steamers and other vessels of war," be equipped and appear on our coasts, such a demonstration... would set this country in a blaze. So far from intimidating the American People, the idea that it was intended to operate upon their fears, would arouse the national indignation to such a degree as to render any compromise of the question altogether hopeless. If Lord Aberdeen be, as I do not doubt he is, sincerely the friend of peace, he will recon-


199 Ibid.
consider his determination.200

With regard to McLane's stimulating an offer from Great Britain, Buchanan assured him that the President would consider the worthiness of any proposal and would then, in all likelihood, submit it to the Senate for their advice. This, he believed, would guarantee a friendly reception for any proposition Great Britain might care to make.201 Buchanan then commented on the tentative concessions McLane thought of making to Great Britain over and above the President's offer of July 12, 1845.

... there should be a clear understanding of what is meant by "a continuance of the privileges of joint occupation." If this be understood as securing to the Hudson's Bay Company, during that limited period, no more than the privilege of enjoying all their existing establishments, together with that of hunting, fishing, and trading with the Indians, and using the harbors and rivers south of the parallel of 49°, this would not prevent the President from submitting such a proposition to the Senate. But no concession could be made to this company which would, in the mean time, deprive the United States of the power to establish a territorial Government over the whole country south of 49°, and to make grants of land south of 49°, and to make grants of land south of this parallel. The President cannot, however, anticipate any possible change of circumstances which would induce him to submit such a proposition, if it should contain a surrender to Great Britain of the perpetual right to navigate the Columbia ... .

The President is desirous so to adjust the Oregon question as not to leave open any source from which might proceed new difficulties and new dangers, again to threaten the peace of the two countries. If the free


201 Ibid. This was the first official reference to an expedient that President Polk was resorting to in an effort to retreat gracefully from the extreme stand of the Democratic campaign slogan of 1844: "51° 40' or Fight," as well as from his own exaggerated pronouncements on the occasion of his Inaugural Address. The expedient was to shift the burden of decision over to the Senate or at least force them to share in the odium that any compromise along the forty-ninth parallel might tend to bring on the administration. Polk's intention to refer any British offer of compromise to the Senate for "their advice" ultimately proved to be the key to the solution of the Oregon question.
navigation of the Columbia were granted to Great Britain, this would become a perpetual cause of strife and collision between the citizens and subjects of the two countries . . . .

The President would also consent, though with reluctance, to submit to the Senate the second proposition suggested by you, dividing the territory in dispute between the two countries, "by extending the boundary to the Pacific by the forty-ninth parallel and the Strait of Fuca;" but without the superadded words "with free ports to both nations." . . . In case the first proposition to which you refer should be made by the British Government, the President would not object to the terms of his offer of the 12th July last "to make free to Great Britain any port or ports on Vancouver's Island south of this parallel, which the British Government may desire." If the cap of this island should, however be surrendered to Great Britain, as would be the case under the second proposition, then he would consider the question in regard to free ports as terminated . . . .

There is one point which it is necessary to guard, whether the first or the second proposition should be submitted by the British Government. The Strait of Fuca is an arm of the sea, and under the public law all nations would possess the same right to navigate it, throughout its whole extent, as they now have to the navigation of the British Channel. Still, to prevent future difficulties, this ought to be clearly and distinctly understood.202

While Lord Aberdeen carried on these informal discussions with McLane, the main occupation of the British Foreign Office was to evaluate the temper of the United States through two sources. The first was to consider the tone and manner of the administration's answer to a revised offer of arbitration which Richard Pakenham presented to James Buchanan on January 16, 1846. The second was to continue to observe the debate in the United States Congress on the subject of giving notice to Great Britain of the termination of the joint-occupation convention.

James Buchanan had rejected Pakenham's first offer of arbitration, calling for an "equitable division" of the Oregon territory between the two claimants, on the grounds that such a division would implicitly confer on Great Britain a title to and rights in the territory equal to those of the United States. And

202Ibid.
the United States was not prepared to admit. Moreover, the United States objected to the destiny of the republic being placed in the hands of any of Europe's monarchs, neutral and impartial though they may be.203

In his second offer of arbitration Pakenham proposed that the question of title to the whole territory be made the subject of arbitration. To this he added the provision that, in the event the Arbitrator found neither party to have a full and exclusive right to the territory, he would be free to assign to each that portion of territory to which each seemed to have the stronger and more solid claim. He then suggested forms of arbitration other than royalty, which might prove less obnoxious to republican sensibilities and left it to the American government to make any arrangement they might desire on this particular point.204

The British had little expectation that this revised offer of arbitration would be accepted. They made the gesture, however, in the hope that the reply would indicate a modification of the truculence characterizing all communiqués from the Executive Department since Pakenham's ill-advised rejection of the President's compromise offer of July 12, 1845. This was the program outlined by Aberdeen in March, 1846.

Should that reply . . . be of such a nature as to give you any ground of hope that the matter in dispute may yet be brought to an amicable issue by means of direct negotiation, I shall gladly avail myself of such an opening. If not, it will then be for Her Majesty's Government to consider what measures it may be expedient to adopt in order to meet any emergency

203 For Buchanan's letter of January 3, 1846, rejecting Pakenham's offer of arbitration, see supra, ll7-ll8.

which may arise. 205

On February 4, 1846, James Buchanan rejected Pakenham's second offer of arbitration but, as the British had hoped, his language on this occasion was more conciliatory. Buchanan argued against arbitration on the principle of contiguity—that the Oregon country being contiguous to the United States it was essential to the well-being of the country. While as far as Great Britain was concerned, it could never be anything but a colony and that of dubious value.

Neither is the territory in dispute of equal or nearly equal value to the two Powers. Whilst it is invaluable to the United States, it is of comparatively small importance to Great Britain. To her, Oregon would be but a distant colonial possession of doubtful value, and which, from the natural progress of human events, she would not probably long enough enjoy to derive from it essential benefits; whilst to the United States it would become an integral and essential portion of the Republic. The gain to Great Britain, she would never sensibly feel; whilst the loss to the United States would be irreparable.

The Undersigned is perfectly aware that such considerations can have no bearing upon the question of the title of either party. They are presented solely for the purpose of explaining the views of the President in his refusal to adopt any measure which should withdraw our title from the control of the Government and People of the United States, and place it within the discretion of any arbitrator, no matter how intelligent and respectable. 206

While waiting for the United States's reply to this second offer of arbi-


Pakenham was somewhat encouraged by the reaction of Congress and public opinion to the rejection of his second offer of arbitration. Reporting to Aberdeen on the temper of the country, he stated that "... the course pursued by the Executive, in rejecting my last offer, has met with but little approval, except in quarters, where a disinterested and impartial judgement on it, was not to be expected." Letter of Richard Pakenham to Lord Aberdeen, Washington, February 11, 1846. P. R. O., London. Foreign Office 5, v. CCCXLVI. Lib. of Cong., Div. of Man., Photo., pt. 2.
Aberdeen continued his informal discussions with McLane. He informed the American Minister that, should their second offer of arbitration be rejected "... in terms calculated to encourage a renewal of the negotiations..." he would be ready to submit a further proposition for that purpose.207

McLane then drew from Aberdeen the substance of the proposition Great Britain would be likely to make and reported to Buchanan as follows:

...I have little or no expectation that, this Government will offer, or assent to a better partition, than the extension of a line on the 49th parallel to the straits of Fuca, and thence down the middle of the strait to the Pacific; and, if the line of the 49th parallel should intersect the Columbia...at a point from which it is navigable to the ocean, with the free navigation of that river, at least for such period as may be necessary for the trade of the Hudson's Bay Company. They will also, I am quite sure, expect some arrangements for the protection of the present agricultural settlements of British subjects south of the 49th degree of latitude, and north of the Columbia. If the Columbia river be not navigable from the point at which it would be intersected by the extension of a line along the 49th parallel, I believe it quite certain that the navigation of the river would not be insisted upon.208

With regard to the navigation of the Columbia McLane stated that although Aberdeen "... was not then prepared to insist upon it as a sine qua non, he could entertain little expectation that any arrangement which did not allow to British subjects the free navigation of that river, could be made acceptable to his Government."209

However, as far as he was concerned McLane could not believe

... that Great Britain will, at the certain consequence of war insist upon the navigation of the Columbia, for a longer period than may be really required for the reasonable accommodation of those rights of her sub-


208Ibid.

209Ibid.
jects, which have grown up during the joint occupancy. To that extent, she might consider a just protection of such rights as involved in the point of honor; and I should hope we might make the concession, to a reasonable extent, without any sacrifice of our own rights or honor.210

McLane warned Buchanan that if it was the determination of the United States government

... to insist upon the whole; or, in no event, to surrender the Southern point of Vancouver's Island, and, for no length of time to allow the navigation of the Columbia, then, it is my duty to say that, in my opinion an amicable adjustment of the question may be considered as absolutely hopeless; and, that no time should be lost in placing the country in a state of preparation for the crisis that would inevitably follow, and as I believe, not remotely.211

210 Ibid.
211 Ibid. Whatever President Polk's attitude was at the time, he was certainly not remiss "... in placing the country in a state of preparation for the crisis ... ." On March 21, 1846, he sent the following message to the Senate, on the necessity of increasing the country's naval and military forces. "In my annual message of the 2d of December last, I recommended to the favorable consideration of Congress an increase of our naval force, especially of our steam navy, and the raising of an adequate military force to guard and protect such of our citizens as might think proper to emigrate to Oregon. Since that period I have seen no cause to recall or modify these recommendations. On the contrary, reasons exist which, in my judgement, render it proper not only that they should be promptly carried into effect, but that additional provision should be made for the public defence ... .

"A controversy respecting the Oregon Territory now exists between the United States and Great Britain; and while, as far as we know, the relations of the latter with all European nations are of the most pacific character, she is making unusual and extraordinary armaments and warlike preparations, naval and military, both at home and in her North American possessions.

"It cannot be disguised that, however sincere may be the desire of peace, in the event of a rupture these armaments and preparations would be used against our country. Whatever may have been the original purpose of these preparations, the fact is undoubted that they are now proceeding, in part, at least, with a view to the contingent possibility of a war with the United States. The general policy of making additional war-like preparations was distinctly announced, in the speech from the throne, as late as January last, and has since been reiterated by the ministers of the crown in both houses of Parliament. Under this aspect of our relations with Great Britain, I cannot doubt the propriety of increasing our means of defence, both by land and sea. This can give Great Britain no cause of offence, nor increase the danger of a rupture. If, on the contrary, we should fold our arms in security, and at last be suddenly involved in hostilities for the maintenance of our just rights, without any adequate
In conclusion, McLane informed Buchanan that there would possibly be some delay before the British presented their offer. This would come from Aberdeen's intention of studying the progress of the bill in Congress to terminate the joint-occupation convention. His reason for this was to gauge the temper of that body in order to determine beforehand the fate of a British proposal of compromise. Should the tenor of the debate in the United States Congress prove increasingly antagonistic to England, Aberdeen would not risk the national honor by having his offer summarily rejected. Should it be conciliatory for the most part and manifest a desire for peace and a spirit of compromise, he would then communicate to the American government his latest and possibly his last proposal.212

Richard Pakenham continued to keep Lord Aberdeen minutely informed of everything taking place in the United States Congress and of the attitude of the country generally. He discovered that even the most moderate members of the Senate were committed to the forty-ninth parallel as a minimum compromise boundary, showing that the two countries were agreed as to the line if a compromise could be effected.

... it seems to have become a received opinion among even the most moderate members of the Senate, that the claims of the United States extend fully to the parallel [sic] of 49. which they consider ought to be in-

preparation, our responsibility to the country would be of the gravest character. Should collision between the two countries be avoided, as I sincerely trust it may be, the additional charge upon the treasury, in making the necessary preparations will not be lost; while, in the event of such a collision they would be indispensable for the maintenance of our national rights and national honor." U. S. Cong., Senate, Senate Journal, 29th Cong., 1st Sess., 1845-1846, Serial No. 469, 210-211.

sisted on as the basis of any arrangement.

So certain is this, that the advocates of a peaceful settlement of the question are now universally designated as 49. men, in contradistinction to those who go for the whole of Oregon even at the risk of a war, and are called 50. 40. men.213

He warned Aberdeen at this time that should Great Britain intend settling the Oregon dispute amicably, steps should be taken quickly. Pakenham feared the forthcoming congressional elections of 1847 would return to both the Senate and the House of Representatives, men less amenable to reason and more likely to espouse the extreme American claim to the whole of the Oregon country up to fifty-four-forty.

... the ultra Democrats, the advocates of violent measures, finding that they have failed so signal in their expectation of carrying the Senate with them, will now adopt a different plan, and instead of hurrying matters forward, endeavour to gain time, and to keep the Oregon question open until next year, in order to make use of it at the election which will then take place; for Your Lordship is aware that the term for which the present House of Representatives was elected will expire on the 4th of March 1847; when also a large proportion of the Senate will be renewed.—

I am afraid that there is no reason to expect that the composition of that Body will be improved by the change. The Senators who retire next year being those who came into office during the temporary triumph of the Whig or Conservative Party, which raised General Harrison to the Presidency,—since which time, the tendency of things in the country has been progressively democratic; and the probability is that if the Oregon question should not be settled before another general election, a great majority of the next House of Representatives, and many of the newly chosen Senators would come to Congress already committed to the adoption of an extreme line of policy on that question.214


214 Ibid. The pressure of public opinion on Congress for a settlement of the question one way or the other, was mounting considerably even at this time. It manifested itself in the form of petitions and memorials from state legislatures, communities, and civic groups from all parts of the country. For the most part these documents expressed the desires of the people along sectional lines: the older, more conservative states on the eastern seaboard advocated a compromise settlement along the forty-ninth parallel; while the western and more radically democratic states demanded the whole territory to fifty-four-forty,
Aberdeen was not to be hurried into a resumption of negotiations, however. He was awaiting the outcome of the debate on giving notice to Great Britain, and any offer on his part would be determined by the tone of that debate, the wording of the final resolution, and the majority by which it passed the Senate. Aberden did not consider the wording of Buchanan's recent refusal of Pakenham's second offer of arbitration to be sufficiently conciliatory to warrant an offer of compromise on the part of the British government. Hence, the resumption of negotiations now depended on a single factor: the action of the United States Senate in giving notice to Great Britain of the termination of the joint-occupation convention.

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even at the cost of fighting a prolonged and bloody war. An example of the moderate view is embodied in a petition of citizens of Portsmouth, New Hampshire, "... praying that the existing difficulties between the United States and the government of Great Britain may be settled by negotiation, and that provision may be made, in all treaties hereafter entered into between the United States and foreign powers, for the peaceful adjustment of any difficulties which may arise..." This petition was presented to the Senate February 2, 1846, by Senator Charles G. Atherton of New Hampshire. U. S. Cong., Senate, Senate Journal, 29th Cong., 1st Sess., 1845-1846, Serial No. 169, 127. The extreme claim is set forth in a Memorial of Citizens of the United States, "... praying that the right and title of the United States to the Oregon Territory, as far as fifty-four degrees and forty minutes north latitude, may be insisted upon in any settlement of that question by treaty or otherwise..." This memorial was presented to the Senate January 20, 1846, by Senator Daniel Sturgeon of Pennsylvania. Ibid., 108.


216 Letter of Louis McLane to James Buchanan, London, April 17, 1846. Ibid.
McLane considered the prolonged debate in the Senate on the subject of giving notice to be a diplomatic mistake. It was not only delaying the resumption of negotiations but was actually conferring innumerable advantages on Great Britain. Moreover, it was greatly to be lamented that this most critical and important question should be in no small danger of passing from the legitimate control of the Executive, and of becoming an object of individual if not of party ambition in at least one branch of Congress. Already every mode of settlement or of compromise that ingenuity can possibly devise, or individual vanity can hope any thing from, has been and continues to be as fully disclosed and discussed, "and in the face of the world," as if Congress had been constituted a joint-commission for the conduct of the whole negotiation; and that upon them and not the Executive the responsibility of the issue was to rest. Such a state of things, it must be confessed, is at least anomalous, and, I must frankly add, without the least desire to increase my individual responsibility, that it can scarcely be prevented from being seriously mischievous. The present condition of affairs here, to say nothing of the tone of the Press, must show you that it has already produced its effect. 217

217 Ibid. A month earlier, McLane was even more outspoken on this subject. In a private letter to John C. Calhoun, the former Secretary of State, he complained that the "... manner in which it has been treated on both sides in Congress only could make its effect doubtful. Here it would not have been regarded as a hostile measure; and while at home it would have deprived those who appear to be bent on an ultra course of much aliment they will now have to get up an excitement in and out of Congress, it would have enabled our Government to have presented united Councils and an undivided front abroad. A year would remain, after notice, for negotiation, and even a longer period might be calculated upon; since if, at the end of the year, negotiations should be pending, unless one Government should commit some violent or offensive act, we would have been in no worse situation than in 1818. I think there is reason to apprehend that divided councils at home if they do not encourage more extravagant demands from this government will at least encourage delay, and lead to a waste of time which must be ultimately fatal. I yet hope that these consequences may be avoided." Letter of Louis McLane to John C. Calhoun, London, March 3, 1846. "Correspondence of John C. Calhoun," II, pt. 2, 1076-1077.

President Polk also considered the long-drawn-out debate in the Senate prejudicial to American interests. In his diary for May 23, 1846, he noted that the Senate's delay had operated most unfortunately for the United States in England. And, as a result, no proposition could be expected from England until the action of the Senate was known in that country. He also made mention of a letter to Mr. Buchanan from Mr. William Rufus King, United States Minister in Paris, notifying him that the delay in the Senate on this matter was proving very prejudicial to American interests throughout the whole of Europe. Polk's Diary, I, 118-119.
Another factor which McLane judged harmful to American interests in the Oregon dispute, was the espousal of the British point of view by certain segments of the American press and various other interested groups. By advocating compromise and a partition of the territory along the forty-ninth parallel, they were undermining the policy of the administration, giving aid and comfort to the enemy, and making the British more stubborn in their stand against American claims.

In citing the Washington, D. C., Union as being particularly odious in this regard, McLane flatly states that

It has been, and continues to be, our misfortune in the United States, in the conduct of the Oregon question, to have more negotiators out of office, than are to be found officially engaged in its management; and it will be fortunate for the peace of the two countries, if those who are so indefatigable in gratuitously enlightening the public in newspaper essays, and in individual correspondence, be not found in the end to be the most efficient promoters of a catastrophe that all good and wise men really deplore.

This he contrasts with the attitude of the British press. With the exception of the Editorial policy of the Quarterly Review and one article published in the Edinburgh Review for July, 1845, the country is solidly behind the British government in its stand on the Oregon question. All of which cannot be said of the sources of information in the United States.

The gravest and most elaborate of our writers are now quoted in opposition not only to our title, but to the only terms of compromise which the American Executive could accept; and the deliberate recommendations of eminent Senators go out uncontradicted that the Executive could not be sustained in demanding a partition upon terms different from those to which former administrations would have consented. If the object of such an interference in the present crisis, be intended to preserve peace, it is too well calculated to defeat that object; but if proceeding from an apprehension

that the present administration may be more successful than its predecessors, it be designed to deprive them of that advantage, and compel them to accept less favorable terms than might otherwise have been conceded, the delusion cannot be too promptly exposed. 219

McLane thought these evils had resulted in the delaying tactics of the British government which at present was awaiting the outcome of the congressional vote on terminating the joint-occupation. However, he was of the opinion that the British Ministers were still friendly and desirous of settling the question peaceably, and that once the notice was given he would be able to stimulate the resumption of negotiations. 220

219 Letter of Louis McLane to James Buchanan, London, April 3, 1816. Ibid.

220 Ibid. In the above mentioned letter to John C. Calhoun, McLane outlined the dangers inherent in the question's being discussed so openly in the United States. "I am afraid ... that this Government has been encouraged by advices from the U. S. to believe that although the President has twice rejected proposals to arbitrate, yet, rather than lead to war, that mode of settlement will be ultimately adopted by our Government, in some form or other. The immediate effect of all this has been to suspend, for the present, any further proposition of compromise; and believing as I do that arbitration under any circumstances is utterly hopeless, I deeply lament that attempts should have been made to mislead this Gov. upon so vital a point." Letter of Louis McLane to John C. Calhoun, London, March 3, 1816. "Correspondence of John C. Calhoun, II, pt. 2, 1077. As for those journals and writers in the United States who were advocating compromise and partition, they were running the risk not only of losing Oregon for the United States but of plunging the country into war as well. "... it is not to be disputed that our cause has been weakened abroad by our divisions at home, by the public writers, especially in the North American Review and some of the newspapers, and by private letter writers depreciating and attempting to refute our claims, and holding out encouragements to believe that the Executive will be deserted, and what is called the War Party will ultimately find no countenance ... .

"It is only to be expected that as long as there is a hope here ... that arbitration will be ultimately assented to, or that there will be a division between the Executive and a majority of the Senate, there will be no real desire to do any thing, and it may encourage demands which it is impossible we could agree to ... being very sure however, that having made up our minds for the sake of preserving peace to assent to a reasonable basis of partition, we will be most apt to effect even that by union and spirit. If ground be afforded to calculate upon our divisions we shall not only lose what we ought justly to have, but instead of preserving peace we will too surely lead to war." Ibid, 1079.
In a letter dated March 28, 1846, Buchanan warned McLane by inference against assuming too prominent a place in the negotiations. In the event, however, that Aberdeen should consider his refusal of Pakenham's second and modified offer of arbitration not sufficiently encouraging to reopen negotiations, McLane was then authorized to accept any proposal that Aberdeen might make through him for reference to the United States government. But under no circumstances would the President allow negotiations to be transferred to London.221

McLane complied with these instructions but continued to hold informal talks with Aberdeen in an effort to arrive at some basis for reopening the negotiations. In one of these he discovered that Lord Aberdeen maintained the right to consider the American offers of 1826 and 1827 as still open and thereby affording a convenient starting point for the resumption of the present negotiations. Aberdeen was also of the opinion that, in the interests of effecting a rapprochement, some concessions should be made by each side over and above the proposals made in 1826 and 1827. Aberdeen bolstered his position by quoting from the speeches of certain Senators during the debate on the notice as sustaining the same view.222

As far as McLane could determine, the British would be satisfied with an American concession of the tip of Vancouver Island and the continuance of the international boundary through the Straits of San Juan de Fuca to the sea.223


223 Ibid.
However, McLane did not consider the United States to be bound by the negotiations of 1826 and 1827 in any manner whatsoever, since Albert Gallatin had been ordered at the time to insert into the protocol of the conference the following escape clause:

... the American Government does not hold itself bound, hereafter, in consequence of any proposals which it has heretofore made to agree to the line which has been so proposed and rejected, but will consider itself at liberty to contend for the full extent of our just claims ... 224

McLane could detect another grave difficulty arising out of the negotiations of 1826 and 1827 should they be used as a basis of discussion, namely, the navigation of the Columbia river. For Gallatin, exceeding his instructions, had made the following offer:

If the said line shall cross the great northwesternmost branch of the Columbia river, marked in the map as McGillivray's river, or any of the other branches of the Columbia river, at a place or places from which the said McGillivray's river, or any such other branch of the Columbia river, is navigable to the main last mentioned river; the navigation of the said McGillivray's river, and of any such other branch or branches of the Columbia river, and of the Columbia river itself to the Ocean, shall be perpetually free to the subjects of Great Britain, in common with the citizens of the United States. 225

While these conferences were going on in London, the United States Congress passed the resolution for giving notice to Great Britain of the termination of the joint-occupation Convention of 1827. This had been done, April 23, 226


1846, upon the recommendation of a Committee of Conference of the two houses of Congress. Pakenham communicated the text of the resolution as printed in the Washington, D. C., National Intelligencer for April 24, 1846, to Aberdeen with the following comment:

The Resolution as it now stands will, I imagine, appear to Her Majesty's Government, as little open to objection as could well be expected under the circumstances of the case.—I think it may at all events be received as an earnest of the desire of the Senate to arrive at an amicable settlement of the Oregon Question, attention being had to the terms, upon which a large majority of that Body appear to have made up their minds to believe that Great Britain ought and will ultimately be found willing to accede to. 226

With the conclusion of the debate in Congress on the subject of giving notice, Pakenham devoted himself to keeping the British Foreign Office informed of any and all military preparations being made in the United States, as well as what he considered overt acts on the part of the American Congress in violation of the Convention of 1827 during the twelve-month period of grace following the termination of that Convention. He considered the most serious of these to be a House of Representatives' bill for organizing a Territorial Government in Oregon, and was much gratified when the bill was reported back from the Senate Committee on Territories as being "... neither proper nor expedient at this time for Congress to adopt Legislation of the Character indicated

226 Letter of Richard Pakenham to Lord Aberdeen, Washington, April 28, 1846. P. R. O., London. Foreign Office 5, v. CCCXLVII, Lib. of Cong., Div. of Man., Phot. Pakenham also sent copies of the National Intelligencer for April 18, 20, and 21, 1846; and of the Washington, D. C., Union for April 17, 18, 22, and 23, 1846, giving the press opinion in the United States on the resolution for giving notice, as well as the more recent proceedings in Congress leading up to the adoption of that resolution. Ibid.

For the text of the resolution for giving notice to Great Britain as finally agreed upon by the United States Congress, see Appendix XII.
by the Bill."\textsuperscript{227} He was disappointed, however, when Senator Benton of Missouri proposed as amendment: that the bill be sent back to the Committee with instructions to prepare a bill for extending the jurisdiction of the United States over that part of Oregon lying south of the forty-ninth parallel, the said bill not to take effect until after the expiration of the year of notice. Pakenham considered this measure, if adopted, as having "... the appearance of a summary Settlement of the Oregon Question by taking possession of the Territory up to the line pointed out, and would be, so far, very objectionable."\textsuperscript{228}

On learning of the passage of the resolution to give notice and of the circumstances attendant upon the final vote on that bill, Aberdeen prepared to


\textsuperscript{228}Ibid. Regarding the American military establishment, Pakenham received constant communiqués from the British consular network in the country. An example of this is the letter from Francis Waring, Her Majesty's Consul at Norfolk, Virginia, giving an account of the United States Navy stationed in that vicinity which he enclosed in his letter to Aberdeen of May 13, 1846. Ibid. A similar enclosure accompanied his letter to Aberdeen of May 28, 1846, from T. C. Grattan, Her Majesty's Consul at Boston, Massachusetts, "... reporting ... the movements which have taken place within the last month at the United States Navy Yard at Boston." Ibid.

The American government, on the other hand, was by no means remiss in keeping an eye on the British military across the border in Canada. This is evident from the following information received by James Buchanan from Israel D. Andrews, United States Consul at St. John, New Brunswick, on April 16, 1846. "On the eighth instant, Parliament voted ten thousand pounds, (forty thousand dollars) and placed the same at the disposal of the Lieutenant Governor of the Province, Sir William Colebrook, to be appropriated for the defence [sic] of the Province should a war take place between the United States and England." Andrews then went on to give an account of the attitude and loyalty of the people, number of regulars garrisoned in the Province, condition of the Militia, and other pertinent facts that might prove useful to the United States in the event of an outbreak of hostilities. Letter of Israel D. Andrews to James Buchanan, St. John, New Brunswick, April 16, 1846. Nat. Arch., Dept. of State, Consular Letters, St. John, New Brunswick, v. II, December 10, 1844-December 31, 1850.
reopen negotiations with an offer of compromise from the British government. He considered the atmosphere and spirit of the United States Senate at that time to be the most tractable and most favorable for a reasonable solution of the question that Great Britain could possibly hope for. In a long conversation with McLane he outlined the provisions of the forthcoming British offer. These consisted in the extension of the forty-ninth parallel to Birch's Bay on Puget Sound and thence through the middle of Haro Strait to the Pacific ocean, the free use and navigation of the whole of the Straits of San Juan de Fuca being conceded to the United States in common with England. Perpetual title to all lands and posts actually occupied was to be secured to all British subjects north of the Columbia river and south of the forty-ninth parallel. They were, however, to be subject to the jurisdiction and sovereignty of the United States in all respects, in the same manner as citizens of those United States. The same titles and privileges were to be conceded by Great Britain to all American citizens north of the forty-ninth parallel should there chance to be any in that territory. Finally, the Hudson's Bay Company was to have the right of free navigation of the Columbia river. England, however, would disclaim any sovereignty, jurisdiction, or police power over the river south of the forty-ninth parallel for herself and the company. The company should be conceded the right merely to navigate the river "... upon the same footing and according to the same regulations as may be applicable to the citizens of the United

229 McLane enclosed the formal notice of the President of the United States for the abrogation of the Convention of August 6, 1827, in a letter to Lord Aberdeen dated May 20, 1846. Nat. Arch., Dept. of State, Despatches, Great Britain, v. LVI, Louis McLane, J. McHenry Boyd, August 4, 1845—November 16, 1846. Aberdeen acknowledged the receipt of the President's formal notice in a letter to Louis McLane, dated May 22, 1846. Ibid.
Aberdeen gave McLane to understand that this British offer was to be no-wise considered as an ultimatum. McLane rightly judged in this instance that, should the navigation of the Columbia prove a stumbling block to the President's submitting the proposition to the Senate or to its final acceptance by the Senate, the point might be resolved easily by further negotiation. He believed the British to be under the impression that the United States would not insist absolutely on this point. As for the British, McLane was of the opinion that should the fate of the negotiation or the choice between peace or war depend on this item, no British statesman would insist on the perpetual navigation of the Columbia river. In the last analysis, he thought the British would be satisfied with the navigation of the Columbia river for a period of time "... sufficient to subserve all the purposes of British subjects within the disputed territory ... ."²³¹

McLane warned Buchanan that no compromise could ever be effected with the British which did not leave them in complete possession of the tip of Vancouver Island, and he further warned him that if the United States were of a mind to settle the question now it should be done quickly. For he considered the present British Ministry to be in a very precarious position and that it would not surprise him "... to witness the coming in of a new Ministry by the end of June, or earlier."²³²


²³¹ Ibid.

²³² Ibid.
In conclusion, McLane considered the present British offer to be the best that could ever be expected and he felt there was nothing more he could do in furthering the settlement of the question. His sincerity on this point is apparent from the hope he expressed that the President would authorize his departure from England on the 1st or 19th of July of that year. 233

233 Ibid. In a private letter to John C. Calhoun, May 18, 1846, McLane gives what he considers the real reasons for the present British offer of settlement. "This proposition is encouraged by the reliance I have already hinted at upon the Senate; by a calculation that the 'peace party' as it is called will do as much to preserve peace as the 'war party' would to make war; by calculation founded upon our difficulties with Mexico and upon the sympathy and support of France and other European Nations; and last, and I fear not least, an expectation that the present ministry may very soon quit office, and a desire to appear in to have maintained a strong ground in the negotiation with us, may not be without its influence. . . ."

"I have given no encouragement to the proposition as presented in any form, not even that the President will submit it to the Senate for their advice. Though I think after the publicity already given to the subject, the Senate ought, according to the early practice to be consulted at every step of the negotiation; and then if they are united and firm he may get better terms not otherwise." Letter of Louis McLane to John C. Calhoun, London, May 18, 1846. "Correspondence of John C. Calhoun," II, pt. 2, 1082-1083.

Although the outbreak of the Mexican War referred to by McLane undoubtedly had a great effect in hastening the settlement of the Oregon question especially on the part of the Folk administration, yet this was a factor that operated in private and had little place in the diplomatic discussions then in progress. On May 29, 1846, McLane reported that it was impossible to determine the effect produced in England of the declaration of war on Mexico. He merely stated that it was "... not calculated to increase the chance of more favorable terms, than have been already proposed ..." Letter of Louis McLane to James Buchanan, London, May 29, 1846. Nat. Arch., Dept. of State, Despatches, Great Britain, v. LVI, Louis McLane, J. McHenry Boyd, August 4, 1845-November 16, 1846. In a letter to Buchanan, June 3, 1846, McLane was in a better position to evaluate the influence of the Mexican War on British public opinion. "... it is apprehended that we may force Mexico to reasonable terms before the end of the negotiations respecting Oregon; and so far as the Press may be taken as an evidence of public feeling in any quarter, it has not only occasioned disappointment and passion, but has excited an apprehension that the preparations for the Mexican war are calculated and indeed intended to meet the contingency of war with Great Britain!" As for its impact on the Oregon negotiations, "McLane was of the opinion that the war with Mexico ... will make it more difficult if not impossible to obtain any material modification of the offer recently submitted through Mr. Pakenham for the partition of Oregon ..." Letter of Louis McLane to James Buchanan, London, June 3, 1846. Ibid.

The only other reference to the Mexican War in British-American diplomatic
The receipt of McLane's despatch caused President Polk considerable uneasiness and left him in something of a dilemma. In his diary for June 3, 1846, the President noted that

If Mr. McLane is right in the character of the proposition which will be made, it is certain that I cannot accept it, and it is a matter of doubt in my mind whether it [will] be such as I ought to submit to the Senate for their previous advice before acting upon it. If I reject it absolutely and make no other proposition the probable result will be war. If I submit it to the Senate and they should advise its acceptance I should be bound by their advice & yet I should do so reluctantly.234

The following day Polk called a meeting of his Cabinet to discuss the contents of McLane's despatch. All members present advised "... referring the subject to the Senate if the proposition was such as McLane described it. The Cabinet, however, thought the navigation of the Columbia should under any circumstances be restricted to a term of years."235

The British offer of compromise came in the form of a lengthy letter from Aberdeen to Pakenham dated May 18, 1846. After reviewing the history of the present negotiation to the advantage of the long-suffering and peace-loving British, Aberdeen brought himself to make the following offer:

You will ... propose to the American Secretary of State that the line of demarcation should be continued along the 49th parallel from the correspondence at this time, came after the settlement of the Oregon boundary question. McLane informed Buchanan on June 18, 1846, that Aberdeen was disturbed by the United States-Mexican war, and had offered to make a proposal of mediation if McLane could give him some assurance that it would not be peremptorily rejected. To which McLane had replied "... if the Oregon question should be amicably adjusted, Mexico would be at once compelled to sue for peace ... " Under these circumstances, any interference on the part of Great Britain would, in all likelihood be considered "... manifestly improper and out of place ... ." Letter of Louis McLane to James Buchanan, London, June 18, 1846. Ibid.

234Polk's Diary, I, 444-445.
235Ibid., I, 447-448.
Rocky mountains to the Sea Coast; and from thence in a Southerly direction through the centre of King George's Sound and the Straits of Juan de Fuca, to the Pacific [sic] Ocean; leaving the whole of Vancouver's Island, with its Ports and Harbours, in the possession of Great Britain.

You will also stipulate that from the point at which the 49th parallel of Latitude shall intersect the principal Northern Branch of the Columbia River, called Macgillivray's [sic] River in the Maps, the Navigation shall be free and open to the Hudson's Bay Company and to the Subjects of Great Britain trading with the said Company, until its junction with the Columbia; and from thence to the mouth of the said River, with free access into and through the same, British Subjects with their goods, merchandise [sic] and produce, to be dealt with as Citizens of the United States; it being always understood, however, that nothing shall interfere to prevent the American Government from making any Regulations respecting the Navigation of the River not inconsistent with the terms of the proposed Convention.

In the future appropriation of land, the possessory Rights of all British Settlers will of course be respected. The Hudson's Bay Company should be confirmed in the occupation of Fort Vancouver, and the adjacent Lands of which the Company have been in possession for many years. They would also retain such other Stations as were necessary for the convenient transit of their Commerce along the line of the Columbia; but all other Stations or trading Posts, connected with their present exclusive rights of hunting and of traffic [sic] with the natives, within the territory South of the 49th Degree of Latitude, would in all probability forthwith be abandoned.

The Puget Sound Agricultural Company have expended considerable sums of money in the cultivation and improvement of land on the North of the Columbia River. They occupy two extensive Farms, on which they possess large stocks of Cattle and Sheep. These parties would also be entitled to be confirmed in the quiet enjoyment of their land; but if the situation of the Farms should be of publick [sic] and political importance, and it should be desired by the Government of the United States, the whole property might be transferred to them at a fair valuation.236

236 Letter of Lord Aberdeen to Richard Pakenham, Foreign Office, May 18, 1816. P. R. O., London, Foreign Office 115, v. XCI. Lib. of Cong., Div. of Maps, Photo., pt. 2. Aberdeen's review of the negotiations, laudatory of Britain's peaceful intentions and condemnatory of the United States's truculent diplomacy, completely passed over the fact that the delay in the present negotiations was occasioned by Pakenham's boorish and discourteous rejection of the last American offer of compromise in 1815. Aberdeen judged that, for any observer "... looking impartially at the different stages of this Negotiation, it will appear that the conduct of Great Britain has throughout been moderate, conciliatory, and just. Can it truly be said that the Government of the United States have advanced to meet us in the path of mutual concession ... ?

"In truth, the pretensions of the United States have gradually increased during the progress of these Negotiations. Acting in manifest violation of the spirit of the Conventions of 1818 and 1827, it is now formally and officially asserted that the right of the United States to the whole Territory in dispute..."
Enclosed in this letter was a draft or project of a treaty which Aberdeen considered

... such at least in its essential parts as Her Majesty's Government are prepared to conclude with the United States for the final settlement of the Oregon Question.

That project may be understood to embody all the conditions which are considered by us as indispensable. The wording of the Articles may be altered as may be deemed expedient; but their substance must be preserved; nor can any essential departure from that substance be admitted on the part of Great Britain.

The preamble may be considered as open to any alteration which may be proposed and which you may think expedient. In the project which I have sent you the definition of the Territory adopted in the Convention of 1827 is "clear and unquestionable." The principle however of these Conventions plainly recognized the claims of both parties, as indeed was fully admitted by the American Plenipotentiary himself; and it was only on failure of the attempt to effect an equitable partition of the Territory, that the joint occupancy was established ... .

"Despairing of arriving at any agreement by means of direct negotiation, we have been urgent in pressing the reference of the whole matter to an Arbitration. We have been willing to submit, either the abstract title of the two parties, or the equitable division of the Territory, to the judgement of any Tribunal which could justly inspire confidence, and which might prove agreeable to the United States. All this, however, has been peremptorily refused; the progress of the negotiation has been entirely arrested, and in fact it now remains without any admitted or intelligible basis whatever ... .

"After all the efforts we have made, and the course we have pursued, we might perhaps most naturally pause, and leave to the United States the office of renewing a negotiation which had been interrupted under such circumstances. But Her Majesty's Government would feel themselves to be criminal, if they permitted considerations of diplomatic punctilio or etiquette to prevent them from making every proper exertion to avert the danger of calamities which they are unwilling to contemplate, but the magnitude of which scarcely admits of exaggeration." Ibid. As for the former American offer of the forty-ninth parallel, as contrasted with the present British offer, "... it may justly be observed that any division of Territory in which both parties possess equal Rights, ought to proceed on a principle of mutual convenience, rather than on the adherence to an imaginary geographical line; and in this respect it must be confessed that the Boundary thus proposed would be manifestly defective. It would exclude us from every commodious and accessible Harbour on the Coast; it would deprive us of our long established means of water communication with the Interior for the prosecution of our Trade; and it would interfere with the possessions of British Colonists resident in a district in which it is believed that scarcely an American Citizen, as a Settler, has ever set his foot." Ibid.
has been adhered to. That definition appears to be the most suitable, and open to the least objection.

If the United States Government should agree to our terms such or nearly such as they are now proposed, you will do well to hasten as much as possible the conclusion of the Treaty, since the present constitution of the Senate appears to offer a greater chance of the acquiescence of that important Body in those Conditions than might be presented at any future period.237

Richard Pakenham submitted Britain's draft of a treaty to James Buchanan at a formal conference held on June 6, 1846, and a meeting of the President's cabinet was summoned immediately after to discuss the provisions of the British offer.238 Messrs. Walker, Marcy, Bancroft, and Johnson advised the President to submit the treaty draft to the Senate for their advice. Secretary of State Buchanan was reluctant to express an opinion and did so only when President Polk insisted that he give his views. Buchanan thought that the advisability of submitting the offer to the Senate would depend in large part on the tenor of the President's message accompanying the British proposal. He stated that "... the 54° 40' men were the true friends of the administration and he wished

237Ibid. Comparing this draft with the final treaty concluded between the two countries, the only changes to be noted in the Preamble are the reversed positions of the United States and Her Majesty, the Queen of the United Kingdoms of Great Britain, etc., and the reversed positions of Buchanan and Pakenham. The same reversal takes place in the Articles of the Treaty wherever the Sovereign of England and the President of the United States are mentioned together. The United States and her functionaries take precedence in the final treaty.

The only other change in the Articles, besides minor changes in punctuation, is to spell out in word form all the numerals used in the British draft. For example, '49th parallel' in the British draft is written 'forty-ninth parallel' in the final draft of the treaty. The British draft of the treaty is contained in P. R. O., London. Foreign Office 115, v. XCI. Lib. of Cong., Div. of Man., Photo., pt. 3.

no backing out on the subject." The Cabinet was agreed that if the President could offer no modification of the British terms and if they were rejected without submission to the Senate, war would be almost inevitable.

Polk then briefly outlined the possible contents of his message to the Senate which would accompany the British proposal. He would repeat his opinion on the subject of Oregon as expressed in his Annual Message to Congress of December 2, 1845. But, in view of the action of his predecessors and of the debates and proceedings of Congress in its present session, he would now submit the British offer of settlement to the Senate for their previous advice. If they declined to express an opinion or, by the constitutional majority to give their advice, he would reject the proposition. This program received the approval of the Cabinet and provided the President with a way of gracefully withdrawing from the extreme position he had maintained since assuming office.

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239 Polk's Diary, I, 451-453. Polk was considerably distressed at Buchanan's sudden about-face on the subject of Oregon, and his reluctance to cooperate with and advise the President at this crucial point in the negotiations. His impression, as set down in his diary for June 7, 1846, was that "... Mr. Buchanan intends now to shun all responsibility for the submission of the British [sic] proposition to the Senate, but still he may wish it to be done without his agency, so that if the 54° 40' men shall complain, he may be able to say that my message submitting it did not receive his sanction. I shall be disappointed if any message which can be drawn will receive his assent. He will choose to dissent and if it is condemned he will escape all responsibility. In his despatches to Mr. McLane I have more than once, & in the presence of the Cabinet, caused paragraphs to be struck out yielding as I thought too much to Great Britain [sic], and now it is most strange that he should take suddenly, and without the assignment of any reason, the opposite extreme, and talk as he did on yesterday of 'backing out from 54° 40.' His course is one which I cannot approve." Ibid., I, 456.

240 Ibid., I, 453-454.

241 The same day, June 6, 1846, Buchanan sent McLane an account of the Cabinet meeting which resulted in the President's decision to submit the British
The important work now at hand was the drafting of President Polk's message to the Senate. This led to a violent altercation between himself and his Secretary of State. Polk's account of the incident is set down in his diary for June 6, 1846.

I told him I was engaged in preparing my message to the Senate on the Oregon question, and again asked him ... to aid me in preparing it. He again declined, and said he wished to have no agency in its preparation ... Mr. Buchanan declined to aid me in preparing the message when requested a second time to do so, and I was confirmed in the impression which I had on Saturday that he intended to avoid all responsibility. Mr. Buchanan left and about 1 O'Clock returned bringing with him several of his despatches to Mr. McLane and Mr. McLane's despatches to him, and expressed doubts whether any of them should be sent to the Senate with my message. I could not help coming to the conclusion that his reason for not being willing to send them to the Senate was that they, especially his own despatches, expressed different opinions in favour of the settlement of the Oregon question on the basis of 49°, different from the position which he now wished to occupy in favour of the extreme right up to 54° 40'. After he had done reading them, not deeming it very important whether they were sent to the Senate or not, I told him I left it to him to select what portions of the correspondence, if any, should be sent to the Senate. He then said; Well! when you have done your message I will then prepare such an one as I think ought to be sent in. I felt excited at this remark, as he had on Saturday and on this morning refused to aid me in preparing my message, and I said to him, for what purpose will you prepare a message? You have twice refused, though it is a subject relat-

offer to the Senate. He also enclosed a copy of Pakenham's treaty proposal as well as a protocol of his conference held with Pakenham the same day. Letter of James Buchanan to Louis McLane, Washington, June 6, 1846. Nat. Arch., Dept. of State, Diplomatic Instructions, Great Britain, v. XV, April 16, 1846—July 21, 1849.

It is interesting to note that in spite of the wounded diplomatic pride the American government had cherished for long months and the consequent refusal to make any move towards settling the Oregon question; in spite of its long and loud adherence to the extreme position of fifty-four-forty; in spite of the flood of oratory extolling national honor and "Manifest Destiny"; the Executive branch of the government fell all over itself in snapping up the British offer. Buchanan's conference with Pakenham; a Cabinet meeting to discuss the results of that conference; the decision of the President to submit the British offer to the Senate as a result of the Cabinet meeting; Buchanan's letter to McLane giving an account of the whole proceedings; all coming about on the same day, June 6, 1846, must have set a record of sorts for the settling of an international issue. It is a wonder the Senate was not rushed into session and a vote taken then and there!
ing to your Department, to give me any aid in preparing my message; do you wish, after I have done, to draw up a paper of your own in order to make an issue with me? He became excited and said that remark st[r]uck him to the heart, and asked me if I thought him capable of doing such a thing? I replied, you have twice refused to give me any aid in preparing my message though requested to do so, and notwithstanding you see that I am overwhelmed with other important public duties and have been subject to constant interruptions, and now you say that after I have done you will prepare a message such as you think ought to be sent in; and I asked him for what purpose will you do this, and he replied to submit it to you. I said, you have not before said that this was your purpose; to which he replied that it was to [be] implied that such was his purpose. I then told him that I thought I had cause to complain that he had not aided me when requested, but that if I had misunderstood him, I retracted the remark. The conversation became a very painful and unpleasant one, but led to mutual explanations that seemed to be satisfactory. I told him I had never had any unkind feelings towards him personally or politically. He expressed his friendship for me and for Mrs. Polk. After a most unpleasant interview he retired.242

In spite of Buchanan's refusal to aid the President in composing his message, Polk had a rough draft ready for the Cabinet meeting the next day. Polk read his message to the Cabinet and all concurred in it except Buchanan who objected to portions of it. Polk stated that he was willing to yield anything except principle in order to achieve harmony and union in his Cabinet. At this point, Buchanan requested the draft of the President's message and permission to retire to draw up one of his own. Polk readily granted him the draft and the permission he requested. However, when Buchanan submitted his draft of the message, the Cabinet unanimously voted it down. To obtain union of opinion.

242Polk's Diary, I, 458-460. Even Sir Richard Pakenham had no great love for Buchanan, but considered him the best Secretary of State England could hope for at the time. In a letter to Viscount Palmerston, August 13, 1846, Pakenham had this to say of Buchanan: "I do not admire Mr. Buchanan's character—I consider him to be anything but an honest and sincere man, but he is at all events always courteous, good humoured and obliging, and, taking into consideration the present composition of Parties in this Country, I think it quite as likely that we should lose as that we should gain by Mr. Buchanan's removal from office . . . ." Letter of Richard Pakenham to Viscount Palmerston, Washington, August 13, 1846. P. R. O., London. Foreign Office 5, v. CCCCL. Lib. of Cong. Div. of Man., Photo., pt. 2.
polk thereupon proposed to strike out large portions of his own draft leaving only: his intention to submit the British proposal to the Senate for their advice; the reasons for doing so; the repetition of his opinions on Oregon as expressed in his last annual message to Congress; and finally, a statement that he would be governed in his action by the advice of the Senate. Buchanan, as well as the other members of the Cabinet, agreed to this revision.2h3

Polk's next move was to sound out the leadership in the Senate as to what would be their probable advice. On June 9, 1846, he sent for Senators Cass, Allen, and Turney, with Senator Haywood joining the group later on his own initiative. Polk communicated to them the terms of the British proposal and read to them the message he had drawn up to accompany the offer to the Senate. Senator Allen advised him to reject the British proposal at once and not even bother submitting it to the Senate. The other three thought he ought to consult the Senate. In fact, Senator Cass believed "... I was bound to do so, though he would be compelled to vote against advising me to accept the British proposition. He said however that if it was accepted by the Senate he would never be heard to utter a word afterwards on the subject."2h4

2h3Polk's Diary, I, 461-462.
2h4Ibid., I, 462-463. Polk consulted with other members of the Senate as well as those mentioned above. Most notable of these was Senator Benton of Missouri, the leader of the moderate element in the Senate who sought the forty-ninth parallel as a boundary. In his autobiography Benton describes the political maneuvering required in the Senate to secure the desired "advice." "It was an up-hill business, requiring a vote of two-thirds: it was a novelty, not practised since the time of Washington: it was a submission to the whigs, with the risk of defeat; for unless they stood by the President against the dominant division of his own friends, the advice desired would not be given; and the embarrassment of the administration would be greater than ever. In this uneasy and uncertain state of mind, the President had many conferences with Mr. Benton, the point of which was to know, beyond the chance of mistake, how far he could rely upon the whig senators. Mr. Benton talked with them all
President Polk sent the British offer to the Senate on June 10, 1846, accompanied by his message in the form of a letter. It was with obvious relief that Polk was able to resort to an old parliamentary practice and shift the burden of the decision from his administration to the Senate. The Polk administration found itself in something of a cul-de-sac on the reception of the British offer of settlement. From the time of the Presidential campaign of 1844 it had loudly proclaimed the "clear and unquestionable" right and title of the United States to the whole of the territory up to fifty-four-forty with the only alternative being war. It was apparent now to the President that it would be impossible to acquire the whole territory and he was definitely unwilling to go to war no matter what his former assertions had been. Hence, the advice of the Senate was a God-given expedient that shifted the odium of compromise from his administration or, at the very least, made the Senate share in it and eliminated once and for all the possibility of war. In his letter to the Senate, Polk explained that

In the early periods of the government, the opinion and advice of the Senate were often taken in advance upon important questions of our foreign policy. General Washington repeatedly consulted the Senate, and asked their previous advice upon pending negotiations with foreign powers; and the Senate in every instance responded to his call by giving their advice, to which he always conformed his action. This practice, though rarely resorted to in later times, was, in my judgement, eminently wise, and may, on occasions of great importance, be properly revived. The Senate are a branch of the treaty-making power; and, by consulting them in advance of his own action upon important measures of foreign policy which may ultimately come before them for their consideration, the President secures harmony of action between that body and himself. The Senate are, moreover, a branch of the war-making power, and it may be eminently proper for the

... and saw fully that they intended to act for their country, and not for their party: and reported to the President that he would be safe in trusting to them—that their united voice would be in favor of the advice, which added to the minority of the democracy, would make the two-thirds, which were requisite." Thomas H. Benton, Thirty Year's View, II, 674-675.
Executive to take the opinion and advice of that body in advance upon any
great question which may involve in its decision the issue of peace or war.
On the present occasion, the magnitude of the subject would induce me, un-
der any circumstances, to desire the previous advice of the Senate; and
that desire is increased by the recent debates and proceedings in Congress,
which render it, in my judgement, not only respectful to the Senate, but
necessary and proper, if not indispensable, to insure harmonious action
between that body and the Executive. In conferring on the Executive the
authority to give the notice for the abrogation of the convention of 1827,
the Senate acted publicly so large a part, that a decision on the proposal
now made by the British government, without a definite knowledge of the
views of that body in reference to it, might render the question still
more complicated and difficult of adjustment. For these reasons, I invite
the consideration of the Senate to the proposal of the British government
for the settlement of the Oregon question, and ask their advice on the
subject.

My opinions and my action on the Oregon question were fully made
known to Congress in my annual message of the second of December last; and
the opinions therein expressed remain unchanged.

Should the Senate, by the constitutional majority required for the
ratification of treaties, advise the acceptance of this proposition, or
advise it with such modifications as they may, upon full deliberation,
dee proper, I shall conform my action to their advice. Should the Sen-
ate, however, decline by such constitutional majority to give such advice,
or to express an opinion on the subject, I shall consider it my duty to
reject the offer.245

After two days of furious debate with Senator William Allen, Chairman of
the Senate Committee on Foreign Relations, leading the opposition against ac-
cepting the British offer, the Senate advised the President "... to accept
the proposal of the British [sic] Government ..." by a vote of thirty-eight
to twelve.246

245Letter of President Polk to the United States Senate, Washington,
1845-1846, Serial No. L69, 547-548.

246Polk's Diary, I, 467. Pakenham immediately notified Aberdeen of the
action of the Senate and of a conference with Buchanan held the same day, in
which the American Secretary of State informed him "... that the conditions
offered by Her Majesty's Government were accepted by the Government of the
United States without the addition or alteration of a simple word." Letter of
Office 5, v. CCCXLI. Lib. of Cong., Div. of Man., Photo., pt. 2.
The vote to accept the British proposal was no sooner recorded than a storm of opposition to the ratification of any treaty based on that offer broke out in both houses of Congress. It was the last gesture of defiance by the "54° 40' men" in the face of a fait accompli. On June 15, 1846, Senator William Allen resigned his Chairmanship of the Committee on Foreign Relations, stating that

Upon a very serious question arising out of those relations, and deeply involving the nation's rights and interests, I have been unable to conform my opinion to that which recent events . . . show to be the opinion of the Senate. I deem it proper, therefore, to afford the Senate an opportunity to reconstruct the committee, with a view to that coincidence of opinion between the Senate and its committee in matters especially assigned by the former to the latter, which is essential to the unembarrassed action of the body.247

In the House of Representatives, Representative Joseph J. McDowell of Ohio, on June 16, 1846, challenged the right of both the President and the Senate to an exclusive handling of foreign affairs under the United States Constitution. He insisted that the drawing up of treaties such as that now dealing with the Oregon question was a prerogative of the whole Federal Legislature and that the duly elected representatives of the people in the House should not be excluded

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247 U. S. Cong., Senate, Cong. Globe, 29th Cong., 1st Sess., 1845-1846, XV, 972. At the same time, Senator Lewis Cass withdrew his name from any possible consideration as Allen's successor. Aligning himself solidly with the radicals, Cass considered he owed it to himself "... to declare that, in relation to the great measure to which the honorable Senator has alluded, my sentiments have accorded with his, and my course with his... we have sought the same end by the same means. There has been no difference of opinion between us. While, therefore, I shall continue to retain the subordinate station I hold upon the committee, I cannot, under any circumstances, accept the position he has filled so ably, and resigned so honorably, even should the Senate think proper to bestow it upon me. I have thought it not improper, considering my relation to the committee, to make this declaration, as the reasons the honorable Senator has given for his course, would apply, in a great measure, to myself were I the chairman and organ of the committee." Ibid. After thirteen ballots, Senator George McDuffie of South Carolina was elected to succeed Allen, June 17, 1846. Ibid., 979, 986.
Whereas the people are the only legitimate sovereigns in this republic, and are of right the arbiters of all questions relating to the annexation of foreign territory or States to the same, and of ceding their territory, and transferring American citizens with it to any foreign power: and whereas no measure involving either can be constitutionally acted on by less than the whole legislative power of the government, and under their instructions, and with their consent: and whereas it is believed and understood that the British government, under the false pretence of a claim to a portion of our territory west of the Rocky mountains, denominated Oregon Territory, to the whole of which, to the parallel of latitude 54° 40 minutes, our title is clear and unquestionable, and superior to all other title, or pretence of title, has, it is believed, within a few days past, submitted to the President, and through him to the Senate, a proposition to compromise what she insists to be the difficulty that exists between herself and this government, by which she proposes to accept nearly one-half of said territory to preserve the peace of the two governments, and compensate her for claims that have no foundation in fact; and whereas it is believed the Senate has been in secret session upon the same, and recommended and advised the President to accept the same, and embody it in the form of a treaty, to be signed by the proper officers of the two governments, and transmitted to them for ratification: and whereas it is believed that it is one of the questions that require the sanction of the people, and the action of the whole legislative power of the government, and cannot be constitutionally adjusted and settled by the treaty-making power: and whereas an attempt thus secretly to adjust the matter, when the people and their immediate representatives are ignorant of said proposition, would be doing violence to the constitution and the rights of the people, and, if consummated, of no obligatory force upon them: Be it therefore

Resolved, That in the opinion of this House, it is the duty of the President and Senate to postpone further consideration and action upon the same, and submit it to the people for their decision and instruction.

Resolved, further, That if the treaty-making power, in secret conclave, attempt to settle a question of the magnitude and importance of the Oregon question, it will furnish another example of senatorial and executive supremacy that is incompatible with the constitution and the rights of the people, and will call for a prompt corrective, to place the rights, honor, and welfare of the country in the keeping of those who will best preserve and appreciate them.

Resolved, That the object and purpose of those who desire the preservation of the liberty, honor, and true interests of this republic are best attested by open, manly action upon them, that needs no midnight veil to hide them from the public view and scrutiny; and that past experience attests that any other course but serves to steal the power of the many to
that of the Few, and thus enables one department of this government to enlarge its' circle of action, and draw within its sphere from the other all that is necessary to make it supreme.248

McDowell's resolution served only to record his opposition and that of his supporters to the compromise settlement with Great Britain. His resolution was read to the House but when the question came up of suspending the Rules so that it might be debated and brought to a vote, the measure was defeated by a vote of one hundred sixteen to thirty-five.

On June 18, 1846, Edward H. Hannegan of Indiana attempted to block acceptance of the British proposal in the Senate by introducing an amendment to the resolution ratifying the Oregon treaty which called upon and advised the President

... to offer to the Government of Great Britain as a just, fair, and equitable compromise of the conflicting claims of the two Governments connected with the country lying along between the Rocky Mountains and the Pacific Ocean, extending from the parallel of forty-two degrees to fifty-four degrees and forty minutes north latitude, and including the islands embraced within said parallels of latitude adjacent to the coast, the following as the fundamental provisions for a treaty between the two Governments:

First. The Government of Great Britain shall acknowledge the right of soil, and the sovereignty, to exist and be with the United States, to the whole territory above described, and shall abandon to the United States all claim which shall in any manner conflict with the paramount jurisdiction of the United States therein.

Second. The United States shall guarantee to the Hudson's Bay Company for twenty years from the date of such treaty the most perfect security in all their possessions, and the right to pursue their business of hunting and trapping, with all the immunities which pertain thereto, and to trade during that period with the natives; and the use during that time of the ports, rivers, and harbors, within said territory, without charge or hinderance.

Third. Within twelve months from the date of said treaty, commissioners shall be selected by, and on behalf of, the respective Governments, whose duty it shall be to assess at just and liberal prices the value of the property of the Hudson's Bay Company within said territory, which

amount, when ascertained, shall be paid by the United States to said company, in such manner, and at such time, as shall be agreed upon between the United States and Great Britain.249

Hannegan's measure, however, was defeated by a vote of forty-two to five.250

Senator Lewis Cass, the same day, explained to the Senate why he was so opposed to the ratification of the British offer of settlement. He objected principally to the impetuous acceptance of a document drawn up in England without carefully bargaining for more concessions and eliminating certain odious provisions. He maintained that the twelve-month period provided by the joint-occupation convention just terminated, would give the United States ample time to "... communicate our own views more than twenty times to the British Government, and more than twenty times receive their acceptance or modification of them."251 The provisions he particularly objected to in the present draft as infringing on the sovereignty of the United States and conceding too much to Great Britain below the forty-ninth parallel, were: the guaranteeing of the possessory rights of the Hudson's Bay Company and other British subjects and corporations; the cession of the tip of Vancouver Island; and the making of the Straits of San Juan de Fuca "free and open to both parties." In fact, Cass


250Ibid. Those voting for Hannegan's amendment were: Senators Atchison (Mo.), Cameron (Penn.), Hannegan (Ind.), Semple (Ill.), and Sturgeon (Penn.). Those abstaining from the vote on the amendment, but who later voted against the ratification of the treaty were: Senators Allen (Ohio), Breese (Ill.), Bright (Ind.), Cass (Mich.), Dickinson (N. Y.), Fairfield (Me.), Jenness (N. H.) and Westcott (Fla.). Senator Atherton (N. H.) voted against Hannegan's amendment and also voted against the ratification of the treaty. Ibid.

maintained that because of these provisions "... the line of this treaty is not the parallel of 49°." 252

These eleventh-hour attempts by the "54° 40' men" to block the treaty were unavailing, however. The Convention between the United States and Great Britain settling the Oregon boundary dispute was ratified by the Senate forty-one to fourteen on June 18, 1846. 253

The reaction of the American people to the compromise settlement of the Oregon question was one of general approval. Upon learning of the agreement reached by the two governments, John C. Calhoun wrote to a friend:

The Settlement is a great point, just at this critical moment, when we have a war on hand, which might have become formidable, if it had been left open. It is to me a great triumph. When I arrived here, it was dangerous to whisper it, and I was thought to have taken a hazardous step in asserting, that Mr. Polk had not disgraced the country in offering it. Now a treaty is made on it with nearly the unanimous voice of the Country. 254

Richard Rush, who had played a prominent part in the early negotiations, hastened to compliment James Buchanan on the successful settlement of an important and dangerous issue.

252 Ibid., 26-31.

253 Polk's Diary, I, 479. President Polk ignored the rantings of these congressional die-hards. Commenting on their actions in his diary for June 24, 1846, Polk righteously asserts that "... they can find no just cause of complaint against me, because my message transmitting the proposal to the Senate, as they know, repeated the doctrines and positions of my annual message of the 2d December last, which they had over and over again approved. Their course is that of spoiled children. I have treated them with great civility and have yielded to their wishes about appointments in their respective States until they seem to have come to the conclusion that I must administer the Government precisely as they may direct. In this they will find themselves mistaken." Ibid., I, 487.

On the whole, I think you made a wise settlement of that long-pending difficulty. My own impression was ever very strong, that England was ready to appeal to the sword, unless she got territory and advantages south of 49°; and I will candidly own to you that she took up with "fewer" at last than I supposed she would have done. This I ascribe to the energy and whole course of our government, since Mr. Polk came in, at which I was a little startled at first, but it came out nobly. 255

The American press proclaimed itself well satisfied with the final outcome.

255 Letter of Richard Rush to James Buchanan, Sydenham, Pennsylvania, August 18, 1846. The Works of James Buchanan, Comprising his Speeches, State Papers, and Private Correspondence; collected and edited by John Bassett Moore, 12 v., Philadelphia, 1908-1911, VII, 66. Other prominent men engaged in the Oregon negotiations at one time or another had long predicted a settlement of the question along the forty-ninth parallel. As early as December 14, 1845, John Quincy Adams, in commenting on Pakenham's abrupt rejection of the American offer of the forty-ninth parallel, stated as his opinion that "... this offer should never again be made, nor accepted if offered by Great Britain herself; but it is too clear to me that Mr. Polk will finish by accepting it." Memoirs of John Quincy Adams; Comprising Portions of his Diary from 1795 to 1848, edited by Charles Francis Adams, 12 v., Philadelphia, 1874-1877, XII, 220-221. Former President Tyler did not consider war over Oregon a likely prospect and set down the reasons for his opinion in a letter to his son, January 1, 1846. "... I do not feel so entirely confident of war as you are. The immense interests at stake upon the land and the high seas will cause both countries to pause ere they draw the sword. Each will bluster and threaten, but that over they will think, and thinking hesitate. I go for peace if it can be preserved on fair terms. The United States require still a peace of twenty years, and then they hold in their hands the destiny of the human race. But if war does come, we shall fight on the side of right. Our claim to Oregon to the forty-ninth is clear; what lies beyond is attended with colorable title on the part of great [sic] Britain by the exploration of Fraser's river by McKenzie; but it is only colorable." Letter of John Tyler to R. Tyler, Sherwood Forest [Virginia], January 1, 1846. Lyon Gardiner Tyler, The Letters and Times of the Tylers, 3 v. Richmond, Virginia, 1884-1896, II, 449. Writing on April 6, 1846, Edward Everett, former United States Minister and at the time President of Harvard College, assumed "... England will be willing to compromise on the basis of the 49 degree, which I have no doubt she will, if no insuperable difficulty arises in reference to the Navigation of the Columbia River ... As the great objection alleged by England of late years to accepting the 49th degree has been that they could not now accept what they had three times before declined, they may possibly,—to save the point of honor,—insist on reserving the navigation of the Columbia "if navigable"; and the President has so committed himself on this point, that he may not be able to make this hypothetical concession, although certain that the river is not navigable. But as this on both sides is mere punctilio, it may be hoped there will be common sense enough on the part of the two governments to get over it." Letter of Edward Everett to John C. Calhoun, Cambridge, Massachusetts, April 6, 1846. "Correspondence of
of the negotiations. Even the radical journals which had fanatically demanded the whole territory up to fifty-four-forty surprisingly enough acquiesced in the settlement as probably being the best that could be hoped for under the circumstances. Editorial comment such as the following was common in the leading journals of the day.

The settlement of this question is hailed at the East by men of all parties as a great event, and the beginning of the continuation of a peace which will not soon be broken . . . .

The course of the Senate has been dignified and patriotic. There was much to disturb its equanimity and break its counsels. But overlooking all temporary causes, and determining to do what was right, the majority of both parties took counsel together, and saved the country from war, and so saved it as to make peace with Great Britain certain for long years to come—we hope, forever.256

Even in Oregon, where one might expect tempers to be at white heat and the drive for the whole of the territory to be a matter of life and death, the final settlement was accepted with good grace and, to a certain extent, a show of enthusiasm. When the news reached Oregon months after the final accord between the two governments, the sole newspaper in the territory expressed its sincere approval of the adjustment of the boundary in the following words:

The advantages that will accrue to Oregon from the adjustment of this question are numerous and important. Although as Americans, we might have wishes that the whole of the territory could have been ours, even up to 54 degrees 40 minutes, yet, if it could not have been obtained without an entailment of the miseries of war, it were wise and far better, in our judgement, that the matter should terminate as it has.257

John C. Calhoun," II, pt. 2, 1080-1081

256 Cincinnati, Ohio, Daily Gazette, June 20, 1846.

257 The Oregon Spectator, v. 1, no. 21, November 12, 1846. While describing the celebration held upon learning of the settlement of the boundary, the same issue of the Spectator indicated the military preparedness of the territory even at that late date. "Upon the reception of the news of the settlement of the Oregon boundary question, the only piece of ordnance owned in any way by the territory—a twelve pounder . . . . was quickly mounted upon the rocks, on the
One point in the Oregon boundary settlement which might have proved a 
source of future conflict was Article II, providing for the free navigation of 
the Columbia river by the Hudson's Bay Company and other British subjects. The 
wording was of such a general nature that each side was able to attach its own 
interpretation to the article and proceeded to do so at once. 258 James Buchanan 
confided to Louis McLane that the Senate advised the acceptance of the British 
draft-treaty with the understanding that the right of the Hudson's Bay Company 
to navigate the Columbia river would expire with the company's license to trade 
with the Indians, May 30, 1859. Buchanan stated that he had so informed the 
British Minister in Washington of this interpretation and had requested him to 
communicate it to Lord Aberdeen, the British Foreign Secretary. Buchanan also 
thought it probable that when the treaty was sent to the Senate for its final 
approval that body would place on their record, in some form or other, this in-
terpretation of the second article of the treaty. 259

Pakenham duly informed Lord Aberdeen of the American interpretation of the 
second article of the treaty and in his reply, Aberdeen set forth the British 

river bank, and a salute of twenty one guns fired under the direction of our 
mayor, A. L. Lovejoy, Esq." Ibid.

258 For the wording of Article II in the Oregon Treaty see Appendix XIII.

259Letter of James Buchanan to Louis McLane, Washington, June 13, 1846. 
Nat. Arch., Dept. of State, Diplomatic Instructions, Great Britain, v. XV, 
April 16, 1840-July 21, 1849. The same day, Buchanan repeated his construction 
of the second article of the treaty in a letter to John Randolph Clay, American 
Ambassador to Russia. "The Navigation of the Columbia is conceded, not to Brit-
ish subjects generally, but to the Hudson's Bay Company and those trading with
it. To this concession there is no express limitation of time; but it was be-
lieved by the Senate that, under the true construction of the project, this
grant will expire on the 30th May, 1859, the date of the termination of the ex-
sting license to that company, to trade with the Indians, etc., etc., on the
Northwest Coast of America." John Bassett Moore, Works of Buchanan, VII, 10.
understanding of the provision.

Nothing in fact can well be clearer than the language of that Article. In drawing it up, I had not the smallest intention of restricting the British right to navigate the Columbia in the manner supposed, nor can I comprehend how such a supposition could have been entertained by the Senate, for I have reason to know that Mr. McLane fully and faithfully reported to his Government all that passed between himself and me respecting the navigation of the Columbia. In every conversation that we held on the subject of the proposed Treaty, I not only declared to Mr. McLane that we must insist on the permanent right being secured to us to navigate the Columbia, but I even shewed him the project of the Treaty and on his expressing an apprehension that the provision contained in the second Article would not be accepted, unless the right of navigation were limited to a term of years, I positively declined to accede to this suggestion. 260

The British, however, were not disposed to make an issue of the matter as is evident from a despatch from McLane to Buchanan on July 3, 1846. McLane informed the Secretary of State that if the President and Senate had proposed a modification of the right to navigate the Columbia, limiting it to a term of years, that modification would have been accepted by the Peel Ministry before its resignation on June 30, 1846. 261


261 Letter of Louis McLane to James Buchanan, London, July 3, 1846. Nat. Arch., Dept. of State, Despatches, Great Britain, v. LVI, Louis McLane, J. McHenry Boyd, August 4, 1845—November 16, 1846. McLane further stated in his despatch that it was now obvious that he had overrated the intransigence of the President and the American government on the subject of navigating the Columbia river and that both Aberdeen and Pakenham, being better informed of the true mind of the American government, did not hesitate to pass over his advice to restrict their claim to a number of years, and to confidently put forward an unrestricted claim to its navigation. However, Aberdeen was unwilling to go along with the Senate's interpretation of the second article of the treaty but agreed that "... it would remain a question of construction to be considered and decided when the occasion for it might arise." In fact, McLane now thought that the British government did not consider the navigation of the river of much importance. Ibid.

The Peel Ministry was succeeded by that of Lord John Russell and Viscount Palmerston replaced Lord Aberdeen as Foreign Secretary.
As a matter of fact, nothing ever came of the rival interpretations of the second article of the Oregon treaty. The Hudson's Bay Company which began withdrawing from the trapped-out area south of the forty-ninth parallel in 1843 had almost completed the move by 1846. And with the liquidation a few years later of the assets of the company and its subsidiary, the Puget Sound Agricultural Company, south of the forty-ninth parallel, all occasion to navigate the Columbia by employees of those companies and British subjects in general, ceased.

On June 22, 1846, Secretary Buchanan forwarded the American ratification of the Oregon treaty to McLane and requested that it be exchanged against the British ratification as soon as possible.262 Louis McLane notified the British Foreign Secretary, Viscount Palmerston, that he had been authorized to exchange ratifications of the Oregon treaty and proposed that the exchange take place not later than July 18, 1846. Palmerston agreed to this and set the time at 3:00 P.M., July 17, 1846, for the carrying out of this diplomatic ceremonial.263

McLane advised Buchanan on July 17, 1846, that the ratifications had been exchanged and concluded his despatch with the following observation which was somewhat prophetic as far as future relations between the two countries were concerned.

"It ought to be a source of satisfaction that, the most critical question in the relations between the two countries has thus been happily concluded; and that the last provision remaining to be settled under the Treaty of

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seventeen hundred and eighty three may now be regarded as finally disposed of in a manner generally satisfactory to the People of both countries. I cannot doubt that all Statesmen sincerely desiring the happiness of our own country, may well cherish a hope that in future more friendly and cordial relations may grow up between two kindred nations, whose general prosperity is so materially dependent upon their mutual amity and upon the peace of the world.264

President Polk notified the United States Congress by letter on August 5, 1846, that ratifications had been exchanged. Thus was brought to a successful conclusion a question which had plagued Great Britain since the Nootka Sound Controversy of 1790 and had been a subject of dispute between the United States and Great Britain since 1818.265

The Oregon Treaty, in the overall view, might be said to be a testimonial to the good sense and mutual forbearance of those involved: Hudson's Bay Company employees, American settlers, the British Foreign office, and, at least in moments of crisis, the United States government. The cordial relations which exist today between Canada and the United States and between the United States and England can be traced back, in part at least, to the amicable settlement of the last great territorial problem growing out of the establishment of the borders of the United States.


EPILOGUE

The Oregon Treaty of 1846 settled the major boundary issue between the United States and Great Britain but the execution of certain provisions of the treaty resulted in minor yet prolonged controversies between the two nations. The first of these occurred as early as 1850. According to Article III of the Oregon Treaty "... the possessory rights of the Hudson's Bay Company and of all British subjects who may be already in the occupation of land or other property, lawfully acquired within the said Territory, shall be respected."\(^1\)

While Article IV stipulated that

The farms, lands, and other property of every description belonging to the Puget's Sound Agricultural Company on the north side of the Columbia River, shall be confirmed to the said Company. In case however the situation of those farms and lands should be considered by the United States to be of public and political importance, and the United States' Government should signify a desire to obtain possession of the whole, or of any part thereof, the property so required shall be transferred to the said Government, at a proper valuation, to be agreed upon between the Parties.\(^2\)

Negotiations between the two countries and between the commissioners appointed by each for the purpose of evaluating the possessions of the Hudson's Bay Company and its subsidiary, the Puget Sound Agricultural Company, extended from 1850 to 1869. It was finally agreed, September 10, 1869, that the United States would acquire the property of the Hudson's Bay Company for $450,000 and

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\(^1\)For the provisions of the Oregon Treaty see Appendix XIII.

\(^2\)Ibid.
that of the Puget Sound Agricultural Company for $200,000. 3

A more complex point of conflict resulted from the indefinite wording of the Puget Sound water boundary contained in Article I of the treaty. The Article provided that

From the point on the forty-ninth parallel of north latitude where the boundary laid down in existing treaties and conventions between the United States and Great Britain terminates, the line of boundary between the territories of the United States and those of Her Britannic Majesty shall be continued westward along the said forty-ninth parallel of north latitude to the middle of the channel which separates the continent from Vancouver's Island; and thence southerly through the middle of the said channel, and of Fuca's Straits to the Pacific Ocean; provided, however, that the navigation of the whole of the said channel and Straits south of the forty ninth parallel of north latitude remain free and open to both Parties. 4

A dispute immediately broke out as to the ownership of the islands constituting the San Juan Archipelago lying in the middle of "Fuca's Straits."

The Archipelago consisted of San Juan Island—the largest, containing around 50,000 acres—Orcas, Lopez, Waldron, Blakeley, Decatur, Shaw, and several smaller islands. The United States contended that the boundary should follow Haro Strait, the main channel of San Juan de Fuca Strait, thereby conferring

3For the correspondence relating to the possessory rights of these two companies as carried on between the officials of the companies and the governments of Great Britain and the United States and between the two governments, see U. S. Cong., Senate, Senate Executive Documents, 31st Cong., 2nd Sess., 1850-1851, Serial No. 589, III, Doc. 20.

The diplomatic correspondence as well as the agreements reached between the United States and Great Britain on the subject of extinguishing the property titles of these two companies can be found in History and Digest of the International Arbitrations to Which the United States has been a Party, Together with Appendices Containing the Treaties Relating to Such Arbitrations, and Historical and Legal Notes, 6v., Washington, D. C., 1898, I, 237-270.

It must be noted that the extended length of time covered by these negotiations was not occasioned by the intricacy of the subject under negotiation. The outbreak of the American Civil War indefinitely postponed the settlement of a number of minor issues being negotiated by the United States State Department at the time.

4For the wording of this Article see Appendix XIII.
all the islands on the United States. The English claimed the boundary should be drawn through Rosario Strait, a channel less than half the width of Haro Strait and considerably east of the middle of San Juan de Fuca Strait at the forty-ninth parallel. This would bring the islands of the Archipelago within the boundaries of Canada.

The dispute settled around San Juan Island where a joint-occupation situation early developed: the Hudson's Bay Company maintaining farms and herds on the island for the use of the company's traders, and about twenty-five Americans and their families being settled on the land engaged in the same pursuits. The British considered the Islands a part of the Province of British Columbia and therefore under the jurisdiction of its governor, Sir James Douglas. The Oregon Legislature, on the other hand, organized the islands as part of Oregon Territory in 1852 and renamed the district Island County.5

During the year 1856-1857 the correspondence between the United States and Great Britain relative to this undefined boundary resulted in the appointment of commissioners by the respective governments to attempt to find a solution to the problem. The commissioners accomplished nothing, however, each adhering tenaciously to his own country's interpretation of the boundary.

Relations between the inhabitants of San Juan Island deteriorated considerably in the interval. A crisis was precipitated by the so-called "Pig War" of 1859. Lyman A. Cutler, an American settler, became incensed at the periodic forays into his garden of a Hudson's Bay Company pig and shot the beast. The Hudson's Bay Company demanded that he pay for the animal and when he refused

5 Island County became part of Washington Territory the following year when that Territory was organized by Congress.
brought a magistrate from Vancouver Island to arrest him. When Cutler offered to shoot the magistrate and any Hudson's Bay Company man who dared set foot on his property, the British prudently desisted.

Another factor served to complicate matters at this point. Indian tribes from Vancouver Island and the British Columbia mainland were raiding the islands and even the mainland of Washington Territory as far south as Fort Townsend with increasing frequency. The British at Fort Victoria were either unable or unwilling to control these northern Indians in spite of the frequent petitions of the island settlers to do so. Consequently, when Brigadier-General William S. Harney, commander of the military department of Oregon, visited San Juan Island in July, 1860, the American settlers petitioned him to garrison the island with American troops both to protect them from the Indians and from any possible overt act on the part of the Hudson's Bay Company's employees. Accordingly, Harney ordered Captain George E. Pickett on July 18, 1860, to transfer his company of soldiers from Fort Bellingham, Washington Territory, to San Juan Island. On July 31, 1860, Pickett was reinforced by another company from Fort Steilacoom, Washington Territory.

Governor Douglas of British Columbia protested these proceedings both to General Harney and to the British Colonial Office. He received no satisfaction from Harney but the Colonial Office ordered Lord Lyons, the British Ambassador in Washington, to remonstrate with Secretary of State Lewis Cass regarding this

6It is interesting to note that Captain Pickett later joined the Confederacy in the American Civil War. He was commissioned a General, commanded a division under Longstreet, and led the abortive charge at the Battle of Gettysburg. Dictionary of American Biography; Published under the Auspices of the American Council of Learned Societies; edited by Allen Johnson and Dumas Malone, 21v., New York, 1928-1944, XIV, 570-571.
bold assumption of sovereignty on the part of the United States. President Buchanan, fearing some incident might grow out of this negligible boundary dispute that would endanger the harmony then existing between the two countries, ordered General Winfield Scott to the Pacific coast to evaluate the situation and attempt to arrive at a modus vivendi until such time as a solution could be arrived at through diplomatic channels.

After consultation with Harney and Pickett, Scott commenced a correspondence with Governor Douglas in which he suggested that both countries jointly occupy San Juan Island with military forces as a temporary measure to insure the peace. As a guarantee of American good faith, Scott then ordered one company of American troops withdrawn from San Juan Island. Governor Douglas, however, was unable to act on Scott's suggestion without referring the matter to his home government. Consequently, it was not until March, 1861, that a detachment of British marines equal in number to the American occupying force was landed on San Juan Island from the British squadron stationed in Puget Sound. This definitely served to quiet the island. The respective commanders observed the utmost courtesy towards each other, as they had been instructed to do, the troops soon fell to fraternizing with one another, and the British and American populations, if not friendly, at least followed the example of armed neutrality set for them by the military.

Since little could be hoped for from the commissions set up to settle the boundary, the British government authorized Lord Lyons on December 10, 1860, to propose arbitration by one of three European powers: Belgium, Denmark, or the Swiss Republic. The American Civil War, however, prevented the United States government from taking any action on this proposal and the San Juan question
was relegated to the background for the time being.

The question was allowed to drift along until 1871, when Great Britain sent five commissioners to the United States to negotiate a treaty which was concluded on May 8, 1871, and known as the Treaty of Washington. The thirty-fourth article of that treaty dealt with the San Juan boundary question and stipulated

... that the respective claims of the government of the United States and the government of Her Britannic Majesty shall be submitted to the arbitration and award of his Majesty the emperor of Germany, who, having regard to the above-mentioned article of the said treaty, shall decide thereupon, finally and without appeal, which of those claims is in the most accordance with the true interpretation of the treaty of June 15, 1846.7

Emperor William I of Germany accepted the office of arbitrator and, after considering the carefully prepared cases of both nations, handed down a decision favorable to the United States on October 21, 1872. The decision of the German Emperor that the boundary line was to run through the middle of Haro Strait thereby awarding the San Juan Archipelago to the United States, was drawn up in protocol form with accompanying charts and signed by both parties in Washington, D. C., March 10, 1873.8

The unavoidable delay attendant upon the survey and marking of such a complicated line, prevented the United States and Great Britain from formally sanctioning the final boundary until 1908 when the details of the survey were incorporated into a treaty signed at Washington, D. C., April 11, 1908. Thus

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8History and Digest of the International Arbitrations to Which the United States Has Been a Party, I, 226-235.
after almost ninety years of dispute the boundary between the United States and Canada was finally extended to the Pacific Ocean.9

9 For a very fine and detailed account of the whole San Juan Island controversy see Hubert Howe Bancroft, History of British Columbia, 1792-1887, San Francisco, 1887, 605-639.

For a description of the water boundary between the United States and Canada as finally agreed upon see Treaties and Other International Acts of the United States of America, edited by Hunter Miller, 8v., Washington, D. C., 1931-1948, V, 101 and map facing 100.
CRITICAL ESSAY ON AUTHORITIES

There is a vast amount of material available for the use of scholars on almost any phase of the Oregon boundary dispute. This is particularly true of the final period treated in this dissertation when the diplomatic correspondence became voluminous. Much of this material has never before been used for the purpose of writing a specific history of the Oregon boundary dispute although portions of it have been consulted for other purposes.

As is generally the case when treating of any item of Pacific Northwest history, the investigator finds this material in widely scattered depositories. It comes as an initial surprise to find that there is practically nothing on the subject in the archives and libraries of the territory which was the subject of the dispute. For example, the Washington State Archives and the Washington State Library at Olympia have nothing but minutiae for the years 1840 to 1846, and even this small amount has little relevancy to the subject under consideration. There are a few valuable items in the manuscript collection of the University of Washington Library in Seattle, but these are relatively recent acquisitions and are the basis of an attempt to build a depository for Pacific Northwest Americana and Western Americana generally. The Washington State Historical Society Library in Tacoma has practically nothing which might be said to have a bearing on the Oregon boundary dispute. It is not surprising, however, that the paucity of material in this region should exist when one considers that at the time of the settlement of the Oregon boundary in 1846,
there were little more than eight American families resident in the whole territory north of the Columbia river. Moreover, if the establishments of the Hudson's Bay Company are discounted, there were no organized communities of any kind in the whole region. It is little wonder then that the source material required to construct a history of this boundary dispute should be found elsewhere as will be indicated below in the treatment of the material itself.

MANUSCRIPT SOURCES.

The best single collection bearing on the Oregon boundary dispute in the Oregon country itself is the Bancroft Collection at the University of California Library in Berkeley. The bulk of this material is the result of a project carried out by Mr. Hubert Howe Bancroft and his assistants between 1878 and 1885 of interviewing any and all surviving Oregon immigrants they could contact. Although by this time these pioneers were well along in years and their memories not entirely reliable, it is amazing that in almost every instance their accounts substantially and essentially agree with one another and with facts known from other reputable sources. The possibility of collusion on the part of these immigrants can be ruled out almost completely since the interviews were held in communities extending from Victoria, British Columbia, to San Francisco, California, and their accounts were taken down in longhand on the spot by Mr. Bancroft and his assistants. In this category of original manuscript sources might be listed the following: Alexander Caulfield Anderson, History of the Northwest Coast, Victoria, 1878; Jesse Applegate, Views of Oregon History, Yoncalla, Oregon, 1878; James Athey, Workshops at Oregon City, Oregon City, 1878; J. M. Bacon, Mercantile Life at Oregon City, Oregon City,
1878; W. W. Buck, Enterprises at Oregon City, Oregon City, 1878; Camp Fire Orations by W. C. Myer, Joseph Watt, J. W. Nesmith, W. J. Herron, Mrs. John Minto, Wm. Shaw, G. B. Jackson, Col. White, and Mr. (James) Morris, Salem, Oregon, 1878; George F. Chadwick, The Public Records at Salem, Portland, Oregon, 1878; P. N. Compton, Forts and Fort Life in New Caledonia under Hudson's Bay Company Regime, Victoria, 1878; Medorem Crawford, The Missionaries and their Work, Salem, Oregon, 1878; Roderick Finlayson, The History of Vancouver Island and the Northwest Coast, Victoria, 1878; Ninevah Ford, The Pioneer Road Makers, Salem, Oregon, 1878; Lafayette Grover, Notable Things in a Public Life in Oregon, San Francisco, 1878; Samuel Hancock, Thirteen Year's Residence on the Northwest Coast, Containing an Account of the Travels and Adventures Among the Indians, their Manners and Customs and their Treatment of Prisoners, and also a Description of the Country, Whidby Island, Washington, n.d.; Mrs. Dan Harvey, Life of John McLoughlin, Governor of the Hudson's Bay Company's Possessions on the Pacific Slope at Fort Vancouver, by his daughter, Mrs. Harvey, Portland, Oregon, 1878; Horace Holden, Oregon Pioneering, Salem, Oregon, 1878; P. C. Kaiser, Narrative, n.p., n.d.; John Burck McClane, First Wagon Train to Oregon, Salem, Oregon, 1878; Archibald McKinlay, Narrative of a Chief Factor of the Hudson's Bay Company, Victoria, 1878; F. X. Matthieu, Refugee, Trapper and Settler, Salem, Oregon, 1878; John Minto, Early Days of Oregon, Salem, Oregon, 1878; Sydney S. Moss, Pictures of Pioneer Times at Oregon City, Oregon City, Oregon, 1878; J. W. Nesmith, Reminiscences, Salem, Oregon, 1878; Joel Palmer, Conducting the Wagon Trains. Flanking Mt. Hood and Cariboo, Salem, Oregon, 1878; Reverend J. L. Parrish, Anecdotes of Intercourse with the Indians, Salem, Oregon, 1878; F. W. Pettygrove, Oregon in 1843, Port Townsend, Washington, 1878;

Another type of manuscript to be found in the Bancroft Collection are accounts written by the pioneers themselves. These were acquired by Mr. Bancroft either at the time of the interviews or later. Some few of the immigrants requested that they be allowed to write up their own accounts instead of following his interview system to which, of course, he gladly assented. Others, besides being interviewed by Mr. Bancroft, gave him at the time or forwarded to him later, diaries, account books, notebooks, letters, and miscellaneous items of their own or of others which they had in their possession and which dated back to the time of their immigration and early residence in the Oregon country.

An equally fertile source of information on the early Oregon country and one that cannot be overlooked by scholars interested in the history of the Pacific Northwest is to be found at the other extreme of the continent, namely the Coe Collection in the Yale University Library, New Haven, Connecticut. Especially useful for the purposes of this dissertation were: The Letters of Jesse Applegate, Pioneer of Oregon in the Emigration of 1843; detailing affairs in Missouri 1830-42; on the Overland and in the Oregon Territory, 1843-47; with a Short History of the Oregon Gov't since he became a Citizen of the Territory. Folio, laid in one half Morocco slip-case with transcript. 1830-47. Of these original letters, those under date of July 16, 1842, February 15, 1846, and August 10, 1846, might be cited as being outstanding in portraying the Oregon country and its problems during the years under consideration.

Two very valuable manuscripts in the Coe Collection are the personal accounts of two members of the Wilkes expedition which serve to corroborate the official printed report of the expedition. Moreover, these accounts contain personal observations and descriptive passages not contained in the official report and thereby prove a valuable supplement to that report. The two manuscripts are listed in the Coe Collection as follows: Henry Eld, The Original Manuscript Narrative, or Way-Journal of the Wilkes U. S. Exploring Expedition from its set out on September 7th to its arrival at San Francisco, October 28, 1841. Illustrated with a series of forty-three original manuscript maps of the
entire route and regions traversed, from the Yamhill Country in the Willamette Valley to the Bay of San Francisco, 126 pp. The Original Manuscript draft copy (lacking folios 3, 7 and 9) of the Chebalis-Grays Harbor Expedition, August 11-September 7th, 1841. Three portfolios of original views, containing 42 pencil sketches including Fort Vancouver, Bakers Bay, Elickatat Indians, Columbia River, Old Mission House, Willamette Encampment, Crossing the Umpqua Mountains, Massacre Camp on Rogue River, Sacramento River and Plains, Emmon's Right (?) off Yolo, scenes in the South Seas, etc., 126 pp. plus 30 pp. . . . In all 5 vols., folio . . . August 11-Oct. 28, 1841; and, Lieutenant George Foster Emmons, The Manuscript Journals Kept while he was attached to the South Sea Surveying and Exploring Expedition, U. S. Sloop-of-War "Peacock" and "Vincennes." 3 vols. (320 pp., 314 pp., 284 pp.) Vol. 3 . . . Hawaii to the Northwest Coast; wreck of the "Peacock"; Explorations in Oregon; overland from Columbia River to San Francisco . . . Letters and expeditionary Correspondence [Laid in]: Forty-six letters and documents, including correspondence, orders and communications of Wilkes, Underwood, Bacon, Hudson, Sawyer, Alden, Pickney, Gouthney, Reynolds, Totten, John McLoughlin, James D. Dana, Cornelius Rogers, Thomas McKay and Cadwalader Ringgold.

Another interesting item contained in the Coe Collection is a photostatic copy of: Biographical Sketches of the Life of William Henry Rector Including the Narrative of his Trip Across the Plains to Oregon in 1845. Written by Himself. One of two photostatic copies of Original Manuscript. 91 pp. . . . This is a valuable addition to like accounts listed above in the Bancroft Collection.

Finally, the Coe Collection has a remarkable collection of original let-
letters to the Presbyterian missionary, Elkanah Walker, and his wife. These letters cover the period from 1840 to 1846 and give a fine insight into protestant missionary work in the Oregon country throughout that period. The letters are from fellow missionaries and friends and for the most part are personal in content or devoted to a discussion of purely missionary activities. Some, however, were found useful in preparing this dissertation since they referred to the boundary conflict and the political situation in Oregon at the time. These were: Reverend Marcus Whitman to Reverend Walker and Eells, January 21, 1841; Cornelius Rogers to Elkanah Walker, June 22, 1841; Cornelius Rogers to Elkanah Walker, December 8, 1842; Elijah White to Messrs. Spalding, Walker, and Eells, December 12, 1842; Elijah White to Messrs. Spalding, Walker, and Eells, December 26, 1842; Elvira Perkins to Mrs. Elkanah Walker, April 11, 1843; Elvira Perkins to Mrs. Elkanah Walker, October 4, 1843; Reverend Marcus Whitman to Hon. Stephen Prentiss, May 16, 1844; A. E. Pelly to Reverend Elkanah and Mrs. Walker, October 30, 1844; Reverend Marcus Whitman to Messrs. Walker, Eells, and Spalding, July 15, 1845; Reverend Marcus Whitman to Messrs. Walker, Eells, and Spalding, October 29, 1845; John L. Lewes to Elkanah Walker, October 5, 1846.

The Oregon Historical Society Library in Portland, Oregon, contains many items bearing directly on the subject of this dissertation and a mass of material on Pacific Northwest history in general. A large percentage of the manuscripts in this library have never been published or even consulted by scholars and should prove a mine of information on a number of aspects of Northwest history. The following manuscript was especially useful in composing this dissertation in that it provides a fine account of the operations of the Hudson's Bay Company in the disputed territory composed by one of the company's employees.
George T. Allan, *Reminiscences of Fort Vancouver on Columbia River, Oregon, as it stood in 1832*, and some account of the Hudson's Bay Company's farm there, the mode of trade with the Indians and personal recollections of Dr. John McLoughlin and other matters by a then resident of that place. Extract from a letter written in 1832 from Vancouver to a friend at home.

The Oregon Historical Society Library also contains an extensive file of the letters of the Oregon immigrant, Jesse Applegate, which, when used in conjunction with those in the Doe Collection, almost constitute in themselves a contemporary history of the Oregon country at the time of the boundary dispute. Noteworthy among these is the letter of Jesse Applegate to his brother Lisbon Applegate, June 16, 1845. Other letters of a much later date to fellow immigrants and friends, constitute more of a review of the events of the period than contemporary accounts but are scarcely less valuable for that reason. In this category are his letters to Matthew P. Deady of November 6, 16, and 25, 1864, August 1, 1867, July 11, 1875; and one letter addressed to John Hinto, December 12, 1883.

The manuscript collection of the University of Oregon at Eugene, known as the Oregon Collection, also has numerous items of interest to Northwest scholars. The bulk of these, however, deal with the history of the Oregon country after 1846 and therefore were not relevant within the scope of this dissertation. The University of Oregon Library has also adopted the policy of filing printed, contemporary sources in the Oregon Collection which facilitates the work of the researcher in consulting rare and out-of-print books, but most of these works can be found elsewhere and certainly in the Library of Congress. Of the manuscripts in the Oregon Collection, the Papers of Medorem Crawford,
1842-1891; and the Diary and Account Books of William T. Newby, 1843, 1861-1864, Lv., were very useful in reconstructing events in Oregon during the boundary dispute. The Oregon Collection also possesses: Photostatic Copies of Letters, Contracts, Receipts and other Documents . . . of the Collection of Philip Foster who came to Oregon in 1843 . . . Compiled by Harry F. Taylor, Portland, Oregon, n.d., which provided a graphic account of the political struggle between the immigrants and the Hudson's Bay Company in the early days of the Oregon Provisional Government.

Mention has already been made of some few important manuscripts in the collection of the University of Washington Library in Seattle. Chief among these is the work of Alexander Caulfield Anderson, The Origin of the Puget Sound Agricultural Company, Port Misqually, n.p., 1865+. This brochure was prepared for the use of the commission appointed to examine and report upon the claims of the Hudson's Bay Company and the Puget Sound Agricultural Company under the Oregon Treaty of 1846. The Library also has a collection of Letters of Sir James Douglas covering the years 1841 to 1853. Some of these are originals others are photostatic copies acquired to complete the collection. Another interesting and useful item, similar to those found in the Bancroft Collection, is the work of Arno Dosch, Oregon's Beginnings, n.p., n.d. The University of Washington Library also possesses seven hundred fifty-three photostatic records of the Journal of Occurrences at Misqually House . . . 1833-1837 . . . together with the Journal of the Puget Sound Agricultural Company, 1858-1859. This journal is of the utmost importance in that it provides a day-by-day account extending over a period of years of the actual operation of a Hudson's Bay Company trading post in the disputed territory. The importance of the
University of Washington's photostatic record of this journal is diminished, however, when one realizes that the original in its entirety may be consulted in the Huntington Library, San Marino, California.

Two manuscript sources that were of value in composing this dissertation, and again are separated by the width of the country, are the Walker Collection possessed by the Huntington Library in San Marino, California, and the Diary of Henry H. Peters: San Francisco to Oregon, 1850, in the possession of the Manuscript Collection of the New York Public Library. The former is a collection of letters and personal papers of the Presbyterian missionary, Elkanah Walker, which rounds out and greatly supplements the letters in the Coe Collection. The latter provides a fine description of the Oregon country and its political life at the approximate time of the boundary settlement.

One of the largest and best manuscript collections with reference to the Oregon country is that of the Hudson's Bay Company Archives, Beaver House, London. This collection was consulted indirectly in the preparation of the dissertation, to supplement the Letters of John McLoughlin, edited by E. E. Rich. In numerous instances references were made in these volumes to letters and other pertinent material but the items themselves were not published or quoted. Application was then made to the Hudson's Bay Company Archives for extracts of this material that chanced to have a bearing on the subject of this dissertation. In this manner, the following files of the Hudson's Bay Company Archives were consulted: A 8/1 (1813-1825); A 8/2 (1826-1840); A 6/21 (1829); D h/106 (1839); A 6/25 (1840); D h/58 (1840); A 6/26 (1842-1845).

The manuscript sources of the diplomatic aspect of the Oregon boundary dispute are plentiful and easily available to any qualified scholar who is able
and has the time to take up residence in Washington, D. C. The most important depository for these documents is the National Archives where the correspondence of ministers and consuls accredited to foreign nations with the State Department is catalogued and orderly arranged. Almost without exception these "diplomatic despatches" are originals. In this dissertation the following volumes of diplomatic despatches to the State Department of American ministers to Great Britain were consulted with great profit: XXXIII, Albert Gallatin, May 3, 1826-April 27, 1827; XLVII, Andrew Stevenson, 1840; XLIX, Edward Everett, 1841-1842; L, Edward Everett, 1842-1843; LI, Edward Everett, June 3, 1843-December 30, 1843; LII, Edward Everett, January 1, 1844-June 29, 1844; LVI, Louis McLane, J. McHenry Boyd, August 4, 1845-November 16, 1846. As will also be the case in succeeding State Department documents described in this critical essay, preceding, intervening, and succeeding volumes were consulted, but the Oregon boundary dispute was found to be either not a subject of discussion at the time or references to it were of a trivial nature.

Of equal importance in the diplomacy of the Oregon question were the "diplomatic instructions" of American Secretaries of State to the United States ministers in England. Since diplomatic relations between the United States and Great Britain were only a portion of the business of the State Department, one volume suffices for their correspondence throughout the period covered by this dissertation, namely, volume XV, April 16, 1840-July 21, 1849. It should also be noted that none of these instructions are originals but copies written out in a large ledger book for the sake of reference. The originals in this era before the typewriter and other mechanical duplicating devices, were sent to England.
Two other manuscript sources relating to the Oregon boundary dispute deposited in the State Department section of the National Archives are the "Notes from the British Legation," and "Notes to the British Legation." The former are letters and other documents from the British ministers to the United States to the American Secretary of State. The volumes relevant to the period covered by this dissertation are the following: XXI, Lord Ashburton, Henry S. Fox, 1842-1844; XXII, Sir Richard Pakenham, February 26, 1844-April 16, 1845; XXIII, Sir Richard Pakenham, April 30, 1845-December 16, 1846. These documents are all originals. The "Notes to the British Legation" are communications and other documents of the American Secretaries of State to the British ministers. Again one volume suffices for the material pertinent to the subject of this dissertation, namely, volume VII, April 18, 1844-April 27, 1857. These documents are copies for the same reasons listed above in reference to the "diplomatic instructions."

The letters of American consuls to the Department of State, especially those stationed in Canada, also served to shed light on the Oregon boundary dispute. This was particularly true of the Consular Letters, St. John, New Brunswick, II, December 10, 1844-December 31, 1850. These letters are all originals.

The diplomacy of the Oregon question from British sources is just as complete and even more available than that drawn from the National Archives. The Division of Manuscripts Department of the Library of Congress, with the cooperation of the British government, has secured complete photostatic copies of the main series of despatches from and instructions to the British legation in the United States between the years 1806 and 1870 inclusive. These photostats
were made from the papers of the Foreign Office now deposited in the Public
Record Office, London, and known as Foreign Office Series 5. The reproductions
do not include printed material already available in the Library of Congress,
nor do they include, with a few exceptions, papers other than strict despatches
and instructions with their enclosures. The photostats of instructions are of
original drafts until 1835, after that date they are copies of the signed in-
structions in the Series, Foreign Office 115, of embassy and consular archives,
which are stored outside of London. The Public Record Office volumes, Foreign
Office Series 5, found most useful for the purposes of this dissertation were
volumes CCCXLVI to CCCCL inclusive. On the other hand, one volume of instruc-
tions, volume XCI, from Foreign Office Series 115 sufficed to cover the diplo-
macy of the years 1840-1846.

Since photostat paper is considerably more bulky than ordinary letter or
ledger paper, one Public Record Office volume is often represented by several
volumes of Library of Congress photostats numbered according to parts. It was
thought well to give the photostat part numbers in this dissertation as well as
the Public Record Office volume number, for the sake of clarity and easy refer-
ence. It might be noted here that the Library of Congress has duplicate sets
of these photostats which are available on inter-library loan to any reputable
public, private, or college library. The conditions attached to the loan are
simple and reasonable: either the person desiring the photostats or the libra-
ry must pay the Railway Express charges and insurance both ways; the photostats
must be used in the library to which they are assigned and under no circum-
stances are they to be taken outside the library; and, finally, the loan is for
three months with the privilege of renewal if the photostats are not in demand.
PRINTED SOURCES.

Printed sources dealing with the Oregon boundary dispute are even more plentiful than are the manuscript sources and of almost equal importance. One of the prime requisites for handling this welter of material is organization and this can be achieved only through use of the various handbooks, guides, and bibliographies that are available for this purpose. The most important and, because of the number of publications, probably the most indispensable of these is Lawrence F. Schmeckebier, Government Publications and Their Use, Washington, D. C., 1936. Equally indispensable as a guide to the Manuscript Division of the Library of Congress is the catalogue of Curtis W. Garrison, "List of Manuscript Collections in the Library of Congress to July 1931," Annual Report of the American Historical Association 1930, I, Washington, D. C., 1931. This latter work might be supplemented by Handbook of Manuscripts in the Library of Congress, Washington, D. C., 1918, however, this work is becoming somewhat obsolete at present because of its date of publication. For a general survey of manuscript depositories in the United States, The Check-list of Collections of Personal Papers in Historical Societies, University and Public Libraries and other Learned Institutions in the United States, Washington, D. C., 1918, is an excellent guide, but again, this work is somewhat out of date.

There are several excellent bibliographies dealing with Pacific Northwest history and with the resources of Northwest libraries. The first of these is Katherine B. Judson, Subject Index to the History of the Pacific Northwest and of Alaska as found in the United States Government Documents . . . 1789-1881, Olympia, Washington, 1913. If used in conjunction with Schmeckebier's work,
Miss Judson's subject index is a great help to anyone interested in some phase of Northwest history. There are also several excellent guides to the resources of Pacific Northwest libraries which greatly facilitate the work of research. The best of these is the Guide to the Manuscript Collection of the Oregon Historical Society, Portland, Oregon, 1940. Of a more general nature but of scarcely less importance are the catalogues of Charles W. Smith, A Union List of MSS in Libraries of the Pacific Northwest, Seattle, Washington, 1931, and, John Van Male, Resources of Pacific Northwest Libraries, Seattle, Washington, 1943.

A wealth of printed sources exist for a history of the Oregon country and each of them deals with the boundary dispute in some detail. They are drawn from the experiences of men and women who at one time or other had some connection with Oregon in a well-nigh infinite variety of ways: British and American explorers, trappers, fur traders, military men, business men, and government officials; Catholic missionaries and Protestant missionaries with their wives and children; and finally, both British and American immigrants representing every stratum of society and every conceivable profession. These will be described here in alphabetical order rather than in their order of importance for the sake of maintaining a minimum of clarity and coherence.

The experiences of Doctor and Mrs. Elijah White in Oregon have been very capably edited in the following work and provide an excellent contemporary and eyewitness account of the Oregon country during the period of the boundary dispute: Miss A. J. Allen, ed., Ten Years in Oregon: Travels and Adventures of Doctor E. White and Lady, West of the Rocky Mountains, with Incidents of Two Sea Voyages via Sandwich Islands around Cape Horn; Containing also, a Brief

A very valuable work, especially for any treatment of the Oregon Provisional Government, is the Biennial Report of the Secretary of State of the State of Oregon. With an Appendix Containing Names of all the Officers of the Territory and State of Oregon and Senators and Representatives in Congress with Brief Biographical Sketches of as many as could be obtained from reliable sources and members of the Oregon Executive Committees and Legislative Assemblies from 1823 [1843] to 1899. Submitted to the Twentieth Legislative Assembly for the Fiscal Years Ending December 31, 1897, and December 31, 1898. H. R. Kincaid, Secretary of State, Salem, Oregon, 1899. A brief history of the Catholic Church in the Oregon country from its earliest beginnings was published in 1878 by one of
the first Catholic missionaries in the country and its first bishop: Most Reverend Francis Norbert Blanchet, D. D., "Historical Sketches of the Catholic Church in Oregon, 1838-1878," Portland, Oregon, Catholic Sentinel, April 25, 1878. The letters of General B. L. E. Bonneville between the years 1831 and 1836 have been edited and published in the Washington Historical Quarterly, XVIII, 207-230. The originals of these are in the Adjutant General's Office in the War Department, and a guide to Bonneville's Journal, Letters, and other papers is provided in the same article on page 208.

An excellent description of the Oregon country is that of William Dunlop Brackenridge, The Brackenridge Journal for the Oregon Country, ed. O. B. Sperlin, Seattle, Washington, 1931. Brackenridge was a horticulturist employed by the Wilkes expedition and his original manuscript journal is in the Maryland Historical Society Library. One of the best accounts of the Oregon country and its institutions by a pioneer is that of Peter H. Burnett, Recollections and Opinions of an Old Pioneer, New York, 1880. Burnett was the only one of the 1845 immigration to keep a diary. The original is in possession of the Burnett family in San Francisco and has never been published in full. A "Letter from Peter H. Burnett, esq.," dated November 4, 1844, has also been published in the Oregon Historical Society Quarterly, XXIV, 105-108. A similar letter from the Oregon pioneer, Hamilton Campbell, was published under the title of a "Letter to Ezekiel Pilcher, September 12, 1840," in the Sangamo, Illinois, Journal for May 21, 1841.

An excellent work dealing with the history and official records of the Hudson's Bay Company is The Canadian Northwest: Its Early Development and Legislative Records. Minutes of the Councils of the Red River Colony and the
Northern Department of Rupert's Land, ed. Professor E. H. Oliver, 2v., Ottawa, 1914-1915. In these volumes are many of the records and orders to the Columbia Department which are a great help to an understanding of the operations of the company in the Oregon country. "The Correspondence and Journals of Captain Nathaniel J. Wyeth, 1831-6. A Record of Two Expeditions for the Occupation of the Oregon Country . . . .," ed. F. G. Young, Sources of the History of Oregon, Eugene, Oregon, 1899, I, provide a biased but nonetheless valuable account of the difficulties and competition American traders encountered in attempting to break up the monopoly of the Hudson's Bay Company in Oregon. A fine example of the propaganda disseminated by "Oregon Emigration Societies" in the early days of the westward movement is: "Editorial: Our Society and Emigration to Oregon," The Oregonian and Indian's Advocate, Boston, v. I, no. 9, 286-288. One of the many fine accounts of travelers on the Pacific coast in the early days is that of Colonel Philip Leget Edwards, California in 1837. Diary of Colonel Philip L. Edwards, Containing An Account of a Trip to the Pacific Coast, Sacramento, California, 1890. Edwards also composed a brief account of the Oregon country in 1842 which was published in the St. Louis, Missouri, Liberty Banner for September 15, 1842, and later republished in the St. Louis, Missouri, New Era for May 25, 1843.

A work that had considerable influence in forming American public opinion on the Oregon question was that of the American traveler, publicist, and apologist, Thomas J. Farnham, Travels in the Great Western Prairies, The Anahuac and Rocky Mountains, and in The Oregon Territory, 2v., London, 1843. A like account, but of a more official nature, and one which was instrumental in stirring up American enthusiasm for Oregon was Brevet-Captain John C. Frémont's
Report of the Exploring Expedition to the Rocky Mountains in the year 1842, and
to Oregon and North California in the Years 1843-4, Washington, D. C., 1845.
The "Diary of Reverend George Gary," Notes by Charles Henry Carey, Oregon Historical Society Quarterly, XXIV, 63-105, 153-185, 269-333, 386-435, provides a
detailed account of the difficulties and dissensions of the Protestant missionaries in Oregon as well as his own personal impression of the country, its political institutions, and inhabitants. A similar item is that edited by Robert
Moulton Gatke, "A Document of Mission History, 1833-1843," Oregon Historical Society Quarterly, XXXVI, 71-91, 163-181. The original of this document is in
the Archives of the Board of Missions of the Methodist Episcopal Church in New York.

A work that is completely useless as far as Oregon history is concerned, but one which, because of its bias, mendacity, and complete lack of accuracy, precipitated intense research in Oregon history is that of the pioneer Protestant missionary W. H. Gray, A History of Oregon, 1792-1849, Drawn from Personal Observation and Authentic Information, Portland, Oregon, 1870.

One of the more important narratives composed by an early western traveler and Oregon pioneer is that of Samuel Hancock, The Narrative of Samuel Hancock, 1845-1860, with an introduction by Arthur D. Howden Smith and a map of the Oregon Trail, New York, 1927.

Of the many guide books published by Oregon publicists and propagandists for the use of immigrants, probably the most famous, not by reason of its accuracy but by reason of its influence, is that of Lansford W. Hastings, The Emigrant's Guide to Oregon and California by Lansford W. Hastings; reproduced in facsimile from the original edition of 1845, with historical note and bibli-
ography by Charles Henry Carey, Princeton, N. J., 1932. A similar guide published at a later date but making use of information obtained during the years covered by this dissertation is Hosea R. Horn's *Overland Guide*, New York, 1852.

The "Report of Lieutenant Neil M. Howison, U. S. N., to the Commander of the Pacific Squadron; being the result of an examination in the year 1846 of the coast, harbors, rivers, soil, productions, climate and population of the Territory of Oregon," 30th Cong., 1st Sess., 1847-1848, House Miscellaneous Documents Serial No. 523, Doc. 29, is of great importance to scholars desirous of evaluating conditions in Oregon on the eve of the boundary settlement. Lieutenant Howison's report failed of its main purpose, however, in that it was submitted after the boundary settlement and had no influence on the details of that settlement.

For a precise understanding of the rights, powers, and jurisdiction of the Hudson's Bay Company in all of their North American territories, the following compilation of their charter and other documents is very useful: *Hudson's Bay Company, Copy of the Existing Charter or Grant by the Crown to the Hudson's Bay Company; together with Copies or Extracts of the Correspondence which took place at the last Renewal of the Charter between the Government and the Company, or of Individuals on behalf of the Company; also, the Dates of all former Charters or Grants to that Company*, London, 1842.

The following three works: Thomas Horton James [pseud. Rubio], *Rambles in the United States and Canada during the year 1845, with a short account of Oregon*, London, 1847; Overton Johnson and William H. Winter, *Route Across the Rocky Mountains*, reprinted, with preface and notes by Carl L. Cannon, from the
edition of 1816, Princeton, New Jersey, 1932; and Paul Kane, *Wanderings of an Artist among the Indians of North America from Canada to Vancouver's Island and Oregon, through the Hudson's Bay Company's Territory and Back Again*, London, 1859, are excellent accounts of the Oregon country during the last year of the boundary dispute from a traveler's and sightseer's point of view. James and Kane were British subjects, Johnson and Winter, American citizens. Kane's book is particularly interesting because of the many fine illustrations and drawings of Hudson's Bay Company posts, missions, Indians, and topographical features of the country in general.

Two examples of the very earliest propaganda designed to stimulate emigration to Oregon are the publications of that indefatigable Oregon publicist, Hall J. Kelley: *Geographical Sketch of the Oregon Territory*, Boston, 1830; and *A General Circular to all Persons of Good Character who wish to Emigrate to the Oregon Territory, Embracing some Account of the Character and Advantages of the Country; the Right and the Means and Operations by which it is to be Settled;--and All necessary Directions for Becoming an Emigrant*, Charlestown, Massachusetts, 1831. Kelley's works had something of a delayed reaction—not being particularly effective at the time of their publication but having considerable impact in the early 1840's.

The "Diary of Jason Lee," *Oregon Historical Society Quarterly*, XVII, 116-146, 240-266, 397-430, proved another valuable addition to the documents detailing the history of the Methodist missions in the Willamette Valley. As Jason Lee was one of the first American missionaries in the country, the scope of his diary provides an excellent commentary on the growth of American settlements and interests in the disputed territory.
Probably the most important single source available for a knowledge of the Hudson's Bay Company in the Pacific Northwest, the operations of that company, and the impact of the boundary dispute and American emigration on the company's interests, is the three-volume collection of the letters of Doctor John McLoughlin, *The Letters of John McLoughlin from Fort Vancouver to the Governor and Committee, First Series, 1825-1838; Second Series, 1839-1844; Third Series, 1844-1846*, ed. E. E. Rich, Toronto, 1914-1944. Since Doctor John McLoughlin was outstanding in the Oregon country for his intelligence, literacy, and integrity, as well as being Chief-Factor of the central Hudson's Bay Company trading post at Fort Vancouver and head of the whole Columbia Department, his knowledge of the country and of the events transpiring during these critical years is invaluable for a knowledge of the history of the territory at the time.

The following handbook and guide for immigrants to the Pacific coast, while similar in content to those of Hastings and Horn, had the added distinction of being composed by an officer of the United States Army and of receiving the approbation of the War Department: *Captain Randolph B. Marcy, U.S.A., The Prairie Traveler--a hand-book for Overland Expeditions*, Published by Authority of the War Department, New York, 1859.

A critical commentary found very useful in evaluating the policies and operations of the Hudson's Bay Company in North America was that of R. M. Martin, *The Hudson's Bay Territories and Vancouver's Island, with an Exposition of the Chartered Rights, Conduct and Policy of the Honorable Hudson's Bay Corporation*, London, 1849.

A fine example of one of the early efforts of American settlers in Oregon to bring pressure to bear on the government to absorb the Oregon country into
the territories of the United States is the "Memorial of the Settlers in the
Willamette Valley to Congress, January 28, 1839," The Oregonian and Indian's
Advocate, Boston, v. I, no. 9, 267-269.

The published work of John Vinto, Rhymes of Early Life in Oregon and His-
torical and Biographical Facts by John Vinto, a Pioneer of 1844, Salem, Oregon,
1915, is a very valuable adjunct to his surviving manuscripts in the possession
of various archival collections mentioned above.

Probably the most accurate and detailed contemporary map of the Oregon
country is Mitchell's New Map of Texas, Oregon and California, Philadelphia,
1846. A unique and helpful feature of this map was the fact that it included
territories bordering on the Oregon country and thereby placed that area in
better perspective than in any map hitherto produced.

The following article, published by the French government's Chargé d'Aff-
faire at Mexico City, represents the observations of a neutral individual
whose evaluation of the country, its inhabitants, and the boundary dispute were
thereby enhanced by a lack of bias towards either faction: Eugène Duflot de

John Mullan's Miners' and Travelers' Guide to Oregon, Washington, Idaho,
Montana, Wyoming and Colorado via the Missouri and Columbia Rivers, New York,
1865, is one of the latest works of that nature to fall within the general era
embraced by the Oregon boundary dispute. It is similar in content and treat-
ment to the works of Hastings, Horn, and Marcy mentioned above.

"The Occasional Address" of the Honorable J. W. Nesmith, published in the
Oregon Pioneer Transactions, 1875, Salem, Oregon, 1875, is another later con-
tribution by an early pioneer that fits in well and supplements the letters
and documents that survive from his immigration to and early residence in the Oregon country. The same is true of the "Letters of Robert Newell," to the Portland, Oregon, Oregon Herald, October 3, 25; December 5, 9, 21, 30, 1866; January 10, 15, 22, 26; February 5, 13, 21, 27; March 3, 8, 1867.


It is almost impossible to acquire any knowledge of the Oregon Provisional Governments and their functioning without a close study of the following basic sources: The Oregon Archives: Including the Journals, Governor's Messages and Public Papers of Oregon, From the Earliest Attempt on the Part of the People to Form a Government, down to, and inclusive of the Session of the Territorial Legislature, Held in the Year 1843. Collected and Published Pursuant to an Act of the Legislative Assembly, Passed January 26, 1853. By LaFayette Grover, Commissioner, Salem, Oregon, 1853; Oregon Acts and Laws Passed by the House of Representatives at a Meeting Held in Oregon City, August, 1845, New York, 1921; and Oregon Supreme Court Record. An Original Printing of Cases and other Matter Contained in a Manuscript Labeled Book I, 1844-1848. Together with a Re-
printing of an Address Entitled A History of the Judiciary of Oregon by Honorable Lawrence T. Harris, Portland, Oregon, 1938. These works are also an aid, in many instances, to the following up of the careers and activities of many of Oregon's outstanding pioneers.

Certain issues of the Oregon City, Oregon, Oregon Spectator, the first and only newspaper in the country at the time, proved of considerable value in estimating the temper of the population with respect to the boundary dispute and their reaction to the news and details of its final settlement. The issues found most suitable for this purpose were those of: February 19, 1846; March 2, 1846; May 28, 1846; June 25, 1846; July 23, 1846; August 20, 1846; September 3, 1846; October 1, 1846; October 15, 1846; November 12, 1846.

A fine account of one of the first exploring tours in the Oregon country is that of Samuel Parker, Journal of an Exploring Tour beyond the Rocky Mountains, Ithaca, New York, 1838. This account had considerable influence on later Oregon immigrations and was republished on three different occasions, at Ithaca, New York, in 1840, and at Auburn, New York, in 1842 and 1846.

The text of the controversial act of Parliament extending British law over certain sections of British North America and allegedly over Oregon, was published in 1821 under the following title: 10 & 20 Georgii IV. Cap. 66. An Act for Regulating the Fur Trade, and Establishing a Criminal and Civil Jurisdiction within Certain Parts of North America. [2d July 1821.] Dublin, 1821.

An important work that must be consulted before any true understanding of the boundary conflict can be acquired is the two-volume work of the Hudson's Bay Company's deputy-governor in North America, Sir George Simpson, Narrative of a Journey Round the World During the Years 1811 and 1812, 2v., London, 1817.
Another of Simpson's narratives that contained references to the Oregon country and the boundary is his *Narrative of a Voyage to California Ports in 1841-1842*, Together with *Voyages to Sitka, the Sandwich Islands and Okhotsk*, ed. Thomas C. Russell, San Francisco, 1930.

For an excellent, contemporary description of the Oregon country, the natives, and the influence of both British and Americans in the country, the account of the Jesuit missionary Father P. J. De Smet, S.J., *Oregon Missions and Travels over the Rocky Mountains in 1845-1846*, New York, 1847, cannot be surpassed.

Supplementing the official report of the Frémont expedition and containing a great deal of additional information and personal observations not included in that report are the *Journals of Theodore Talbot, 1843 and 1849-1852; With the Frémont Expedition of 1843 and with the First Military Company in Oregon Territory, 1849-1852*, ed. Charles H. Carey, Portland, Oregon, 1931.

Still another immigrant guide which drew on information from Oregon during the years of the boundary dispute is that of Joseph E. Ware, *The Emigrant's Guide to California*, containing every point of information for the Emigrant—Including Routes, Distances, Water, Grass, Timber, Crossing of Rivers, Passes, Altitudes, With a large Map of Routes and Profile of Country, etc.—With Full Directions for Testing and Assaying Gold and Other Ores, St. Louis, 1849.

The United States Navy's exploring expedition led by Lieutenant Charles Wilkes subjected the Oregon country below the forty-ninth parallel to the most thoroughgoing examination since that of Lewis and Clark at the turn of the century. The published account of the expedition went through numerous editions indicating its popularity and influence in the country. The edition consulted
in composing this dissertation bears the title Charles Wilkes, *Narrative of the United States Exploring Expedition During the Years 1838-1842*, Quarto edition, 5v., and Atlas, Philadelphia, 1845. The original diary from which this narrative was drawn is in the Hydrographic Office of the Navy Department in Washington, D.C. An earlier report by William A. Slacum, a civilian employee of the Navy Department, is much less reliable. Slacum was sent to Oregon by Secretary of State John Forsythe in 1836 to investigate assertions made by Hall J. Kelley and others that the British were assuming control in Oregon, abusing American citizens, and interfering with American missionaries. Slacum fell a victim of the anti-British prejudice in Oregon at the time and his report served merely to echo the sentiments of this faction of American citizens. His report has been edited by F. G. Young under the title "Slacum's Report," and published in the *Oregon Historical Society Quarterly*, XIII, 175-224.

For the action of the United States Congress with respect to the Oregon question there are numerous sources which, if used together, provide a comprehensive study of the Congressional treatment of the subject. The Serial set of government documents is by far the most important collection to be consulted for this purpose. Since the Oregon boundary dispute was an item of foreign policy and therefore within the peculiar domain of the Executive department and of the United States Senate, the *Senate Journal* is of utmost importance in following the progress of the question to its ultimate solution. The various volumes of the *Senate Journal* contain for the most part a succinct synopsis of the debates through which bills and resolutions introduced into that body must pass before arriving at a final vote. However, they are extremely valuable for the purpose of acquiring the exact texts of this legislation and for the exact
vote by which the various measures were passed or defeated. Closely connected to this latter feature and of equal importance is the listing of the names of Senators who voted for or against the legislation under consideration. The following are the volumes found most useful in tracing the progress of the Oregon question through the United States Senate: U. S. Cong., Senate, Senate Journal, 26th Cong., 1st Sess., 1839-1840, Serial No. 353; 2nd Sess., 1840-1841, Serial No. 371; 27th Cong., 1st Sess., 1841, Serial No. 389; 2nd Sess., 1841-1842, Serial No. 391; 3rd Sess., 1842-1843, Serial No. 412; 28th Cong., 1st Sess., 1843-1845, Serial No. 430; 2nd Sess., 1845-1846, Serial No. 448; 29th Cong., 1st Sess., 1846-1847, Serial No. 469.

Although the conducting of foreign affairs was not a prerogative of the House of Representatives, the fact remains that the Oregon boundary dispute was of vital interest to the country at large and this interest was reflected in the legislation of the House of Representatives. Between 1842 and 1846 especially, numerous bills and resolutions were introduced and debated in the House of Representatives which either asserted American rights and jurisdiction in the Oregon country or suggested some means of solving the boundary problem. Hence, the House Journal is another fine source of information on the career of the Oregon question in the United States Congress. What has been said above with respect to the make-up and composition of the Senate Journal applies in like manner to the House Journal. The volumes consulted in this series were: U. S. Cong., House of Rep., House Journal, 27th Cong., 3rd Sess., 1842-1843, Serial No. 417; 28th Cong., 1st Sess., 1843-1844, Serial No. 438; 2nd Sess., 1844-1845, Serial No. 462; 29th Cong., 1st Sess., 1845-1846, Serial No. 479.

Supplementing the congressional journals are the published texts of impor-
tant executive and legislative documents printed for the use of congressmen and their constituents or for reference by interested parties at a later date.


For the actual debates in both houses of Congress, there are three distinct sets which represent the United States government's early experiments in recording these debates and which are the lineal ancestors of the present Congressional Record. Discussions on the Oregon question in both houses of Con-
gress are prominent in all three sets. The first of these, containing congres-
sional debates from 1789 to 1824 and popularly referred to as the "Annals of
Congress" is: The Debates and Proceedings in the Congress of the United States;
with an appendix, containing important state papers and public documents, and
all the laws of a public nature; with a copious index . . . First to Eighteenth
Congress.—first session: comprising the period from March 3, 1789 to May 27,
1824, inclusive. Compiled from authentic materials. 42 v., Washington, D. C.,
1834-1856. The second is the Register of Debates in Congress, comprising the
leading debates and incidents of the second session of the Eighteenth Congress:
December 6, 1824, to the first session of the Twenty-fifth Congress, October 16,
1837, together with an appendix, containing the most important state papers and
public documents to which the session has given birth; to which are added, the
laws enacted during the session, with a copious index to the whole . . . .
11 v. in 22, Washington, D. C., 1825-1837. And the third which considerably
overlaps the second, The Congressional Globe . . . 23d Congress to the 42d Con-
gress, December 2, 1833, to March 3, 1873, 46 v. in 111, Washington, D. C., 1834-
1873.

It must be noted that in none of these three sets are the debates recorded
verbatim. In the days before shorthand techniques and mechanical aids to court
and congressional reporting, the debates were taken down in longhand as fast
and as accurately as possible. However, on numerous occasions large passages
were condensed, synopsized, and paraphrased in the reporter's own words, the
sense and content of the passage being recorded and the oratory and verbal
persiflage being eliminated. On these occasions the condensed version is indi-
cated in the text by being enclosed in brackets. The lack of accuracy and the
possibility of error inherent in this system is evident, but it was the best that could be accomplished at the time and the results are by no means valueless at present.

There is a good number of memoirs, diaries, autobiographies, and correspondence collections from which can be drawn the policies of the Executive Department of the United States government in relation to the Oregon boundary dispute and the reasons behind those policies. The Memoirs of John Quincy Adams, comprising portions of his diary from 1795 to 1843, ed. Charles Francis Adams, 12v. Philadelphia, 1874-1877, are particularly noteworthy since Adams' career in the government extended throughout the whole period of the boundary conflict from its very beginning to final settlement. As President and Secretary of State, Adams officially dealt with the problem; and, as a member of the House of Representatives in its later stages, was a considerable force to be reckoned with in his opposition to any settlement along the forty-ninth parallel.

Senator Thomas Hart Benton, one of the Senate leaders advocating compromise along the forty-ninth parallel caustically explains the politics involved in the ultimate solution of the question in his Thirty Years' View; or A History of the Working of the American Government for Thirty Years, from 1820 to 1850, 2v., New York, 1859. Benton's self-laudation in this work makes it somewhat suspect as an authoritative source for the period but on the Oregon question he is singularly accurate. The Works of James Buchanan, comprising his speeches, state papers, and private correspondence; collected and edited by John Bassett Moore, 12v., Philadelphia, 1903-1911, are a valuable supplement to his official correspondence in the State Department section of the National Archives. Buchanan's sincerity and honesty in many matters might be suspect, but on the
Oregon question his private papers, being easily checked with his official correspondence, is found to be substantially accurate. Another Secretary of State who dealt with the boundary dispute during his tenure of office was John C. Calhoun, and for this reason his private correspondence on the subject is well worth analyzing. It has been collected and edited under the title: "Correspondence of John C. Calhoun," Annual Report of the American Historical Association for the Year 1899, 2v., Washington, D. C., 1900. Another factor making a close study of his correspondence imperative is that, like John Quincy Adams, Calhoun was a leading figure in the later stages of the debate on Oregon in the United States Congress. Unlike Adams, however, he was a staunch advocate of compromise along the forty-ninth parallel and, together with Senator Benton, an outstanding leader of that faction.

The most important work by far on the Executive aspect of the Oregon boundary dispute is The Diary of James K. Polk during his presidency, 1845-1849, now first printed from the Original Manuscript in the Collection of the Chicago Historical Society, ed. M. W. Quaife, 4v., Chicago, 1910. Polk, while exhibiting an egotistical and excessive jealousy of his personal authority, nonetheless gives a blunt and straightforward account of his stand on the Oregon question and his reasons for assuming that position.

Former President John Tyler, whose administration dealt with the Oregon problem in the early 1840's, also has a number of pointed comments on the subject in private letters to members of his family and friends. Selections and extracts from this correspondence may be found in the volumes edited by Lyon Gardiner Tyler, The Letters and Times of the Tylers, 3v., Richmond, Virginia, 1884-1896.
The Writings and Speeches of Daniel Webster, 16th ed., 18v., Boston, 1903, are valuable particularly for the negotiations on Oregon undertaken by Webster as Secretary of State in the Tyler administration at the time of the Webster-Ashburton Treaty of 1842. His defence of his Oregon policy at that time, as well as his support of compromise along the forty-ninth parallel later as a Senator from Massachusetts, are also included in these volumes, but the context of congressional debate is better preserved if Webster's speeches are consulted in the *Congressional Globe* rather than in this work.

A single source suffices to follow the debate on the boundary dispute in the British Parliament. This work, commonly known as *Hansard's Parliamentary Debates*, 3d series: 9th Parliament, 1st sess.,—24th Parliament, 6th sess.; October 26, 1830—August 5, 1891, 356v., London, 1831-1891, is similar to the records of the debates in the American Congress for the same period, and what has been said of the reporting methods of the American Congress is also true of the British Parliament. A minor but unique feature of *Hansard's Parliamentary Debates* is the arranging of the text by columns and the use of column numbers instead of page numbers. One volume of *British Parliamentary Papers*, XXVIII, August 8, 1842, was found useful in checking certain correspondence of the Hudson's Bay Company with the British government. This source, variously known as *British Parliamentary Records* or *Blue Books*, is similar to the editions of United States Congressional documents referred to above as *Senate Documents*, *House Documents*, and like publications.

In evaluating press opinion in the United States on the Oregon boundary, two Cincinnati, Ohio, papers, the *Daily Enquirer* and the *Daily Gazette*, were selected as best suited for sampling the fluctuating attitudes of the daily
press. As has been explained in a footnote to the text of this dissertation, the reasons for this selection were principally two: Cincinnati, as the largest western city at the time, possessed sufficient of the sophistication and conservatism of the older, established communities on the eastern seaboard to maintain a reasonable and detached attitude with regard to the acquisition of western territory; while, on the other hand, it was sufficiently western in location and in elements of population to take a radical and devil-may-care point of view towards the consequences of irresponsible expansion. These two points of view were definitely evident in and represented by the Whig Daily Gazette and the Democrat Daily Enquirer. Moreover, the practice current at the time of reprinting articles from other papers supplied on an exchange basis, would make any city large enough to boast of two papers equally acceptable for the purpose of determining press opinion in the United States. The files of these two papers for the years 1840 through 1846 were consulted in the Ohio Historical and Philosophical Society Library, located in the Library of the University of Cincinnati.

Other examples of press opinion in the United States were furnished by free-lance writers and editors of national magazines, editorial from emigration society publications, tract writers, and semi-official apologists of the American or British stand on the boundary. The "Friendly Appeal" from The Advocates of Peace and Universal Brotherhood, ed. Elihu Burritt, 15v., Worcester, Massachusetts, 1840-1866, I, 77-79, is an example of a tract occasioned by the threat of war from a Protestant pacifist society in Massachusetts.

"The Administration and the Country," The American Review: a Whig Journal of Politics, Literature, Art and Science, 16v., New York, 1845-1852, was a well written criticism of the Polk Administration's handling of the Oregon negotia-
Robert Greenhow, a State Department employee, was early commissioned by the Secretary of State to write a comprehensive history of the Oregon country for the purpose of establishing the claims of the United States beyond further question. Greenhow performed his task well by bending and twisting the facts on occasion, as well as conceding to the United States any and all doubtful points and interpretations. His finished product known as *Memoir, Historical and Political, on the Northwest Coast of North America, and the Adjacent Territories; Illustrated by A Map and a Geographical View of Those Countries*, Washington, D.C., 1840, was later revised and republished as *The History of Oregon and California, and the other Territories on the North-West Coast of North America; Accompanied by a Geographical View and Map of those Countries, and a Number of Documents as Proofs and Illustrations of the History*, Boston, 1841. These two works established Greenhow as the foremost American apologist on the Oregon question.

Henry Sherman's "The Oregon Territory" in *The Merchant's Magazine and Commercial Review*, 63v., New York, 1840-1870, provides a rather remarkable sketch of the history of the boundary dispute in a very few words. The point of view is American but he advocated compromise for the sake of peace.

The articles on Oregon in *Hile's Weekly Register, Containing Political, Historical, Geographical, Scientific, Statistical, Economical, and Biographical Documents, Essays and Facts; Together with Notices of the Arts and Manufacturers, and a Record of the Events of the Times . . . .*, 75v., Baltimore, 1811-1849, are both numerous and well written. This mid-nineteenth century counterpart of *Time* and *Newsweek* also adopted a policy of conservatism and com-
promise for the most part.

The *North American Review*, 248v., New York, 1815-1940, in an article entitiled "The Oregon Question," gave the impression of being pro-British because of its hectoring attitude towards the Polk Administration's conduct of the Oregon negotiations. The policy of this journal merited for it the distinction of being singled out for criticism by the American minister in London, as is described above in the text.

Numerous tracts on Oregon were published by self-appointed experts on the subject and for the most part were pacifist in tone and advocated the forty-ninth parallel as a boundary. Among these the most interesting were: *Oregon. The Cost and the Consequences by a Disciple of the Washington School*, Philadelphia, 1846; and *The Oregon Controversy Reviewed in Four Letters by a Friend of the Anglo-Saxons*, New York, 1846.

An example of the enthusiasm for Oregon that swept the country in the 1840's is the *Report on the Territory of Oregon by a Committee . . . of the Citizens of Columbus, to Collect Information in Relation Thereto*, Columbus, Ohio, 1843. This type of civic enterprise became something of a fad at the time among public spirited citizens of various communities who had no intention of immigrating to Oregon themselves. The following by William Sturgis, *The Oregon Question. Substance of a Lecture before the Mercantile Library Association, January 22, 1845*, Boston, 1845, exemplifies the oratory occasioned by such community meetings.

Another brief survey of the history of the Oregon question that concluded by advocating a firm stand on national rights but a willingness to compromise if necessary, is the article entitled "Oregon," in *The United States Magazine*.
A lengthy history of English imperialism in the Western Hemisphere from the American standpoint is that of George D. Warburton, *Hochelaga; or, England in the New World*, ed. Eliot Warburton, Esq., 2v., New York, 1846. The section on Oregon, while advocating the rights and claims of the United States, exhibited a surprising moderation, however.

Another pacifist tract occasioned by the Oregon controversy and advocating peace at all costs in opposition to the assertions of the United States government, is *Will there be War? . . . Results and Consequence of an Obstreterine War between the two Countries . . . the Proper Course to Secure, Peaceably, the Whole of Oregon, by an Adopted Citizen*, New York, 1846.

As has been mentioned above in the dissertation, the British press for the most part supported a program of moderation and compromise. Coupled with this, however, was a deep sense of national pride that insisted upon national honor being protected against irresponsible American aggression at all costs. Such was the policy of two of England's leading journals at the time: *The British and Foreign Review; or, European Quarterly Journal*, 18v., London, 1835-1844; and *The Edinburgh Review, or Critical Journal*, 250v., Edinburgh, 1802-1929.

Great Britain, nevertheless, had her share of jingoistic nationalists although they were by no means as numerous as in the United States. One violent proponent of enforcing British claims in Oregon by shot and shell if necessary was the anonymous author (Publius), *Thoughts on Finance and Colonies*, n.p., n.d.

The English counterpart of the American Oregon apologist, Greenhow, was Adam Thom, *The Claims to the Oregon Territory Considered*, London, 1844. Thom had less ability than Greenhow, however, and although his work received the
backing and promotion of the British Foreign Office it had much less influence
either at home or abroad.

There are a great many printed sources and collections of sources that are
very helpful if used in conjunction with the manuscripts and photostats availa-
ble on the diplomatic phase of the Oregon question. They are especially useful
in supplying the texts of treaties, protocols, memoranda of conferences, and
other matters connected with diplomatic dealings among governments. A valuable
collection of American documents printed for the use of Congress and scholars
alike is the American State Papers. Documents, Legislative and Executive, of
the Congress of the United States ... Selected and edited under the authority

The history of the French Louisiana colony, written by Napoleon's Secretary
of Foreign Affairs, was very useful in evaluating the American claim to Oregon
by contiguity which arose out of the purchase of that colony from France. The
work referred to in this instance is that of François, Marquis de Barbé-Marbois,
Histoire de la Louisiane et de la Cession de cette Colonie par la France aux
Etats Unis de l'Amérique Septentrionale: Précédée d'un Discours sur la Constit-
tution et le Gouvernement des Etats Unis, Paris, 1829.

Two Spanish treaty collections which must be consulted in relation to the
Nootka Sound controversy between England and Spain are those of Carlos Calvo,
Colección Completa de los Tratados, Convenciones, Capitulaciones, Armisticios y
Otros Actos Diplomáticos de Todos los Estados de la América Latina. Comprende-
dos entre el Golfo de Méjico y el cabo de Hornos, Desde el Año de 1493 Hasta
Nuestros Días, Precedidos de Una Memoria Sobre el Estado Actual de la America de
Cuadros Estadísticos, de un Diccionario Diplomatico, y de una Noticia Histórica
The correspondence and writings of men prominent in the Oregon negotiations in its various stages were also found of considerable value in acquiring a well balanced understanding of the diplomatic issues involved. A portion of the correspondence on Oregon between Lord Aberdeen and Sir Robert Peel, edited by Robert C. Clark under the title of "Aberdeen and Peel on Oregon, 1841," Oregon Historical Quarterly, XXXIV, is an example of this.

The Writings of Albert Gallatin, ed. Henry Adams, 3v., Philadelphia, 1879, as well as Gallatin's own publication The Oregon Question, New York, 1846, provide a sane and careful analysis of the Oregon dispute by a competent diplomat who had long experience with the intricacies of the problem.

Two volumes of British Public Record Office documents from the Foreign Office that have been printed and duplicate the photostats of the Library of Congress bear the title Great Britain. Foreign Office. America Domestic, Various, 385, June and July 1842; 399, January to March 1843.

A printed transcript of Great Britain. Foreign Office. Certain Correspondence of the Foreign Office and of the Hudson's Bay Company, copied from original documents, Ottawa, 1899, provided a source of information that was not included in the photostatic exchange of diplomatic documents between the United States and Great Britain. This work, therefore, assumes considerable importance in
any treatment of the diplomacy of the Oregon question.

The standard reference work for the texts of international arbitrations to which the United States has been a party is that of John Bassett Moore, History and Digest of the International Arbitrations to Which the United States Has Been a Party. Together with Appendices Containing the Treaties Relating to Such Arbitrations, and Historical and Legal Notes, 6v., Washington, D. C., 1898. Mr. Moore's history, digest, and legal notes accompanying these texts are by far the most reliable of all such works published on the subject.

The Diplomatic Correspondence of the United States: Canadian Relations, 1784-1860, ed. W. R. Manning, 6v., Washington, D. C., 1910-1915, is a printed compilation of extracts from the Department of State documents in the National Archives mentioned above. For one unable to consult the originals in the National Archives, Mr. Manning's work provides an excellent and reliable source.

All the documents necessary for an understanding of the San Juan Island dispute and the final establishment of the Puget Sound water boundary have been published by the United States government printing office under the title of Papers Relating to the Treaty of Washington, 6v., Washington, D. C., 1872-1874.

The report of Lieutenant Peel on Oregon, which like that of Lieutenant Howison of the United States Navy, arrived too late to have any bearing on the boundary settlement, has been edited and published by Leslie W. Scott, "Report of Lieutenant Peel on Oregon in 1845-1846," Oregon Historical Society Quarterly, XXIX.

A work which at first might appear to be a distinctly secondary source, but because of the wide authority it enjoyed at the time of the boundary dispute definitely rates as a contemporary printed source, is that of Emmerich de Vat-
SECONDARY SOURCES.

The only really extensive treatment of the Oregon boundary dispute to be found in any secondary author is that by Hubert Howe Bancroft in his History of Oregon, 2 v., San Francisco, 1886-1898, and in his History of the Northwest Coast, 2 v., San Francisco, 1884-1886. Neither of these works, however, is devoted primarily to a discussion of the boundary problem but both are comprehensive surveys of the areas embraced in their titles. Moreover, Bancroft's histories, in spite of their scholarship, are now becoming somewhat obsolete due to the opening up of new manuscript sources that were not available to Bancroft. For a discussion of the San Juan Island controversy and the final agreement on the Puget Sound water boundary, Bancroft's History of British Columbia, 1792-1887, San Francisco, 1887, contains the best treatment of that topic.

For a general account of the history and physical characteristics of the Oregon Trail the following by James Christy Bell, Opening a Highway to the Pacific, 1838-1846, New York, 1921, provides an adequate treatment of the subject. Bell's work is further supplemented by Fred Lockley's Oregon Trail Blazers, New York, 1929, which contributes brief biographical sketches of those who first explored and traveled the Oregon Trail as well as other arteries of travel and

The Whitman controversy was precipitated by Professor Edward Gaylord Bourne's article "The Legend of Marcus Whitman," The American Historical Review, Washington, D. C., 1901, VI, in which he applied the principles of both internal and external historical criticism to the "Whitman-saved-Oregon" myth and proved it to be without solid foundation. When a storm of opposition from interested Protestant missionaries and missionary groups broke out, William I. Marshall entered into the conflict and by further research bolstered Bourne's position. Marshall's main works on the subject are Acquisition of Oregon and the Long Suppressed Evidence about Marcus Whitman, 2v., Seattle, Washington, 1911; History vs The Whitman Saved Oregon Story, Chicago, 1904; The Hudson's Bay Company Archives Furnish no Support to the Whitman Saved Oregon Story, Chicago, 1905; and "Marcus Whitman: A Discussion of Professor Bourne's Paper," Annual Report of the American Historical Association for 1900, 2v., Washington, D. C., 1901.

The principal defender of the "Whitman Legend" was the Reverend Myron Eels, whose manuscript: Marcus Whitman, M.D.; Proofs of his Work in Saving Oregon, now in the Bancroft Collection at the University of California Library, served as a forerunner for his later published work, A Reply to Professor Bourne's "The Whitman Legend," Walla Walla, Washington, 1902. Another Whitman apologist was William Augustus Mowry whose Marcus Whitman and the Early Days of Oregon,
New York, 1901, attempted to perpetuate the belief that Marcus Whitman almost single-handedly saved Oregon for the United States.

Caroline C. Bobb's volume entitled Men of Champoeg; A Record of the Lives of the Pioneers Who Founded the Oregon Government, Portland, Oregon, 1932, was a considerable help in following the later careers of early Oregon pioneers and statesmen. Likewise, the standard reference work, the Dictionary of American Biography; Published under the Auspices of the American Council of Learned Societies; ed. Allen Johnson and Dumas Malone, 21v., New York, 1928-1944, was a help in acquiring biographical facts concerning individuals directly or indirectly connected with the boundary dispute.


For the texts of treaties between the United States and foreign powers, Treaties and Other International Acts of the United States of America, ed. Hunter Miller, 8v., Washington, D. C., 1931-1948, is excellent. In cases involving treaties with non-English speaking nations, the treaties are published in both languages for easy checking and reference. It is to be regretted that Mr. Miller's notes and historical sketches accompanying the individual treaties are not more accurate. Numerous errors of fact as well as of interpretation can be found in his history of the Oregon treaty alone.

A standard and, at one time, very popular work is that of Francis Parkman, The Oregon Trail. Sketches of Prairie and Rocky-Mountain Life, 8th ed., rev., Boston, 1883. This book has also been rendered somewhat out of date by recent
modern atlas that provides a very fine detailed set of maps for the whole
of the United States-Canadian boundary, is that compiled by Charles O. Paullin,
Atlas of the Historical Geography of the United States, ed., John N. Wright,
New York, 1932.

The following: United States Bureau of the Census. Statistical Abstract
of the United States: 1949, 70th ed., Washington, D. C., 1949, provided the
only statistics available whereby the American population of the Oregon country
at the time of the boundary settlement could be estimated. In the 1840's, the
census of rural communities in the United States was somewhat haphazard and on
the far-western frontier almost nonexistent.

For a history and description of the northwest coast of North America
at the time of the Spanish explorations, the two publications of Henry R. Wag-
ner, The Cartography of the Northwest Coast of America to the Year 1800, 2v.,
Berkeley, California, 1937; and, Spanish Voyages to the Northwest Coast of
America in the 16th Century, San Francisco, 1929, are the best available. These
two works are not devoted exclusively to Spanish explorations, however, but
treat of those of England, the United States, and Russia whenever and wherever
they overlap or parallel those of the Spaniards.
APPENDIX I

CONVENTION BETWEEN GREAT BRITAIN AND SPAIN, RELATIVE TO AMERICA.—SIGNED

AT THE EXCURIAL [sic] THE 28TH OF OCTOBER, 1790

Their Britannic and Catholic Majesties, being desirous of terminating, by a speedy and solid agreement, the differences which have lately arisen between the 2 Crowns, have judged that the best way of attaining this salutary object would be that of an amicable arrangement, which setting aside all retrospective discussion of the rights and pretensions of the 2 Parties, should fix their respective situation for the future on a basis conformable to their true interests, as well as to the mutual desire with which Their said Majesties are animated, of establishing with each other, in everything and in all places, the most perfect friendship, harmony, and good correspondence.

In this view, they have named and constituted for their Plenipotentiaries; to wit, on the part of his Britannic Majesty, Alleyne Fitz-Herbert, Esq., one of His said Majesty's Privy Council, in Great Britain and Ireland, and His Ambassador Extraordinary and Plenipotentiary to His Catholic Majesty; and on the part of His Catholic Majesty, Don Joseph Monino, Count of FloridaBlanca, Knight Grand Cross of the Royal Spanish Order of Charles III, Councillor of State to His said Majesty, and His Principal Secretary of State, and of the Despatches; who, after having communicated to each other their respective Full Powers, have agreed upon the following Articles:

Art. I. It is agreed that the Buildings and Tracts of Land, situated on the North-west Coast of the Continent of North America, or on Islands adjacent to that Continent, of which the Subjects of His Britannic Majesty were dispossessed, about the month of April, 1789, by a Spanish Officer, shall be restored to the said British Subjects.

II. And further, that a just reparation shall be made, according to the nature of the case, for all acts of violence or hostility which may have been committed, subsequent to the month of April, 1789 by the Subjects of either of the Contracting Parties against the Subjects of the other; and that, in case any of the said respective Subjects shall, since the same period, have been forcibly dispossessed of their Lands, Buildings, Vessels, merchandise, or other property whatever, on the said Continent, or on the Seas or Islands adjacent, they shall be re-established in the possession thereof, or a just compensation shall be made to them for the losses which they shall have sustained.

III. And in order to strengthen the bonds of friendship, and to preserve in future a perfect harmony and good understanding between the 2 Contracting
Parties, it is agreed that their respective Subjects shall not be disturbed or
molested either in navigating or carrying on their Fisheries in the Pacific
Ocean, or in the South Seas, or in landing on the Coasts of those 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; the whole subject,
nevertheless, to the restrictions and provisions specified in the 3 following
Articles.

IV. His Britannic Majesty engages to take the most effectual measures to
prevent the Navigation and Fishery of His Subjects in the Pacific Ocean, or in
the South Seas, from being made a pretext for illicit trade with the Spanish
Settlements; and, with this view, it is moreover expressly stipulated, that
British Subjects shall not navigate, or carry on their Fishery in the said Seas,
within the space of 10 sea leagues from any part of the Coasts already occupied
by Spain.

V. It is agreed, that as well in the places which are to be restored to
the British Subjects, by virtue of the 1st Article, as in all other parts of the
North-western Coasts of North America, or of the Islands adjacent, situated to
the North of the parts of the said Coast already occupied by Spain, wherever the
Subjects of either of the 2 Powers shall have made Settlements since the month
of April, 1789, or shall hereafter make any, the Subjects of the other shall
have free access, and shall carry on their trade, without any disturbance or
molestation.

VI. It is further agreed, with respect to the Eastern and Western Coasts
of South America, and to the Islands adjacent, that no Settlement shall be
formed hereafter, by the respective Subjects, in such parts of those Coasts as
are situated to the South of those parts of the same Coasts, and of the Islands
adjacent, which are already occupied by Spain; provided that the said respective
Subjects shall retain the liberty of landing on the Coasts and Islands so situ­
ated, for the purposes of their Fishery, and of erecting thereon huts, and other
temporary buildings, serving for those purposes.

VII. In all cases of complaint or infraction of the Articles of the present
Convention, the Officers of either Party, without permitting themselves
previously to commit any violence or act of force, shall be bound to make an
exact report of the affair and of its circumstances, to their respective Courts,
who will terminate such differences in an amicable manner.

VIII. The present Convention shall be ratified and confirmed in the space
of 6 weeks, to be computed from the day of its signature, or sooner if it can be
done.

In witness whereof, we, the Undersigned Plenipotentiaries of Their Britan­
nic and Catholic Majesties, have, in their names, and in virtue of our respective
Full Powers, signed the present Convention, and set thereto the Seals of our
Arms.

Done at the Palace of St. Lawrence, the 28th of October, 1790.

(L.S.) Alleyne Fitz-Herbert
(L.S.) El Conde De Floridablanca
Parties, it is agreed that their respective Subjects shall not be disturbed or molested either in navigating or carrying on their Fisheries in the Pacific Ocean, or in the South Seas, or in landing on the Coasts of those 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; the whole subject, nevertheless, to the restrictions and provisions specified in the 3 following Articles.

IV. His Britannic Majesty engages to take the most effectual measures to prevent the Navigation and Fishery of His Subjects in the Pacific Ocean, or in the South Seas, from being made a pretext for illicit trade with the Spanish Settlements; and, with this view, it is moreover expressly stipulated, that British Subjects shall not navigate, or carry on their Fishery in the said Seas, within the space of 10 sea leagues from any part of the Coasts already occupied by Spain.

V. It is agreed, that as well in the places which are to be restored to the British Subjects, by virtue of the 1st Article, as in all other parts of the North-western Coasts of North America, or of the Islands adjacent, situated to the North of the parts of the said Coast already occupied by Spain, wherever the Subjects of either of the 2 Powers shall have made Settlements since the month of April, 1789, or shall hereafter make any, the Subjects of the other shall have free access, and shall carry on their trade, without any disturbance or molestation.

VI. It is further agreed, with respect to the Eastern and Western Coasts of South America, and to the Islands adjacent, that no Settlement shall be formed hereafter, by the respective Subjects, in such parts of those Coasts as are situated to the South of those parts of the same Coasts, and of the Islands adjacent, which are already occupied by Spain; provided that the said respective Subjects shall retain the liberty of landing on the Coasts and Islands so situated, for the purposes of their Fishery, and of erecting thereon huts, and other temporary buildings, serving for those purposes.

VII. In all cases of complaint or infraction of the Articles of the present Convention, the Officers of either Party, without permitting themselves previously to commit any violence or act of force, shall be bound to make an exact report of the affair and of its circumstances, to their respective Courts, who will terminate such differences in an amicable manner.

VIII. The present Convention shall be ratified and confirmed in the space of 6 weeks, to be computed from the day of its signature, or sooner if it can be done.

In witness whereof, we, the Undersigned Plenipotentiaries of Their Britannic and Catholic Majesties, have, in their names, and in virtue of our respective Full Powers, signed the present Convention, and set thereto the Seals of our Arms.

Done at the Palace of St. Lawrence, the 28th of October, 1790.

(L.S.) Alleyne Fitz-Herbert
(L.S.) El Conde De Floridablanca
SECRET ARTICLE

Since by article 6 of the present convention it has been stipulated, respecting the eastern and western coasts of South America, that the respective subjects shall not in the future form any establishment on the parts of these coasts situated to the south of the parts of the said coasts actually occupied by Spain, it is agreed and declared by the present article that this stipulation shall remain in force only so long as no establishment shall have been formed by the subjects of any other power on the coasts in question. This secret article shall have the same force as if it were inserted in the convention.

In witness whereof, etc.

APPENDIX II

NOOTKA CLAIMS CONVENTION

In virtue of the declarations exchanged at Madrid on the 24th of July, 1790, and of the convention signed at the Escorial on the 18th [28th] of the following October, Their Catholic and Britannic Majesties, desiring to regulate and determine definitely everything regarding the restitution of the British ships seized at Nootka, as well as, the indemnification of the parties interested in the ships, have named for this purpose and constituted as their commissioners and plenipotentiaries, to wit, on the part of His Catholic Majesty, Don Manuel de Las Heras, commissary in His said Majesty's armies, and his agent and consul-general in the Kingdoms of Great Britain and Ireland; and on the part of His Britannic Majesty, Mr. Ralph Woodford, Knight Baronet of Great Britain; who, after having communicated their full powers, have agreed upon the following articles:

ARTICLE I.

His Catholic Majesty, besides having restored the ship Argonaut, the restoration of which took place in the port of San Blas in the year 1791 [1790], agrees to pay as indemnity to the parties interested in it the amount of two hundred and ten thousand hard dollars in specie, it being understood that this sum is to serve as compensation and complete indemnification for all their losses, whatever they may be, without any exception, and without leaving the possibility of a future remonstrance on any pretext or motive.

ARTICLE II.

Said payment shall be made on the day on which the present convention shall be signed by the commissioner of His Catholic Majesty in the presence of the commissioner of His Britannic Majesty, which latter shall give at the same time an acknowledgement of payment consistent with the terms enunciated in the former article and signed by the said commissioner for himself and in the name and by the order of His Britannic Majesty and of the said interested parties. And there shall be attached to the present convention a copy of the said acknowledgement of payment, executed in the proper form, and likewise of the respective full powers and of the authorizations of the said interested parties.

ARTICLE III.

The ratifications of the present convention shall be exchanged in this city of London within a period of six weeks from the date of its signature, or before
if possible.

In witness whereof we, the undersigned commissioners and plenipotentiaries of Their Catholic and Britannic Majesties, have signed the present convention in their names and in virtue of our respective full powers, affixing to it the seals of our arms.

Done at Whitehall, February 12, 1793,

Manuel de Las Heras.
R. Woodford.

APPENDIX III

CONVENTION FOR THE MUTUAL ABANDONMENT OF NOOTKA

Their Catholic and Britanic Majesties desiring to remove and obviate all doubt and difficulty relative to the execution of article 1 of the convention concluded between Their said Majesties on the 28th of October, 1790, have resolved and agreed to order that new instructions be sent to the officials who have been respectively commissioned to carry out the said article, the tenor of which instructions shall be as follows:

That within the shortest time that may be possible after the arrival of the said officials at Nootka they shall meet in the place, or near, where the buildings stood which were formerly occupied by the subjects of His Britanic Majesty, at which time and in which place they shall exchange mutually the following declaration and counter declaration:

DECLARATION.

"I, N____N____, in the name and by the order of His Catholic Majesty, by means of these presents restore to N____N____ the buildings and districts of land situated on the Northwest Coast of the continent of North America, or the islands adjacent to that continent, of which the subjects of His Britanic Majesty were dispossessed by a Spanish officer toward the month of April, 1789. In witness whereof I have signed the present declaration, sealing it with the seal of my arms. Done at Nootka on the ___ day of ________, 179__.

COUNTER DECLARATION.

"I, N____N____, in the name and by the order of His Britanic Majesty, by means of these presents declare that the buildings and tracts of land on the Northwest Coast of the continent of North America, or on the islands adjacent to that continent, of which the subjects of His Britanic Majesty were dispossessed by a Spanish officer toward the month of April, 1789, have been restored to me by N____N____, which restoration I declare to be full and satisfactory. In witness whereof I have signed the present counter declaration, sealing it with the seal of my arms. Done at Nootka on the ___ day of ________, 179__.

That then the British official shall unfurl the British flag over the land so restored in sign of possession. And that after these formalities the officials of the two Crowns shall withdraw, respectively, their people from the said port of Nootka.

Further, Their said Majesties have agreed that the subjects of both nations shall have the liberty of frequenting the said port whenever they wish and of constructing there temporary buildings to accommodate them during their resi--
dence on such occasions. But neither of the said parties shall form any perma-
ment establishment in the said port or claim any right of sovereignty or terri-
torial dominion there to the exclusion of the other. And Their said Majesties
will mutually aid each other to maintain for their subjects free access to the
port of Nootka against any other nation which may attempt to establish there
any sovereignty or dominion.

In witness whereof we, the undersigned first secretary of state and of the
Cabinet of His Catholic Majesty, and the ambassador and plenipotentiary of His
Britannic Majesty, in the name and by the express order of our respective sover-
eigns, have signed the present agreement, sealing it with the seals of our arms.

Done at Madrid, January 11, 1794.

The Duke of Alcudia
St. Helens

can Historical Association for the Year 1904, Washington, 1905, 469-470. Span-
ish copies of this Convention are published in Carlos Calvo, Colección Completa
de los Tratados . . . . , III, 366-368, and Alejandro del Cantillo, Tratados,
Convenios y Declaraciones . . . . , 653-654.
APPENDIX IV

TREATY FOR THE CESSION OF LOUISIANA, SIGNED AT PARIS APRIL 30, 1803

ARTICLE I.

Whereas by the Article the third of the Treaty concluded at St Ildefonso the 9th Vendemiaire and 9/1st October 1800 between the First Consul of the French Republic and his Catholic Majesty it was agreed as follows.

"His Catholic Majesty promises and engages on his part to cede to the French Republic six months after the full and entire execution of the conditions and stipulations herein relative to his Royal Highness the Duke of Parma, the Colony or Province of Louisiana with the same extent that it now has in the hands of Spain, & that it had when France possessed it; and such as it should be after the Treaties subsequently entered into between Spain and other States."

And whereas in pursuance of the Treaty and particularly of the third article the French Republic has an incontestable title to the domain and to the possession of the said territory--The First Consul of the French Republic desiring to give to the United States a strong proof of his friendship doth hereby cede to the said United States in the name of the French Republic for ever and in full sovereignty the said territory with all its rights and appurtenances as fully and in the same manner as they have been acquired by the French Republic in virtue of the above mentioned Treaty concluded with his Catholic Majesty.

ART. II.

In the cession made by the preceding article are included the adjacent Islands belonging to Louisiana all public lots and Squares, vacant lands and all public buildings, fortifications, barracks and other edifices which are not private property.--The Archives, papers & documents relative to the domain and sovereignty of Louisiana and its dependences will be left in the possession of the Commissaries of the United States, and copies will be afterwards given in due form to the Magistrates and Municipal officers of such of the said papers and documents as may be necessary to them.

Hunter Miller, Treaties and Other International Acts of the United States of America, 7v., Washington, 1931-1942, II, 499-500. This Treaty was signed by Robert R. Livingston and James Monroe for the United States, and François Barbé-Marbois for the French Republic, Ibid., 505.
APPENDIX V

TREATY OF GHENT. TREATY OF PEACE AND AMITY, SIGNED AT
GHENT DECEMBER 24, 1814

ARTICLE THE FIRST.

There shall be a firm and universal Peace between His Britannic Majesty
and the United States, and between their respective Countries, Territories,
Cities, Towns, and People of every degree without exception of places or persons.
All hostilities both by sea and land shall cease as soon as this Treaty shall
have been ratified by both parties as hereinafter mentioned. All territory,
places, and possessions whatsoever taken by either party from the other during
the war, or which may be taken after the signing of this Treaty, excepting only
the Islands hereinafter mentioned, shall be restored without delay and without
causing any destruction or carrying away any of the Artillery or other public
property originally captured in the said forts or places, and which shall re­
main therein upon the Exchange of the Ratification of this Treaty, or any Slaves
or other private property; And all Archives, Records, Deeds, and Papers, either
of a public nature or belonging to private persons, which in the course of the
war may have fallen into the hands of the Officers of either party, shall be,
as far as may be practicable, forthwith restored and delivered to the proper
authorities and persons to whom they respectively belong . . . . No disposition
made by this Treaty as to such possession of the Islands and territories claimed
by both parties shall in any manner whatever be construed to affect the right of
either.

Hunter Miller, Treaties, II, 574-575. This Treaty was signed by James Lord
Gambier, Henry Goulburn, and William Adams for Great Britain, and by John Quincy
Adams, J. A. Bayard, H. Clay, Jonathan Russell, and Albert Gallatin for the
United States. Ibid., 582.
APPENDIX VI

CONVENTION SIGNED AT LONDON OCTOBER 20, 1818

ARTICLE II.

It is agreed that a Line drawn from the most North Western Point of the Lake of the Woods, along the forty Ninth Parallel of North Latitude, or, if the said Point shall not be in the Forty Ninth Parallel of North Latitude, then that a Line drawn from the said Point due North or South as the Case may be, until the said Line shall intersect the said Parallel of North Latitude, and from the Point of such Intersection due West along and with the said Parallel shall be the Line of Demarcation between the Territories of the United States, and those of His Britannic Majesty, and that the said Line shall form the Northern Boundary of the said Territories of the United States, and the Southern Boundary of the Territories of His Britannic Majesty, from the Lake of the Woods to the Stony Mountains.

ARTICLE III.

It is agreed, that any Country that may be claimed by either Party on the North West Coast of America, Westward of the Stony Mountains, shall, together with its Harbours, Bays, and Creeks, and the Navigation of all Rivers within the same, be free and open, for the term of ten Years from the date of the Signature of the present Convention, to the Vessels, Citizens, and Subjects of the Two Powers: it being well understood, that this Agreement is not to be construed to the Prejudice of any Claim, which either of the Two High Contracting Parties may have to any part of the said Country, nor shall it be taken to affect the Claims of any other Power or State to any part of the said Country; the only Object of the High Contracting Parties, in that respect, being to prevent disputes and differences amongst Themselves.

Hunter Miller, Treaties, II, 659-660. This Treaty was signed by Albert Gallatin and Richard Rush for the United States, and by Frederick John Robinson and Henry Goulburn for Great Britain. Ibid., 661.
APPENDIX VII

TREATY OF AMITY, SETTLEMENT, AND LIMITS, SIGNED AT
WASHINGTON FEBRUARY 22, 1819

ART. 3.

The Boundary Line between the two Countries, West of the Mississippi, shall begin on the Gulph of Mexico, at the mouth of the River Sabine in the Sea, continuing North, along the Western Bank of that River, to the 32d. degree of Latitude; thence by a Line due North to the degree of Latitude, where it strikes the Rio Roxo of Nachitoches, or Red River, then following the course of the Rio-Roxo Westward to the degree of Longitude, 100 West from London and 23 from Washington, then crossing the said Red-River, and running thence by a Line due North to the River Arkansas, thence, following the Course of the Southern bank of the Arkansas to its source in Latitude, 42° North, and thence by that parallel of Latitude to the South-Sea. The whole being as laid down in Melish's Map of the United-States, published at Philadelphia, improved to the first of January 1818. But if the Source of the Arkansas River shall be found to fall North or South of Latitude 42°, then the Line shall run from the said Source due South or North, as the case may be, till it meets the said Parallel of Latitude 42°, and thence along the said Parallel to the South-Sea; all the Islands in the Sabine and the said Red and Arkansas Rivers, throughout the Course thus described, to belong to the United-States; but the use of the Waters and the navigation of the Sabine to the Sea, and of the said Rivers, Roxo and Arkansas, throughout the extent of the said Boundary, on their respective Banks, shall be common to the respective inhabitants of both Nations. The Two High Contracting Parties agree to cede and renounce all their rights, claims and pretensions to the Territories described by the said Line: that is to say.—The United States hereby cede to His Catholic Majesty, and renounce forever, all their rights, claims, and pretensions to the Territories lying West and South of the above described Line; and, in like manner, His Catholic Majesty cedes to the said United-States, all his rights, claims, and pretensions to any Territories, East and North of the said Line, and, for himself, his heirs and successors, renounces all claim to the said Territories forever.

Hunter Miller, Treaties, III, 5-7. This Treaty was signed by John Quincy Adams for the United States, and by Luis de Onís for Spain. Ibid., 18.

These boundaries were later confirmed in a Treaty with Mexico entitled: "TREATY OF LIMITS, SIGNED AT MEXICO JANUARY 12, 1828, WITH ADDITIONAL ARTICLE SIGNED AT MEXICO APRIL 5, 1831." The pertinent article reads as follows:
"The limits of the United States of America with the bordering territories of Mexico having been fixed and designated by a solemn treaty concluded and signed at Washington on the twenty-second day of February, in the year of our Lord one thousand eight hundred and nineteen, between the respective Plenipotentiaries of the government of the United States of America on the one part and of that of Spain on the other; And whereas, the said treaty having been sanctioned at a period when Mexico constituted a part of the Spanish Monarchy, it is deemed necessary now to confirm the validity of the aforesaid treaty of limits, regarding it as still in force and binding between the United States of America and the United Mexican States." Ibid., 405-406. This Treaty was signed by J. R. Poinsett for the United States, and by S. Camacho and J. Y. Esteva for Mexico. Ibid., 409. The additional article of April 5, 1831, not reproduced here, was signed by Anthony Butler for the United States, and Lucas Alaman and Rafael Mangino for Mexico. Ibid., 411.
APPENDIX VIII

EDICT OF HIS IMPERIAL MAJESTY, AUTOCRAT OF ALL THE RUSSIAS, RELATING TO TRADE ON THE EASTERN COAST OF SIBERIA, THE NORTH-WEST COAST OF AMERICA, AND THE ALEUTIAN, KURILE AND OTHER ISLANDS,

SEPTEMBER 16, 1821

SECTION I: The pursuits of commerce, whaling and fishery, and of all other industry, on all Islands, Ports, and Gulfs, including the whole of the North-west Coast of America, beginning from Behring's Straits, to the 51° of Northern Latitude, also from the Aleutian Islands to the Eastern Coast of Siberia, as well as along the Kurile Islands from Behring's Straits to the South Cape of the Island of Urup, viz., to the 45° 50' Northern Latitude, is exclusively granted to Russian Subjects.

SECTION II: It is therefore prohibited to all Foreign Vessels, not only to land on the Coasts and Islands belonging to Russia, as stated above, but also to approach them within less than 100 Italian miles. The Transgressor's Vessel is subject to confiscation, along with the whole cargo.

British and Foreign State Papers, IX, 473.
APPENDIX IX

CONVENTION REGARDING NAVIGATION, FISHING, AND TRADING, AND ESTABLISHMENTS ON
THE NORTHWEST COAST OF AMERICA, SIGNED AT ST. PETERSBURG (LENINGRAD)

APRIL 17, 1824 (APRIL 5, OLD STYLE)

ARTICLE 1

It is agreed that in any part of the Great Ocean commonly called the Pacific Ocean or South Sea, the respective citizens or subjects of the high contracting powers shall be neither disturbed nor restrained, either in navigation, or in fishing, or in the power of resorting to the coasts, upon points which may not already have been occupied, for the purpose of trading with the natives, saving always the restrictions and conditions determined by the following articles.

ARTICLE 2

With the view of preventing the rights of navigation and of fishing exercised upon the Great Ocean by the citizens and subjects of the high contracting powers from becoming the pretext for an illicit trade, it is agreed that the citizens of the United States shall not resort to any point where there is a Russian establishment, without the permission of the governor or commander; and that, reciprocally, the subjects of Russia shall not resort, without permission, to any establishment of the United States upon the northwest coast.

ARTICLE 3

It is, moreover, agreed that hereafter there shall not be formed by the citizens of the United States, or under the authority of the said States, any establishment upon the northwest coast of America, nor in any of the islands adjacent, to the north of fifty-four degrees and forty minutes of north latitude; and that in the same manner there shall be none formed by Russian subjects, or under the authority of Russia south of the same parallel.

ARTICLE 4

It is, nevertheless, understood that during a term of ten years, counting from the signature of the present convention, the ships of both powers, or which belong to their citizens or subjects respectively, may reciprocally frequent, without any hindrance whatever, the interior seas, gulfs, harbors, and creeks.
upon the coast mentioned in the preceding article, for the purpose of fishing and trading with the natives of the country.

ARTICLE 5

All spiritous liquors, firearms, other arms, powder, and munitions of war of every kind, are always excepted from this same commerce permitted by the preceding article, and the two powers engage, reciprocally, neither to sell nor suffer them to be sold to the natives by their respective citizens and subjects, nor by any person who may be under their authority. It is likewise stipulated that this restriction shall never afford a pretext nor be advanced in any case to authorize either search or detention of the vessels, seizure of the merchandise, or, in fine, any measures of constraint whatever towards the merchants or the crews who may carry on this commerce, the high contracting powers reciprocally reserving to themselves to determine upon the penalties to be incurred, and to inflict the punishments, in case of the contravention of this article by their respective citizens or subjects.

Hunter Miller, Treaties, III, 152-155. This Convention was signed by Henry Middleton for the United States, and by Le Comte Charles de Nesselrode and Pierre de Poletica for Russia. Ibid., 155.
APPENDIX X

CONVENTION BETWEEN GREAT BRITAIN AND RUSSIA, FEBRUARY 28, 1825

ARTICLE III: The line of demarcation between the Possessions of the High Contracting Parties upon the Coast of the Continent, and the Islands of America to the North West, shall be drawn in the manner following:—Commencing from the Southernmost Point of the Island called 'Prince of Wales' Island, which Point lies in the parallel of 54 degrees 40 Minutes, North Latitude, and between the 131st and the 133rd Degree of West Longitude (Meridian of Greenwich), the said line shall ascend to the North along the Channel called 'Portland Channel,' as far as the Point of the Continent where it strikes the 56th Degree of North Latitude; from this last mentioned Point, the line of demarcation shall follow the summit of the mountains situated parallel to the Coast, as far as the point of intersection of the 141st Degree of West Longitude (of the same Meridian); and finally, from the said point of intersection, the said Meridian Line of the 141st Degree, in its prolongation as far as the Frozen Ocean, shall form the limit between the Russian and British Possessions on the Continent of America to the North West.

British and Foreign State Papers, XII, 39-40. This Convention was signed by Stratford Canning for Great Britain and Charles Robert Count de Nesselrode for Russia. Ibid.
APPENDIX XI

CONVENTION CONTINUING IN FORCE ARTICLE 3 OF THE CONVENTION OF

OCTOBER 20, 1818, SIGNED AT LONDON AUGUST 6, 1827

The United States of America, and His Majesty The King of the United Kingdom of Great Britain and Ireland, being equally desirous to prevent, as far as possible, all hazard of misunderstanding between the Two Nations, with respect to the Territory on the North West Coast of America, West of the Stoney or Rocky Mountains, after the expiration of the Third Article of the Convention concluded between Them on the Twentieth of October 1818; and also with a view to give further time for maturing measures which shall have for their object a more definite settlement of the Claims of each Party to the said Territory, have respectively named Their Plenipotentiaries to treat and agree concerning a temporary renewal of the said Article, that is to say:--

The President of the United States of America, Albert Gallatin, their Envoy Extraordinary and Minister Plenipotentiary to His Britannick Majesty:--

And His Majesty The King of the United Kingdom of Great Britain and Ireland
The Right Honourable Charles Grant, a Member of His said Majesty's Most Honourable Privy Council, a Member of Parliament, and Vice-President of the Committee of Privy Council for Affairs of Trade and Foreign Plantations;--And Henry Unwin Addington, Esquire:--

Who, after having communicated to each other their respective Full Powers, found to be in due and proper form, have agreed upon and concluded the following Articles:--

ARTICLE I.

All the Provisions of the Third Article of the Convention concluded between the United States of America, and His Majesty The King of the United Kingdom of Great Britain and Ireland, on the Twentieth of October 1818, shall be, and they are hereby, further indefinitely extended and continued in force, in the same manner as if all the Provisions of the said Article were herein specifically recited.

ARTICLE II.

It shall be competent, however, to either of the Contracting Parties, in case either should think fit, at any time after the Twentieth of October 1828, on giving due notice of Twelve Months to the other Contracting Party, to annul and abrogate this Convention: and it shall, in such case, be accordingly entirely annulled and abrogated, after the expiration of the said term of Notice.

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ARTICLE III.

Nothing contained in this Convention, or in the Third Article of the Convention of the Twentieth of October 1818, hereby continued in force, shall be construed to impair, or in any manner affect, the Claims which either of the Contracting Parties may have to any part of the Country westward of the Stoney or Rocky Mountains.

ARTICLE IV.

The present Convention shall be ratified, and the Ratifications shall be exchanged in Nine Months, or sooner if possible.

In Witness whereof, the respective Plenipotentiaries have signed the same, and have affixed thereto the Seals of their Arms.

Done at London, the Sixth day of August, in the Year of our Lord One Thousand Eight Hundred and Twenty Seven.

[Seal] Albert Gallatin
[Seal] Cha. Grant
[Seal] Henry Unwin Addington.

Hunter Miller, Treaties, III, 309-310.
APPENDIX XII

Joint resolution of notice to Great Britain to annul and abrogate the convention between Great Britain and the United States of the 6th of August, 1827, relative to the country on the northwest coast of America, westward of the Storv mountains.

Whereas by the convention concluded the twentieth day of October, eighteen hundred and eighteen, between the United States of America and the King of the United Kingdom of Great Britain and Ireland, for the period of ten years, and afterwards indefinitely extended and continued in force by another convention of the same parties, concluded the sixth day of August, in the year of our Lord eighteen hundred and twenty-seven, it was agreed that any country that may be claimed by either party on the northwest coast of America, westward of the Story or Rocky mountains, now commonly called the Oregon Territory, should, together with its harbors, bays, and creeks, and the navigation of all rivers within the same, be "free and open" to the vessels, citizens and subjects of the two powers but without prejudice to any claim which either of the parties might have to any part of said country; and with this further provision, in the second article of the said convention of the sixth of August, eighteen hundred and twenty-seven, that either party might abrogate and annul said convention, on giving due notice of twelve months to the other contracting party.

And whereas it has now become desirable that the respective claims of the United States and Great Britain should be definitely settled, and that said Territory may, no longer than need be, remain subject to the evil consequences of the divided allegiance of its American and British population, and of the confusion and conflict of national jurisdiction, dangerous to the cherished peace and good understanding of the two countries.

With a view, therefore, that steps be taken for the abrogation of the said convention of the sixth of August, eighteen hundred and twenty-seven, in the mode prescribed in its second article, and that the attention of the governments of both countries may be the more earnestly directed to the adoption of all proper measures for a speedy and amicable adjustment of the differences and disputes in regard to the said Territory:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby authorized, at his discretion, to give to the government of Great Britain the notice required by the second article of the said convention of the sixth of August, eighteen hundred and twenty-seven, for the abrogation of the same.


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APPENDIX XIII

THE OREGON TREATY. TREATY ESTABLISHING THE BOUNDARY IN THE TERRITORY ON THE NORTHWEST COAST OF AMERICA LYING WESTWARD OF THE ROCKY MOUNTAINS, SIGNED AT WASHINGTON JUNE 15, 1846 . . . . DRAFT TREATY PROPOSED BY THE GOVERNMENT OF GREAT BRITAIN JUNE 6, 1846, SUBMITTED TO THE SENATE JUNE 10, 1846. RESOLUTION OF ADVICE JUNE 12, 1846. TREATY SUBMITTED TO THE SENATE JUNE 16, 1846. RESOLUTION OF ADVICE AND CONSENT JUNE 18, 1846. RATIFIED BY THE UNITED STATES JUNE 19, 1846. RATIFIED BY GREAT BRITAIN JULY 11, 1846. RATIFICATIONS EXCHANGED AT LONDON JULY 17, 1846. PROCLAIMED AUGUST 5, 1846

The United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, deeming it to be desirable for the future welfare of both countries that the state of doubt and uncertainty which has hitherto prevailed respecting the sovereignty and government of the Territory on the northwest coast of America lying westward of the Rocky or Stony Mountains, should be finally terminated by an amicable compromise of the rights mutually asserted by the two Parties over the said Territory, have respectively named Plenipotentiaries to treat and agree concerning the terms of such settlement, that is to say: the President of the United States of America, has on his part, furnished with Full Powers, James Buchanan, Secretary of State of the United States, and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, has, on her part, appointed the Right Honorable Richard Pakenham, a Member of Her Majesty's most honorable Privy Council, and Her Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States; who, after having communicated to each other their respective full Powers, found in good and due form, have agreed upon and concluded the following articles:

ARTICLE I

From the point on the forty-ninth parallel of north latitude where the boundary laid down in existing treaties and conventions between the United States and Great Britain terminates, the line of boundary between the territories of the United States and those of Her Britannic Majesty shall be continued westward along the said forty-ninth parallel of north latitude to the middle of the channel which separates the continent from Vancouver's Island; and thence southerly through the middle of the said channel, and of Puca's Straits to the Pacific Ocean; provided, however, that the navigation of the whole of said channel and Straits south of the forty-ninth parallel of north latitude shall remain free and open to both Parties.
ARTICLE II

From the point at which the forty-ninth parallel of north latitude shall be found to intersect the great northern branch of the Columbia River, the navigation of the said branch shall be free and open to the Hudson's Bay Company and to all British subjects trading with the same, to the point where the said branch meets the main stream of the Columbia, and thence down the said main stream to the Ocean, with free access into and through the said River or Rivers, it being understood that all the usual portages along the line thus described shall in like manner be free and open. In navigating the said River or Rivers, British subjects with their goods and produce, shall be treated on the same footing as citizens of the United States; it being however always understood that nothing in this article shall be construed as preventing, or intended to prevent, the Government of the United States from making any regulations respecting the navigation of the said river or rivers, not inconsistent with the present treaty.

ARTICLE III

In the future appropriation of the territory, south of the forty-ninth parallel of north latitude, as provided in the first article of this Treaty, the possessory rights of the Hudson's Bay Company and of all British subjects who may be already in the occupation of land or other property, lawfully acquired within the said Territory, shall be respected.

ARTICLE IV

The farms, lands, and other property of every description belonging to the Puget's Sound Agricultural Company on the north side of the Columbia River, shall be confirmed to the said Company. In case however the situation of those farms and lands should be considered by the United States to be of public and political importance, and the United States' Government should signify a desire to obtain possession of the whole, or of any part thereof, the property so required shall be transferred to the said Government, at a proper valuation, to be agreed upon between the Parties.

ARTICLE V

The present Treaty shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by Her Britannic Majesty; and the ratifications shall be exchanged at London at the expiration of six months from the date hereof, or sooner if possible.

In witness whereof, the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at Washington the fifteenth day of June, in the year of our Lord one thousand eight hundred and forty-six.

[Seal] James Buchanan
[Seal] Richard Pakenham

Hunter Miller, Treaties, V, 3-5.
APPROVAL SHEET

The dissertation submitted by Reverend Edward J. Doherty, S.J., has been read and approved by five members of the Department of History.

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

The dissertation is therefore accepted in partial fulfillment of the requirements for the Degree of Doctor of Philosophy.

July 18, 1956

Signature of Advisor