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By:

Elizabeth Murphy
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Chapter I.

Oregon Question Through 1843.

Outline.

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American claims.
British claims.
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Convention, 1818.
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Chapter I.

Oregon Question through 1843.

Question In Dispute. The territory in dispute — called "Oregon" — was bounded on the East by the ridge of the Rocky Mountains which divided the water running East to the Mississippi Valley and West to the Pacific Ocean; on the South by the parallel of 42° from the mountains to the Pacific. It contained 560,000 square miles. After 1824 England and the United States disputed the question of where the Northern boundary of Oregon should be drawn — other countries having abandoned all claims to this territory.

Spanish Claims. The Spanish led the maritime discoveries of the Pacific and were searching for gold and trying to find a channel connecting the Pacific and the Atlantic. Spain based her claims upon a supposed line drawn under the Papal Bull of Alexander VI in 1493 from the North Pole to the South Pole; upon the discovery of the Pacific Ocean by Balboa in 1513; upon the fact that in 1613 Sebastian Viscaino reached 43° and claimed to have discovered a large river; that in 1774 Juan Perez sailed up the coast to 54° 40' and made the first real and undisputed exploration of the coast of which there is record; and, that in 1791 Elisa entered the Straits of Fuca and explored the Gulf of Georgia to 50° north. Spain finally became indifferent as to discovery and exploration in the North since she could not find the expected channel and since she felt that her claims were weak; she, in 1819, sold her claim which extended from Panama to Prince William Sound covering Oregon, Washington, Idaho, and British (1 Sturgis, Memoir page 4.
(2 Barrows, American Commonwealth, Chapter 1.
(3 Encyclopedia Britannica, Vol. XX, page 247.)
Columbia to $54^\circ\ 40'$ to the United States, keeping below $42^\circ$ as her own. Thus the Spanish claims to this territory passed into the hands of the United States.

The reason for the Spanish decline in America is that they had only a few good leaders; the mass were of lower grades; many were from the prisons, asylums, and streets; they were more like dumb, driven cattle than citizens; there was nothing in their system to constitute and perpetuate society.

The French led land explorations of the West and attached some mythical claim to the North-west. However, France after the Ryswick Division of the world held good positions for the mastery of the continent. After the convention there were certain vague doubts about the French claims in the North and they were claims of little worth.

In 1710 the population of Louisiana was 380. The Perdido was accepted by France and Spain as the Eastern line of the French claims and the Western boundary of Florida. But on the West of the Mississippi all claims to the territory were in a contested uncertainty. The French claimed westward across the entire territory of Texas to the Rio Grands. Both countries wandered North and East.

The French made friends with the Indians for ten years ending 1750. France forced Spain to this boundary: from the mouth of the Sabine to $32^\circ$ latitude; then due North to the Red River; up the Red River to $23^\circ$; North to the Arkansas and up the Arkansas to $42^\circ$ and on it West to the Pacific. This line was not formally agreed upon but it was the line stated in 1762 when France conveyed Louisiana to Spain, in 1800 when Spain re-conveyed Louisiana to France, and in 1803 when France sold it to the United States.

(1 Barrows, American Commonwealth, Chapt. II.)
For sixteen years there was a struggle to locate and run the line; in 1819 when the United States purchased Florida the treaty called for a survey but there were delays. When New Mexico was acquired in 1848 the line became unnecessary and the declared line remained imaginary.

In 1803 in selling Louisiana to the United States for $15,000,000 all claims of France to Oregon were abandoned leaving only Russia, England, and the United States in the dispute.

Russia had no possessions in North America in 1697.

At this time Peter the Great, Emperor of Russia, had his plans made for gaining interests in the New World. Russia entered a list of competitors in the Oregon struggle; she came into possession on the Northwest coast through her ardor in fur trade. After gaining possession of fur-trading on Asiatic shores it was easy to go to American shores. Russia based her claims upon the three voyages of Behring the Dane, who reached 67° and who passed through Behring Strait twice. In 1824 Russia and the United States made a treaty, Russia saying she would not go south of 54° 40' and the United States would not go North; so matters were mutually adjusted between the United States and Russia.

Spain, France, and Russia having given up their claims to this territory, England and America were the only contestants remaining.

The American claims were composed of many elements which were, first, the discovery of the Columbia River by Captain Gray on May 11, 1792 giving to the United States a claim to possession from discovery and prior occupancy in 1819,

(1 Hines, Illustrated Hist. of Oreg., page 52.
(3 Hines, Illustrated Hist. of Oreg., page 41.
Captain Gray made the first chart of the shores; his was the first ship to go on the Columbia waters; he was the first civilized man to land there; he gave the river its name as it is universally accepted; he waved the first flag there and reported the voyage to the world as soon as possible—I; second, in 1819, the Spaniards assigned to the United States all rights which they might have gained by discovery and exploration, covering all claims East and North of 42° to the Pacific and the United States claim is chiefly based upon this; third, Captain Meriwether Lewis, Jefferson's private secretary, and Lieutenant William Clarke being sent officially by President Jefferson upon an expedition with the object of finding direct communication with the Pacific either by the Missouri, "Oregon", or Colorado rivers for commerce, of finding out the extent and number of Indian tribes, and of gaining a knowledge of the topography of the country, descended the Clearwater and Snake rivers, reached the cascades of the Columbia October 21, 1805, reached Cape Disappointment November 15, 1805 and put papers up on their way telling of their exploration; this was the first expedition across the continent classed as exploring; fourth, America based her claims upon the actual settlement of Astoria in 1811 and the settlement of Mason Lee and Daniel Lee in 1834 as missionaries and of McLaughlin in 1857; and fifth, upon contiguity of territory.

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(1) Hines Illustrated Hist. of Oreg., page 41.
(3) Theodore Roosevelt, "Winning Of The West", Part VI, Ch. 5.
(4) Hines, pp. 50 - 60.
The claims of Great Britain were, first, the discovery in 1578 by Drake, of the coast North of Cape Mendocino as far North as 48° but this was a useless claim because England made no settlement until about 1790 which indicated an intention to settle and mere discovery does not entitle a country to new territory; second, they said the Spanish had never settled North of Cape Mendocino, 40° 39' North, and so the country was subject to settlement by other countries; third, they based claims upon the voyage of Jonathan Carver who left Boston in 1766 under the geographical delusion that North America was an archipelago and that a sailing passage could be found extending through to the Pacific, and who returned in two years, having explored no farther than the present limits of Wisconsin, Iowa, and Minnesota, and upon the three voyages of Samuel Hearne in 1763 who discovered Great Slave Lake and identified Metal River as the Coppermine, which he traced to its mouth; third, they claimed that Captain Cook whose enterprise lasted three years discovered Nootka Sound before Juan Perez did in 1774, that Heceta, a Spanish explorer in 1775 only noticed an opening in the coast at 46° 17' and placed it in his chart as Rio St. Roc; fourth, they claimed that the Spanish rights were not valuable because of an agreement made in 1780 in the Nootka Treaty; fifth, they claimed that when Captain George Vancouver was on the Coast to carry out the provisions of the Nootka Treaty between England and Spain and to examine the Strait of Juan de Fuca between 46° and 48°, he made a more thorough investigation than Gray, even if Gray did make his exploration earlier, when as a matter of fact, Vancouver swept by the mouth of the river not noticing it on his way south and not believing it accessible by a ship after learning later from

(1 Falconer, The Oregon Question, Page 11.)
reference to the Senate papers fixing the line at 49° not applying it west of the Rocky Mountains. In 1814, the British made the same offers as in 1803 and 1807 but the United States would not agree. Negotiation appeared futile.

In 1816 in London and the plenipotentiaries of Great Britain, Mr. Goulborne and Mr. Robinson, for joint occupation the first time gave the grounds of the British claims to the country. They made no formal proposition for the boundary but said England would accept no boundary which would not give her the harbor at the mouth of the Columbia in common with the United States. They and the American plenipotentiaries, Gallatin and Rush, came to a conclusion known as the "Joint Occupation" Treaty which was that the line should be 49° from the Lake of Woods to the Rockies and that the Northwest country with harbors, bays, creeks and navigation of all rivers be free and open for ten years to the subjects, citizens and vessels of the two powers without prejudice to any claim which either party might have to any part of the country.

England obtained the advantage from the treaty; it was an acknowledgment that Great Britain had some kind of claim to this country; the Hudson Bay Company and the Northwest Company being united to form one of the strongest commercial corporations of the time was thus given more power and a larger field in which to work; the British obtained freedom of trade here with no fear of molestation. It seems strange that the President and Senate ratified the treaty and did not foresee that the British through the Hudson Bay Company would drive the Americans out before ten years.

In the first session of Congress, 1820-1821, at which any proposition for the settlement and occupation of Oregon was brought up, a committee of three with John Floyd, a representative from Virginia, as chairman was appointed to look into the matter; no...
Gray that it was there; sixth, they claimed title from the discoveries of Captain Cook who saw the coast of New Albion at 44° on March 7, 1778, saw and named a headway, "Cape Flattery" at 48°, passed the straits without seeing them and did not cast anchor until he reached Nootka Sound at 60° 18'; seventh, they claimed that the British fur trading companies had practically occupied this country— the Hudson Bay Company, which contested every advance of the United States toward Oregon and was the very embodiment of Great Britain in North America whose extent of territory was fabulous being one-third larger than all Europe, and which was chartered by Charles II on May 16, 1670, being the most formidable and influential—and that Alexander Mackenzie going overland from "Fort Chippewyau" on Lake Athabasca and reaching the Pacific Ocean at 52° 10' on July 22, 1792 had connected the British explorations by land and by sea— Vancouver having reached this inlet only a few weeks before; Mackenzie also explored the Fraser River North of 49° being the first to go down the Western slope of the Rockies but it was North of 49°.

In 1803 at the same time the United States was carrying on negotiations with France in Paris for Louisiana, she was also doing the same thing in London for defining the boundary line between Canada and the United States in the North-west. The latter was ratified with the exception of the fifth article which fixed the line between the Lake of Woods and the head of the Mississippi. The articles were changed and then the British government refused to ratify it. In 1807 Jefferson rejected without

(1 Channing, Hist. of U. S. pp. 424, 425.  
(2 Falconer, the Oreg. Quest. pp. 12-14.  
(3 Hines, Illustrated Hist. of Oreg., p. 33, 40-48.)
decisive step was taken concerning the bill presented to Congress by the committee but the question now became foremost in American politics.

Benton's

The question was before Congress until 1825 when Senator Bill, 1825. Benton introduced a bill proposing that the President take possession of the country and that he might have an appropriation for an army and navy for that purpose. Only fourteen senators voted for the bill so it did not pass, but Benton's speech showed much foresight and answered effectively all the pretensions of Great Britain to the country. Benton's action showed the increase of sentiment in favor of asserting the American rights in Oregon; he and a strong part of our national legislators were opposed to a renewal of the treaty which was coming to a close.

Convention

At the Convention of 1828, with Gallatin as the only American negotiator, under J. Q. Adams' administration, the "Joint Occupation" treaty of 1818 was renewed for an indefinite period to be ended upon one year's notice from either party to the other. In spite of the strong opposition in the Senate led by Benton the treaty was ratified. From 1818 to 1842 there was to be joint occupation but as a matter of fact the British occupied the country because the Hudson Bay Company defeated all attempts of the Americans to trade and settle in the valley; even Astor's extensive and expensive plans failed.

Immigration

People of the Far East were not in sympathy with the Oregon Question for many years. This lack of interest existed from the fact that they knew little of the West since it took three weeks to go from New England to any point on the Mississippi and our first railroad to the Mississippi did not arrive till 1854 at Rock Island. In the great Congressional debate that defeated the bill for the settlement of Oregon its opponents urged that even if
the United States had undisputed title, the occupation of the
country would be of doubtful utility, from its barrenness, dan-
gerous coasts, distance and inaccessibility from the States by
either land or sea. Eastern travel was directed abroad and not
inland. We tremble now to think how near the old states were
to alienating, and disowning, and losing Oregon, Washington, and
Idaho Territories.

It was left for the West to save the farther West by
occupying it at great peril and so compelling attention to it.
When bills in Congress for opening and possessing Oregon went
to the table for a final rest, energetic western men went to
the upper waters of the Mississippi, Missouri, Platte and Yel-
lowstone in the fur trade. Having tresseded the head streams of
those rivers on the eastern prairies and slopes, they began to
trace the gorges and canons of the mountains. The North Ameri-
can Companies and the Columbia Companies united in 1826, did
the most of this, and St. Louis became the center of the fur
trade for the United States.

From St. Louis the great caravans had begun to start off
on the Santa Fe trail into New Mexico. Eminent in this foreign
trade were Bent and St. Vrain, while Ashley led the way into the
extreme West and finally over the mountains into the great cen-
tral basin. In 1824 Ashley planted a trading post near Salt
Lake which was twelve hundred miles from St. Louis— the equiva-
 lent of twelve thousand now. Wagons followed in 1828.

When Ashley's Company sent to St. Louis furs to the value
of $180,000 as the product of one year it created a great impres-
sion and the Rocky Mountain Company was one result. This Company
 traded along the southern branches of the Columbia and through
most of California.
Other daring and energetic western men were Mr. Pilcher, who in 1829 reached the Upper Missouri, Mr. J. C. Pattie of St. Louis who traded in Mexico and Southern California, Captain Bonneville who reached the Columbia, and Nathaniel J. Wyeth from Old Cambridge who established Fort Hall on Snake River about one-hundred miles North of Salt Lake. The Hudson Bay Company at once established a rival post called Fort Boise and easily ruined the enterprise of Mr. Wyeth.

The Americans West of the mountains at this time seldom exceeded two hundred and they were beyond all cover of United States laws. Their protection was in their own hands. Yet around Vancouver the Hudson Bay Company had seven or eight hundred men. Over all the region covered by that Company Canadian law was extended by act of Parliament. No post was beyond this code of law. Not only was the government of the Hudson Bay Company vital and active at every point where their employees were, but its magnitude made it formidable. Americans were not allowed to traffic within several hundred miles of Hudson Bay posts. At this time they had over twenty posts.

The monarchical government of Great Britain supported this gigantic monopoly; the democratic government of the United States left privilege and success to be divided as the fruit of individual toil and competition; as will be seen, this, rather than the monopolies that are the gifts of kings, won the day.

Immigration overland to Oregon increased in 1833 from the Eastern states; in 1834 Jason Lee and his nephew Daniel Lee went to Oregon as Methodist missionaries; they established missions in Williamette Valley and other missions followed. The population

(1 Barrows, Amer. Commonwealth, Chapt. XI.)
increased so rapidly that the people of Oregon, getting no aid and protection from the United States government, felt the need of civil government in 1841 and as a result a provisional government was formed by July 1843; great immigration was a result and in 1845 three thousand immigrated.

Lord Ashburton, who was Mr. Alexander Baring, head of a great banking house of England was authorized by the British Government to meet Webster, who was secretary of state under President Tyler at Washington in 1842; these plenipotentiaries were to be the sole negotiators for their countries in settling the difficulties between Great Britain and the United States. Ashburton, it was said, was directed to settle all questions between England and the United States, a chief one being the Oregon question but England's real object was to postpone settlement while that of the United States was to settle the matter then. As a result the "Oregon" question was not settled, it being adjourned. The only report from the conference regarding Oregon is that the president said there were some "informal conferences relating to Oregon and he told the Senate that it was not probable that any agreement would be reached at that time. The treaty became law on November tenth. England was given an advantage in this treaty since on account of the delay in settlement they could diplomratize the United States out of the American claims.

Result of Although the plenipotentiaries spent much time trying to the Treaty, compromise and the executives and senators did not act quickly, the people took up the question immediately and put it before the government and caused much public debating. Some agreed to postpone the question, one of whom besides Webster was Mr. Rufus Choate, senator from Massachusetts; others were in favor of rejecting the treaty, withdrawing from joint occupancy and settling at once, the
most influential of whom was Benton.

As early as December 21, 1839 Mr. Linn, senator of Kentucky, brought up resolutions proposing that since the title of the United States was indisputable, the treaty of 1828 should cease after a twelve month’s notice; the laws of the United States should be extended over Oregon citizens; they should give protection against the Indians; and land grants should be made to increase the population. This resolution was passed over. On June 24, 1840, Linn presented a petition to the United States from Oregon citizens begging them to take possession and extending American laws over them; on January 3, 1842, Linn repeated his resolution but no definite action was taken by the government itself which appointed Webster to settle the trouble. On August 30, 1842, petitions from Missouri and on May 7, 1842 petitions from Michigan prayed for the military occupation of Oregon. As a result of these petitions on July 2, 1843 Freemont examined the country with a view of establishing a line of forts along the Columbia. Linn’s bill passed the senate but was defeated in the House. The British considered such a bill as an insult to her; she wished to maintain peace and so suggested to the United States to have a treaty.

Conclusion. So we see that the people of England by 1842 were glad the question was unsettled for their strength was in diplomatizing, and that the people of the United States were very much stirred up because of the action of Webster and they were of divided opinions as to their immediate procedure.

Chapter II.

Outline.

The Oregon Question In 1844.

Introduction.
Owen's Resolution, January 4, 1844.
Allen's Resolution, January 5, 1844.
Discussion of Bill in Senate.
Result.
Semple's Resolution, January 8, 1844.
Discussion in Senate.
Knight's Resolution, January 8, 1844.
Discussion in Senate.
Result.
Opinion of Senators regarding the resolutions.
British Action in 1844.
Proposal for negotiation by Fakenham, August 26, 1844.
(1) Declined by United States, (Calhoun).
Proposal for Arbitration, November 1, 1844.

Presidential Election, November 1844.
President Tyler urges establishment of Military Posts.
Summary.
Chapter II.

The Oregon Question in 1844.

Introduction. We have seen how during the few years preceding 1844 the people of Oregon, some of the western states and some of the foremost politicians of the country begged and prayed that the United States might occupy Oregon and protect the citizens by giving them the privileges of its law. Though the government had done nothing along this line by the first of 1844 the question had become one of the leading and most discussed of the time.

Early in January several senators presented resolutions to Congress. On January 4, 1844, R. D. Owen, senator from Indiana, brought up a joint resolution stating that the President might be instructed to give to Great Britain a notice that the treaty of "joint occupation" would be void within twelve months, it being stated in the treaty that a notice be given twelve months in advance. Owen in making his speech read parts of the instructions of Clay, our Secretary of State under J. Q. Adams, to Gallatin, our envoy to Great Britain, in which Clay blames our minister for offering to yield four hundred miles on the Pacific Coast when the British had no worthy claims; and he read Gallatin's answer when he said the American temporizing diplomacy was the same as admitting that Britain had some claims to the territory and as long as all land above 49° was gone the question now was how much south of that line would also go. Gallatin also remarked that since we had made two offers to the English and both had been refused it was time the United States should take an independent stand and settle the question according to principle, it being wrong to expose Oregon to colonial servitude or revolutionary war on account of desertion.

(1 Summary of Congressional Globe, 28 Cong.; First Session, Vol.14.)
Allen's Reso- On January 8, 1844, Allen, senator of Ohio, brought up a
olution, resolution which he had brought before Congress in 1841 calling up-
Jan. 8, 1844. on the President to give our minister in England instructions to
end the treaty signed in 1818 and extended in 1826 and to occupy
Oregon. He made a speech bringing up the opinion of Britain as
expressed by Sir Robert Peel, prime minister of Great Britain.
Peel said that there was no necessity for taking offense at the
action of the United States in introducing in November 1842, a
bill for the exclusive occupation of Oregon, the settlement of
that country and the extension of United States laws over it and
in vindicating the honor of England as suggested by Benton on
February 24, 1843; that since the President had said in his mes-
message on December 5, 1842 that he wished to negotiate as soon as
possible, it would be impossible for him to adopt the bill which
according to Palmerston would mean war; that since the British
dealt with the President and not the Senate there was no need in
taking offense.

Allen then brought up the question of whether the President
had a right to act without an action in Congress; whether Congress
had only the power of giving advice and vetoing. He said the
President had been in the habit of exercising the whole power
himself dispensing with the Senate except asking its consent af-
ter the decision had been made, leaving it only with the power
of veto; Congress should know the exact conditions of the case as
given by the President in his correspondence with England; it should
determine immediately whether it would pass the bill over the anti-
cipated veto of the President. England in order to enlarge her

(1 Hansard, Vol. LXVI, page 1343.
(2 Hansard, Vol. LXXI, page 492.)
trade and protect her navigation had asked us, when she had seen her territory slipping away, to maintain peace and negotiate but so long as we should negotiate she would make claims which were only based on the fact that the President had agreed to open negotiations.

In regard to Allen's speech, Archer of Virginia, who was Chairman of the Committee on Foreign Affairs, said our claims to Oregon were not incontestable, as Allen had said, since the two negotiations had done away with exclusive ownership on either side; Archer and Marchand agreed that there was no use in opening negotiations. There was a lengthy dispute as to the President's power as related to Congressional action. Benton of Missouri made a good speech supporting the resolution saying the Senate had a right to aid in making treaties; that the President would be strengthened by having the Senate behind him; and that it was not sufficient to simply consult the senators individually and in private just before negotiations were concluded; Burrien of Georgia, Woodbury of New Hampshire, Archer, and Buchanan of Pennsylvania spoke against the adoption of the resolution.

Allen's resolution was defeated.

Seiple's Resolution On January 8, 1844 Seiple, senator of Illinois, intro-

duction duced a resolution asking the President to give the twelve month notice. In his speech on Jan 25, 1844, he stated that if the United States should occupy Oregon exclusively both countries would be forced to some definite action, stating the strong interest of the western people in the occupation of the country. He told about a Convention held in 1843 at Cincinnati by western men where those present spoke against making negotiations with Britain expressing their sentiment against joint occupation and against
compromise. Breese, chairman of the committee, from Illinois, said England had no reason for complaining and he substantiated his argument by explaining the negotiations of 1818 and 1827.

Knight of Rhode Island submitted a resolution on January 8, 1844, urging President Tyler to open a negotiation with Great Britain exchanging Oregon for the province of Upper Canada; he also defended Benton from an accusation that he was at the head of a conspiracy with the purpose of drawing the country into a war, saying Benton had just defended our rights. Senator Breese objected to Knight's view and said the United States would defend its territory even if arms should be involved and he was very much surprised that the question was not settled in the Webster-Ashburton treaty. Clay said although he thought other nations would not sympathize with us if we seized the country by force, yet he thought we should speak for our rights because it was England's policy as given in the "London Morning Chronicle" on November 3, 1843 to diplomatize us out of the territory and not to fight. He said war was preferable to giving up to the unjust demands of England but he believed England would avoid a war because her manufacturing and commercial interests were very much against a war and her condition at home—having trouble with Ireland and Canada—made war unadvisable. Atchison from Missouri on February 22, 1844, said he was opposed to a war but wanted it if we could not defend our just rights in any other way; we should maintain the Monroe Doctrine. He believed negotiations were fruitless. So it can be seen that Clay, Breese, and Atchison immediately put a damper upon Knight's resolution; he had no supporters.

The most influential men of the time were in favor of ending

(1 Summary of Cong. Globe, Vol. XV, Part 2, 28 Cong. First Session.)
joint occupation and occupying and settling Oregon. The principal members for the issue were: Benton, Allen, Clay, Adams of Massachusetts, Atchison, Calhoun, Cass, Semple and Breese. Those against it were Knight, Burrien, Morehead, Woodbury and Archer. The question had become a live one and became an issue in the next presidential election.

Senator Benton on June 3, 1844, presented to the Senate a petition from the citizens of Oswego asking for aid from the government. He made a speech saying England by the treaty of 1818 had diplomatized the United States out of territory which belonged to her and the time had come when "30,000 rifles" should be stationed in the valley to aid the citizens in recovering what they had lost, even if war should be a consequence.

The British at this time were just as anxious for a settlement of the question as were the Americans. On April 14, 1844 Pakenham, the British plenipotentiary, wrote to Lord Aberdeen, secretary of foreign affairs under Peel, saying that since Calhoun had been secretary of state he had been giving his time to Texas troubles but that he was now ready to turn his attention to Oregon. He said it was not his purpose to urge the United States to hurry the settlement causing them an inconvenience but he wanted to show them that England was ready. The death of Upshur, the secretary of state preceding Calhoun, had also caused much delay in the diplomatic relations of the two countries. On August 23, Calhoun consented to have an interview with Pakenham to hear what new proposal he had to offer from Great Britain; there were no important results.

On August 26, 1844, they had a second Conference where Pakenham proposed that there be a free port on Vancouver Island and on the mainland, south of 49°; Calhoun immediately declined the offer.

On September 12 in a letter Pakenham told Aberdeen of Calhoun's rea-
ensions for not accepting which were: first, United States claims entitled them to more; second, he claimed all the country drained by the Columbia. Fakenham enclosed the statements of the American and the British plenipotentiary concerning the claims of each country to Oregon; these statements were made at the request of Fakenham. Six Conferences were held by these two representatives.

On November 1, 1844, Aberdeen wrote to Fakenham saying that since there was little hope that the United States would compromise in any way favorable to them, he wished Fakenham to sound the American government and at the most favorable opportunity urge the secretary of state to submit the question to arbitration.

In the election of Polk in November 1844, the Texas and Oregon settlements were the questions at issue. The leading statesmen of the democratic party believed 49° was the rightful line of Oregon and Calhoun, as Democratic secretary of state under Tyler, was making negotiations with the British minister at Washington offering to settle the entire question at 49° at the same time that the Democratic Convention was drawing up its platform and nominating Polk. This offer would have been accepted then by the British minister had he not objected to one item as to the right of the English to the navigation of the Columbia. Calhoun did not dare politically to hasten the end of the issue. Polk did not base his opinion upon a settlement at 49° for that would have meant the election of Calhoun; he stood for the maintenance of the Monroe Doctrine or "America for Americans" and "54° 40' or Fight". This was the opinion of the people and the result was Polk's election. In his inaugural address he restated his policy which angered the British who stated their intention to

declare war. The result was that the two countries were at the verge of war for a year.

Pakenham wrote to Aberdeen on December 3, 1844 enclosing the President's Message in which he speaks of negotiations still pending between the secretary of state and the English minister and envoy extraordinary. The President had urged the establishment of military posts and government action for the protection of Oregon citizens and immigrants and had said the British had already established such posts. He stated also his hope that negotiations would be favorable. From the calm tone of American and British papers after the election we can see that the results of the election were not felt until 1845.

Summary.

During 1844 in spite of the proposals presented to Congress by the senators and in spite of the desire in England and the United States to conclude the Oregon dispute no definite action was taken in the way of settlement but the United States resolved to protect their claims; refused to accept the British proposals for arbitration; the British concluded to give up any hope of negotiating and wished a settlement by arbitration; as indicated in the Presidential election, the United States showed an inclination to occupy Oregon to 54° 40' which infuriated Britain. Would this mean war?

(1 Hines "Illus. Hist. of Oreg. pp. 70-72.
(3 Moore "Words by James Buchanan" Vol. VI, page 79.
(4 British State Papers, Vol. xxxiv, Serial No. 19.
Chapter III.
Outline.
Oregon in 1845.

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United States Refusal to Arbitrate, Jan. 21st, 1845.
    Aberdeen Wishes Arbitration Urged Upon United States.
Requests In United States And England For Correspondence.
British Determined To Maintain Their Rights.
Organis Laws Of Oregon, June 28th, 1845.
Polk's Offer For Negotiation.
Pakenham Rejected Polk's Offer.
    Not Referred To The British Government.
Polk's Withdrawal Of His Proposition, Aug. 30, 1845.
    British Desire It Taken Back, Nov. 5, 1845.
Resolutions From Oregon, Dec. 12, 1845.
    Attitude Of Senators.
Other Oregon Resolutions.
England's Offer To Arbitrate, Dec. 27, 1845.
    Anticipated Rejection In United States.
Summary.
Chapter III.

Oregon Question in 1845.

Introduction. At the beginning of 1845 we find a great difference in English and American attitudes toward the Oregon question. The British believing the United States would not compromise to suit them have decided to ask for a solution by arbitration; the Americans have decided to uphold their claims to Oregon, to fortify and settle the country and the majority have decided to maintain their claim to 54° 40'.

United States In a letter from Pakenham to Aberdeen, dated January 29, we find an account of a letter sent on January 21 by Calhoun to Pakenham in which he found an account of President Tyler's refusal to arbitrate; he thought matters could be best settled by negotiations.

On March 3rd Aberdeen wrote to Pakenham saying that since he felt the President would not be authorized by the Senate to occupy Oregon he wanted him to urge arbitration, in a spirit of mutual compromise. He thought the failure of negotiation was due to the artificial excitement in both countries and the violent proceedings in the House of Representatives. Roebuck in a speech before the House of Commons on March 3rd said the action taken by the House of Representatives was extraordinary and English rights would be invaded if England did not take some counteracting steps. He said England should have denied the right of Americans to go west of the Rocky Mountains and he also wanted to know if the ministers intended to leave Parliament entirely in the dark on the subject. No other important circumstances came up in March because it took Buchanan, who succeeded Calhoun

(1 Hansard Debates, Vol. 78 (Commons).
as Secretary Of State, some time to learn the duties of his new office. Pakenham in a letter to Aberdeen on March 29th said Buchanan was not in favor of arbitration but he did not object strenuously to negotiation.

The two governments showed their increased interest in the matter early in 1845. Tyler was requested to lay any Oregon information before the Senate but in his reply on February 19th he said it would be against public interest to communicate any such correspondence. The Earl of Clarendon asked in the House of Lords on April 4th that the different phases of the subject be laid before all members. These form only the beginning of such requests.

Clarendon stated in this letter also that the President determined seemed to act as if all negotiations were completed by announcing that wives and children were on their way to Oregon in order to make settlements permanent. He reviewed the claims of Britain and said he hoped the English would vindicate their honor and protect the interests of the nation. Aberdeen spoke at the same meeting saying that since Tyler in a letter delivered on February 19th had said negotiations were going on amicably and might be soon ended, since the inaugural address of Polk was not official on account of Congress not being in session, and since joint occupation would not be ended until a year from the following December, when Congress would meet again, the matter was not as urgent as many believed. Aberdeen also stated that although they stood for peace yet they would maintain their unquestionable rights. Russell also spoke on the Fourth laying emphasis upon the President's course of extending American institutions to the territory as being a new one and said it would be met in an unusual manner.

(1 British State Papers, Vol. XXXIV, No. 22-25.)
He pointed out British claims which he called superior. He thought however England should make no better offer than that once made by Canning which was $49^\circ$ to the McGillivray River and then down the main stream to the ocean leaving all south of the Columbia to $42^\circ$ to the United States. Sir Robert Peel, prime minister of England, said the United States should be given a greater advantage than Russell and Canning had offered; the United States should be given sovereignty over all south of the river, the United States vessels should be allowed free access in the harbor of Juan de Fuca and the Americans should have quite a bit of land north of the river. He regretted that the President's address would not lead to an equitable and honorable adjustment; he also said they were ready to maintain their rights. He would not make a motion until the government would place the necessary material before the House. Palmerston said he agreed with Russell.

In a letter from Aberdeen to Pakenham on April 18, 1845, we see how pleased England was that there were still chances left that the United States might consent to negotiate; Aberdeen received news on May 18th from Pakenham stating that the United States was not in favor of arbitration, and they preferred negotiations.

**Organic Laws**

The Oregon citizens were still praying for help, praying for the establishment of territorial government under the protection of the United States. On June 28th their legislative committee presented a statement to the Senate giving a detailed account of their difficulties and wants. They found it necessary to adopt organic laws on July 5th saying it was a case of

necessity and not choice and it was no act of disregard for the United States. So, the protection of a provisional government was provided by the citizens themselves until United States laws I should be extended over them.

**Buchanan's Offer**

On July 12th Buchanan, being authorized by Polk, made a proposal to Pakenham for settlement and this offer was sent on to Aberdeen on July 29th. Buchanan after giving an extensive account of the American claims said the American title was clear and undisputable from discovery, exploration, and possession. He also added that the President would not have given up any of the American claims had his action not been limited on account of the acts of his predecessors—meaning Monroe and Adams. As a compromise he offered to divide the territory by 49° making free to England any ports on Vancouver Island South of 49° which she should desire. The navigation of the Columbia was omitted in this offer.

**Pakenham's Reply**

Pakenham on July 29th in his answer to Buchanan's proposal denied the United States rights to claim Oregon from the Florida Treaty of 1818 with Spain saying the Nootka Sound Treaty of 1780 was still in complete force, and saying even leaving out the question of the Nootka Convention, the British claims of discovery, exploration, and settlement were of equal value to those of the United States; he pointed out what the British claims were. He said that after considering the validity of the British claims, and since this offer was even less than the one offered in 1826 he would have to decline, hoping the American people would make another offer which would meet the expectations of Great Britain. Pakenham did not even consult his government on the offer.

The first definite action in Congress was in the House of (1 Senate Doc. 28th Cong. No. 353, Serial No. 476, p. 1. (2 British State Papers, Vol. XXXIV, No. 28.)
Representatives on August 14th when they resolved: first, that Congress should legalize the acts of the people of Oregon in establishing a territorial government there, and second, that White, a sub-Indian agent of that territory, be asked to submit a copy of the amended organic laws of Oregon to Congress.

Polk said in his "Diary" on August 26th he was glad the British had refused his offer made on July 12th because he would no longer be bound to it and he was no longer in favor of such a compromise. He tells in his "Diary" that Buchanan was not of the same opinion as Polk saying war would be the ultimate result and the people would not support a war for the small territory in dispute north of 49°; there would have to be a better cause for war. Polk said he thought the people would sustain the government in an action for maintaining up to 54° 40'.

On August 30th Polk withdrew his offer in a note written to Pakenham and said the next step would be left with Great Britain. So the English would have to make the next move without invitation from the United States and with no assurance as to the desired acceptance by the United States; however, the proposal would be given a respectful consideration.

Calhoun believed that if the question were not soon settled a rupture, disastrous to both countries would result. He believed England could hold Oregon against us as long as she held supremacy on the ocean and retained her eastern dominions. He wrote this opinion to Buchanan on August 30th.

Pakenham in a note to Calhoun on September 12th showed

2 Polk's Diary, Vol. I.  
3 Senate Doc. Serial No. 478, No. 489, pp. 31-33.  
very plainly that Great Britain intended to maintain her share in the use of the Columbia River. But, Polk intended to do away with joint occupancy of the river saying it was a perpetual source of strife and he wanted no such source; it was almost impossible to execute the revenue laws of both countries and prevent smuggling; the subjects of Britain would use the portages at the mouth of the river for their merchandise; and the British did not need the Columbia so much since they had explored and resorted to some rivers north of the river which were used as an inlet to the interior. Polk said in his diary on October 31st that Aberdeen had shown his disappointment that Pakenham had rejected the American proposition to compromise.

On November 5th Buchanan, our Secretary Of State, wrote to McLane, the United States minister in England, telling about a talk he had had with Pakenham who had urged him to ask the President to take back his withdrawal and let it stand as a basis for further negotiation and, if he refused to do that, he would like to know in what manner a new proposition from Britain would be received. Buchanan said he had told Pakenham the President would recall nothing which he had said and would make no other proposition but he would consider another offer from Britain. The President said he had made his offer to establish a friendly relation between the two countries but now that it had been rejected no action would be made except by Britain itself. On December 1st, McLane answered Buchanan's letter of November 5th saying Aberdeen had told him that he was not prepared to accept the President's proposition but he would like to have referred it to the government as a basis for further negotiation and would have modified the contents. Aberdeen also said he would make no fur-

(1 Senate Documents, Serial No. 478; No. 405, pp. 31-33.)
ther proposal until he knew how it would be accepted by the United States.

Aberdeen in his correspondence with Pakenham on November 28th told him to present immediately to the United States Government an official note proposing to refer the whole question to arbitration saying this would be a proof of British confidence in the justice of their claims and of their eagerness to risk a great sacrifice in order to maintain peace. He thought this was the only action to take which would calm the popular feelings of pride and passion which might otherwise expose both nations to war. He said if the United States rejected this offer and refused to settle differences by direct negotiation, they would be held responsible and Britain would proceed to maintain her rights.

On December 2nd the President said that since compromise had failed he thought the year's notice ending joint occupancy should be given; the United States laws and jurisdiction ought to be extended immediately over the citizens of Oregon for their protection. Pakenham sent this message on to Aberdeen.

Resolutions

Representative citizens of the United States—Crittenden, From Oregon, Hannegan, and Calhoun—on December 12th presented resolutions to the Senate to annul the treaty of joint occupancy and proposed that a military affairs committee inquire into the national fortifications and armament to see if other means of defense were necessary. Cass, Senator from Michigan, spoke decidedly in favor of these propositions saying, Russell, Peel, Clarendon and Aberdeen had spoken in Parliament of the undisputable rights of

(1 Senate Doc. Serial No. 478,; No. 489.
(2 British State Papers, Vol. XXXIV, No. 31.)
England and he could feel the approach of war. Allen of Ohio, Archer of Virginia, Clayton of Delaware, and Manguin of North Carolina were also in favor of them. Senator Niles of Connecticut supported the bill and said the time had come for Congress to take a definite action since negotiations had ended and that they should act together and stand for a definite purpose; he thought Great Britain would accept 49° as the boundary when she saw she could get no more. Webster of Massachusetts believed that war would not come under the present system and wished the Senators would not create any unnecessary public alarm. Senator Breese of Illinois and Hannegan were the only members at this time who were decidedly in favor of maintaining claims to 54° 40'. There seemed to be an almost equally divided opinion in the Senate as to whether such actions as suggested in the late resolutions would result in war.

On December 18th Atchison of Missouri in his resolution suggested establishing stockade forts and block houses from the Missouri to Fremont's Pass in the Rockies and down the river to its mouth, and placing a militia there. Other resolutions for examining the Passes of the mountains, for establishing mail routes were submitted. So, in the Senate we see that the majority of members by the end of the year were in favor of occupying and placing military protection over the Oregon citizens up to 49° 1. Having agreed to conciliate by withdrawing the claim to 54° 40'.

On December 13th Buchanan wrote to McLane saying the President had heard that the British were making extensive warlike preparations and wished McLane to find out from Aberdeen as soon as possible the truth of the report. McLane did not answer the letter until January 3, 1846.

(2 Senate Doc. Serial No. 473, No. 117, p. 1.)
On December 27th Pakenham did as he had been ordered by Aberdeen by informing Buchanan of Britain's desire to establish friendly relations by submitting the question to arbitration saying they considered the question of too small importance to destroy the peace of the two nations. Pakenham informed Aberdeen on December 29th that Buchanan had said the President would, he knew, refuse to arbitrate and if he refused the Senate would do the same. Buchanan added that the Cabinet considered the matter of very much importance and would give it serious attention. On December 29th, Buchanan wrote to McLane and said if Polk did accept the offer it would be an admission that the United States had been wrong in claiming her title to the whole of Oregon and that England was entitled to a portion of the disputed territory. One objection which the United States had to the British offer to arbitrate was that they did not propose to settle the claims to the whole territory but they wished an "equitable division". Buchanan said Pakenham was not surprised that the offer had been rejected and be believed none of the British had expected a different action in the United States.

Summary.

In 1845 we find that the Oregon citizens and those most interested in that country still very desirous of being placed under the protection of the United States; they however had to make laws for themselves since there seemed to be no immediate hope of action on the part of the United States government; Polk made an offer to negotiate and when it was rejected by Pakenham the United States refused to make the next advance. The British were determined to maintain their claims and as their only hope of calming the people in both countries, kept urging the Americans to submit the question to arbitration but the United States.

(1 Senate Doc. Serial No. 479, No. 329, p. 1, 2.)
States was, very much opposed to such action. We find also
a hint of the fact that if the United States refused to sub-
mit the question to arbitration and would not negotiate in a
way favorable to the British, the British would proceed to
maintain their rights by war.
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Outline.

Oregon In 1846.

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Senators' Opinions on "Joint Resolution".
British Offer Of Arbitration.
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McLane's Suggestions For Negotiation.
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Chapter IV.
Oregon In 1846.

Introduction

At the beginning of 1846 the question to be settled is whether or not Britain can finally persuade the United States to submit the question to arbitration; or whether one of the countries will make an offer of negotiation acceptable to the other country. We have reached a place where each country seems to have gone as far as it wishes in compromising. The outward appearance is that the question will remain unsettled until the countries come to war.

Aberdeen Letter

Mclane on January 3rd answered Buchanan's letter of December 13, 1845 in which McLane had been requested to find out from Aberdeen if the report were true as to the English preparations for war. McLane had a personal interview with the British secretary of foreign affairs and Aberdeen frankly admitted that they were obliged to look to the possibility of a war with the United States and the warlike preparations then being made would be useful in the case of such a crisis. He, however, added that the preparations were being made before this trouble had become so serious and they had no connection with Oregon; and that the case had been greatly exaggerated. McLane believed that Aberdeen was straight forward; and thought the British intended to strike their heaviest blow against the United States at the beginning in case of a war with a view of shortening the matter.

Buchanan on January 3rd answered Fakenham's letter of December 27, 1845 in which Fakenham offered to settle the question by arbitration. Buchanan said the President refused such a settlement believing any attempt to refer the question to a third party would bring out new difficulties. He still
hoped for a peaceful settlement.

The question of the resolutions to occupy and settle Oregon took up the time of the Senate in December and was carried on into the next year. On January 2nd, Adams of South Carolina showed in his speech that he was of a different opinion from the others expressed. He thought there should be no increase made in the army and navy until the President had announced the American intention of ending "joint occupation" but it would be necessary after such an announcement had been made. On January 3rd, Ingersoll of Connecticut, a Congressman and in 1846 United States minister to Russia, Owen, Congressman from North Carolina, and Baker of Illinois spoke in favor of occupying to 54° 40'; Darrough wished to settle the question by arbitration. On January 5th, Adams said he believed that if troops were sent immediately, there would be no war resulting; Cobb, Congressman of Georgia, and McClernand of Kentucky spoke in favor of asserting the United States rights up to 54° 40'. Hunter, Senator of Virginia, was the only one who was decidedly against the resolutions. Westcott, Senator of Virginia, moved and it was voted - 32 to 18 to postpone further consideration of the question until February 10th. This is an example of the diverse opinions in Congress.

On January 16th Pakenham in order to let the United

ifer To Arbi-States to know the British attitude toward Oregon wrote to

strate. Buchanan telling him that if the United States had advanced a claim to the whole of Oregon she should not overlook the fact that Britain had declared that she had rights in Oregon which would not be relinquished. Pakenham also wished to know if

(1 Senate Doc. Serial No. 473, No. 117, P. 1. Congressional Globe; Serial No. 17.
British State Papers, Vol. XXXIV; No. 33.
(2 Congressional Globe; 26th Cong. 1st Sess., Serial No. 17.
the United States would submit the question of title by either power to the whole territory with the condition that if the arbitrator decided that neither had a complete title to the whole territory the arbitrating power should be permitted to assign to each a just portion; he also suggested "a mixed commission with an umpire appointed by common consent or a board of distinguished civilians and jurists, to settle the matter." This United States offer was refused, the President giving his same objections. Refusal To Arbitrate. Folk said he would not agree to submit any part of the question to arbitration except the title alone detached from any other consideration.

The United States kept growing in favor of asserting the American rights to the whole territory and the British offers for arbitration kept the solution of the question delayed. The debates in Congress kept increasing popular excitement. The time had come when the question of peace or war was at issue and the British should present their ultimatum.

Manquin of Virginia on January 26th made an amendment in the Senate to the resolution formerly made by Crittenden of Kentucky which read that the notice should be accompanied with a proposition to submit the territory to arbitration in order to make a binding decision. Cassoof Michigan made a long speech against the resolution saying he believed England was preparing for a war and so the United States should hasten to defend herself; and in case of war he hoped every citizen would enter whole heartedly. He said a point of honor and not concern was ruling in the British and American cabinets where diverse opinions prevailed. Calhoun believed the time had come to arbitrate.

(1 Senate Doc. Serial No. 472, No. 178, Brit. State Papers, Vol. XXXIV, No. 34.)
Senator Miller of New Jersey on January 28th quoted from the London Times of January 2nd which said that all British honor and interest would be attained if the British minister should propose to the United States Government to renew their offer which Gallatin once offered to England. That offer was to follow 49° as far as the sea reserving to Great Britain Vancouver Island, the harbor of Juan de Fuca and free navigation of the Columbia. Mr. Miller hoped false pride would not cause either country to accept this proposition. Winthrop of Massachusetts said it was our duty to come to some compromise and said the country north of 49° was not worth so much hard feeling; Pendleton of Virginia and Rhett of South Carolina made very bitter attacks upon Winthrop for making such a statement. Sawyer, Senator of Massachusetts, made a good speech in which he said the only sensible way for England to approach the subject was to remain quiet and let the more sensible and honest Americans check the reckless portion. He said the merchants, traders, ship-owners, and capitalists of America were opposed to war and that the politicians alone were in favor of it; the English should give the former class time to get an advantage over the latter.

On February 3rd McLane wrote to Buchanan and said he proposes three himself would be willing to make one of the three following proposals to Britain: first, to concede to the Hudson Bay Co. a continuance of the privileges of joint occupation including the navigation of the Columbia for seven or ten years longer; second, he would be willing to extend the boundary to the Paci-
fic by $49^0$ and leave the strait of Fuca with free ports to both nations; or, third, to extend free navigation of the Columbia for a longer period provided similar advantages could be secured for the United States. Buchanan answered McLane's letter on February 26th saying the President would put the first offer before the Senate for consideration but that similar concessions would have to be made for the United States North of $49^0$. He believed this would mean nothing more than the Hudson Bay Company enjoying their already existing establishments with hunting, fishing, and trading with the Indians and using the harbors and rivers South of $49^0$. He said emphatically that no concession could be made to the company which would deprive the United States of the power of establishing a territorial government over the whole country South of $49^0$ and to make land grants South of $49^0$; he would not take a chance of surrendering the perpetual rights of the navigation of the Columbia. Buchanan said he would not present the second proposition before the Senate omitting the words, "with free ports to both nations" because these words were too indefinite. He said that since the strait of Fuca was an arm in the sea, it would under the public law entitle all nations to the same rights to navigate all of it, and therefore, this matter should be definitely settled in some way. He said the President would not even submit the third proposition to the Senate.

Buchanan wrote to Pakenham on February 4th giving a Final Rejection of arbitration. The American objection to the rejection of arbitration was to the part which read "that, if arbitration, neither party should be found in the arbitrator's opinion to
possess title to the whole, the arbitrator should assign to each his just portion. The United States believed it would be difficult to find a suitable arbitrator; an arbitrator would be so neutral that he would divide the territory equally regardless of good claims; and since this land was of great value to the United States and would become a part of it, since it was not of equal value to Great Britain and would be a distant colony and since the American claim was just, it was not a proper subject for arbitration. He said the only question which would be submitted to arbitration was the title to the whole detached from every other consideration. Fakenham sent this dispatch on to Aberdeen on February 5th. On March 3rd Aberdeen wrote to Fakenham saying that he had anticipated the refusal of arbitration on the part of the United States and that Great Britain was considering what measures would be expedient to adopt to meet any emergencies.

Petition From The Different States.

On February 7th in compliance with a request of the Senate Cor-Senate on January 29th, Polk sent the Senate the correspondence between Buchanan and McLane and between the United States and Brit,ish governments carried on regarding Oregon since his last communication to Congress on December 2nd, 1845.

The individual States began to give more attention to Oregon. On February 16th the legislature of Tennessee resolved that its senators be instructed and its representatives be requested to use their best exertions to extend the laws and jurisdiction of the United States over its citizens in Oregon and to adopt the most speedy means to terminate the joint occupation of that territory by the United States and Great Britain. 

(1 Sen. Doc. 23rd Cong. Serial No. 473, No. 117.

British State Papers, Vol. XXXIV,

On February 24th a number of citizens of Queen Anne County, Virginia, had a meeting and since they had heard so often of the offers made by the United States for partition they said they were very much surprised when the President said our rights are unquestionable; they stated their disappointment that the House was trying to arouse the public to a disastrous event. They did not think the United States right was unquestionable.

Colonel Todd of Ohio said on February 23rd that if put to popular vote a large majority in Ohio would vote in favor of war; Senator Haywood of North Carolina said on February 24th there was a scheme being brought up by McDuffie of South Carolina, Calhoun and other senators to submit a resolution advising the President to reopen negotiations and settle by compromise.

On February 27th the general assembly of Illinois resolved that their senators and representatives promised to do their best to get the resolution for the occupation of Oregon in Congress and to give notice to Great Britain that the United States intended to be the sole occupants of Oregon. We can see the difference of opinion in the different States.

On March 2nd Sampson made a report from the committee of post offices and post roads. He said there were 10,000 Americans in Oregon independent of the Hudson Bay Company and he thought a mail route should be established from the western line of Missouri State to the mouth of the Columbia. Such a route would aid the Eastern merchants who traded on the Pacific; would

(1 Polk's Diary, Vol. I.)
promote immigration; would help commerce; would attract shipping to the Columbia; and would give protection against the Indians.

**Folk's Opinion**

Folk said he believed the whole excitement was due to the fact that the senators and their friends were aspiring for presidency and he openly accused Allen, Cass, and Calhoun.

**Action of Congressmen**

He thought collision in the Senate was due to the two factions each one desiring to use the administration for its own advancement. Folk remarked on March 27th upon the sudden change in Benton's position believing his object to be to supercede General Cass. No conclusions can be drawn from the debates in Congress at that time. There were decided opinions and bitter attacks made by the members. Reports in British papers upon the lack of unity in the United States and the lack of support given to Folk seemed to disturb some of the senators greatly. On March 12th a resolution was passed stating that a committee of three be appointed to investigate and report what measures should be proper for vindication against the charges of corruption published in the "Times".

**British Action**

The Earl of Clarendon made a speech in the House of Lords on March 17th saying the matter had been debated in Congress for several weeks, while in Parliament which had been sitting two months, no allusion had even been made to Oregon except by two members on the first night of the session and on one occasion in the House Of Commons. He thought such procedure of leaving the government to handle the British affairs without any unnecessary discussion was understood at home but their silence had been

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2 Cong. Globe, Serial No. 17, 29th Cong.)
misconstrued abroad. He believed the two countries were drifting toward war but the British would not consent to war until every step toward peace had been tried; unless they could see a determination upon the part of the United States to injure them. Clarendon did not believe the United States would take such a course. He moved that a copy of the correspondence between the British Secretary of State for foreign affairs and the British minister at Washington respecting the Oregon question be laid before the House, excepting such correspondence which might injure the British service. On that same day the Earl of Aberdeen said the motion of Clarendon was just, especially since most of the papers were already known by the public. He thought war was a sin and wanted to see the question settled peaceably and at once. Lord Ashburton thought a war would be worthless and said the whole trouble was over a question of honor. He thought the question would be honorably settled by negotiation. On March 20th, Borthwick spoke against war, it being a hindrance to human progress. He said England's policy was peace. He asked Peel for extracts of copies of correspondence between Aberdeen and Pakenham but Peel said it was unusual to lay dispatches before the House but he would comply with the wishes of the House. Russell said he would not ask Peel for papers before negotiations were entirely ended and that the documents between Pakenham and Buchanan had already been made public. So the British seemed to be very much opposed to war.

Negotiations

On March 28th, Buchanan wrote to McLane and said the

To Be Held President refused to change the place for carrying on negotiations to London and said McLane should transmit at once to the

In Washington- United States any proposition made by Aberdeen.

On April 18th more petitions were presented from Oregon citizens to settle up to 54° 40' to prevent European monarchs from colonizing and interfering with the internal affairs of the United States stating that they were ready to bear arms in defense, and asking for money, army and navy to protect their laws and flag.

On April 18th Polk in answer to a resolution of the Senate passed on April 11th asking for copies of any correspondence on Oregon, said he had no new correspondence.

Polk, on April 22nd, in his "Diary" said the speeches of Webster, Calhoun and other senators advocating peace and supporting Britain's title to a large portion of the country had made the British people more arrogant in their attitude and more greedy in their demands and he believed that should there be a war the blame would fall more upon them than anyone else. He thought the Democratic Senators were more interested in the election of 1848 than the settling of the Oregon question either at 54° 40' or 49°.

Congress passed the "Joint Resolution" on April 27th authorizing the President to give notice to Great Britain to abrogate the Convention of 1827, to state our desires to have the contested claims definitely settled and to have a speedy and amicable adjustment. The time for giving such a notice was left to the discretion of the President. Buchanan sent on April 23th the notice for abrogation to McLane and advised him to give one copy to the British government; one to the legation in London, and to send one to be kept by the United States government. The notice was to be good twelve months after its delivery by McLane to Queen Victoria or to Aberdeen.

(1 Sen. Doc. Serial No. 474; No. 233, 287.)
Petitions Of Oregon Citizens

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The United States during this same time was having trouble over Texas. On May 11th the House and on May 13th the Senate declared war on Mexico, and on May 13th the bill was signed by the President.

McLane's Idea

McLane wrote to Buchanan on May 13th saying instructions would be sent the next day to Rakenham to submit a new proposition for dividing the territory and they would probably offer, "first, to divide the territory by the extension of 49° to the sea, i.e., to the arm of the sea called Birch's Bay; thence by a canal De Arro and the straits of Fuca to the Ocean and confining to the United States the right to use freely and navigate the strait throughout its extent; second, to secure to the British subjects a perpetual title to all their lands and stations north or south of the Columbia of which they may be in actual possession, liable in all respects to jurisdiction and sovereignty of the United States as citizens of the United States. McLane said it was pretty well understood that there were no settlements upon which this nominal Mutuality could operate. The Hudson Bay Company would be prohibited from acquiring title to lands, and the occupations to be affected by the reservation had been made either by squatters of that Company or by the Puget's Sound Land Company for the purpose of evading the prohibition of the Hudson Bay Charter. Third, it would demand for the Hudson Bay Company the right of freely navigating the Columbia River upon the same footing and according to the same regulations as would be applicable to the citizens of the United States. Abercrombie said he would in no connection enter into any negotiation in regard to the St. Lawrence."

(From Polk's Diary, Vol. I.)
McLane explained that he had not seen the propositions and said he felt the Senate would not accept them without some changes but he knew the President would consult the Senate on the subject. This offer was not submitted as an ultimatum.

McLane's Opinion of British Offer. McLane believed that if the extension of the line of boundary on 49° by the Strait of Fuca to the sea would be acceptable to the United States, that the demand of a right freely to navigate the Columbia could be compromised in time in order to protect those interests which had grown up during the years of joint occupation. He thought the time allowed to Britain to use the Columbia should be limited to a period beyond which the company might have no great object to use the river for the purposes of trade. He also believed the United States should not hope for the Southern Cape of Vancouver's Island.


Aberdeen's Acknowledgment of Receipt of Joint Resolution. On May 22nd Lord Aberdeen wrote to McLane and acknowledged the receipt of the notice of altercation which was sent from Buchanan on April 23th.

British Proposal A Convention.

his Secretary Of The Treasury on May 10th saying he would lay before the Senate the proposal made by Fakenham to Buchanan on May 6th and he wished the Senate to give its advice. The proposal was that the two countries should have a convention, to settle the question. The preceding debates in Congress had increased his desire for the advice of the Senate and he believed it proper and necessary to gain that body's support. Folk said his opinions had been made in his annual message on Dec. 2, 1845 and they were still unchanged. He added that should the Senate by the Constitutional majority required for the ratification of treaties advise the acceptance of the proposition he would conform his action to their advice but if the Senate did not give such advice or express an opinion he would consider it his duty to reject the offer.

On June 6th a Conference was held at the Department Of State between Buchanan and Fakenham. Fakenham submitted to Buchanan the draft of a Convention (Marked A) giving the terms which the British Government instructed him to propose to the United States for the settlement of the Oregon question.

Draft Of Convention: On June 16th Allen moved that the message and documents which had been communicated be printed in confidence for the use of the Senate; the motion was carried 27 to 21.

On motion by Mangum of Virginia on June 11th the Senate proceeded to consider the President's message of June 10th. After a long debate Mr. Haywood on June 12th presented a proposition and two-thirds of the Senators present concurred, that the President be advised to accept the British proposal for a convention to settle the boundaries between the two countries west
Congress advises President to have Convention.

of the Rocky Mountains. The resolution was determined in the affirmative - 37-12. Buchanan informed McLane on June 13th that Congress had accepted the proposition and said he had learned from the best sources that the Senate advised acceptance under the conviction that, by the second article of the project, the right of the Hudson Bay Company to navigate the Columbia would end with a termination of their present license to trade with the Indians on the Northwest coast of America on May 30, 1859. He wrote to Pakenham on June 13th and told him to state this fact to Lord Aberdeen.

Convention A convention was concluded and signed on June 15th by
signed by Buchanan and Pakenham at Washington in accordance with the
Pakenham and resolution of the Senate on June 13th. It was stated in the
Buchanan convention that the United States and Great Britain thought it best for the future welfare of both countries that the uncertainty of both countries regarding their claims to Oregon be settled by friendly compromise. The two countries gave Buchanan and Pakenham full powers to agree upon the terms of such a settlement. They concluded the following articles:

Article I - 49° to the middle of the channel which separates the continent from Vancouver's Island and thence South through the middle of channel and of Fuca's Straits to the Pacific Ocean. Provided however that navigation of the whole of the channel and straits, South of 49°, remain free and open to both parties.

Article II - From the point at which 49° shall be found to intersect the great northern branch of Columbia River the navi-
gation shall be free and open to the Hudson Bay Company and to all British subjects trading with the same to the point where this branch meets the main stream of the Columbia and thence down the main stream to the ocean with free access into and through these rivers, it being understood that all the usual portages along this line shall be free and open. In navigating these rivers British subjects with their goods and produce shall be treated in the same footing as the citizens of the United States, it being understood that nothing in the article shall be construed as preventing or, intended to prevent the Government of the United States from making any regulations respecting the navigation of these rivers, not inconsistent with the present treaty.

Article III - In future appropriation of the territory south of 49° as provided in Article I the possessory rights of the Hudson Bay Company and of all British subjects who may be already in 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 Sound Agricultural Company on the northern side of the Columbia shall be confirmed to the 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 a part, the property so acquired shall be transferred to the United States,
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 and by the British Majesty; and ratifications shall be exchanged at London at the expiration of six months from the date thereof, or sooner if possible.

Congress Re-

On June 16th Folk laid the convention before the Senate for consideration with a view to its ratification. On June 17th it was resolved "that the President be requested to communicate before Senate, to the Senate a copy of all the correspondence which had taken place between Great Britain and the United States relative to the Oregon treaty, together with the despatches and instructions forwarded to McLane and a full and complete copy of his despatches and communications to the United States concerning Oregon which had not been communicated before to the Senate". On motion of Mr. Allen on June 18th the President was requested to furnish the Senate with all the information in his possession in relation to the kind, and extent of the claims to farms and lands of the Peake's Sound Agricultural Company in Oregon.

Senate Con-

On June 18th the Senate agreed to advise and consent to the ratification of the treaty concluded on June 15th.

Folk made a remark in his "Diary" on June 24th that Hamilton, Temple, and Atchison were very angry that two-thirds of the Senate had voted for the acceptance of the British proposition.

Buchanan wrote to McLane on June 27th saying since the Senate had given its consent to the treaty and since President Folk had ratified it on the part of the United States Government he was enclosing the American ratification to be exchanged against it.

that of Great Britain. He stated that McLane was authorized to exchange the ratifications with the person whom Great Britain should empower for that purpose. General Armstrong, who carried the American papers over, was instructed to wait for the English ratification and start back with it on July 15th.

Mr. Pannages brought up a resolution on July 15th that the President be requested to inform the Senate if he had any intention to comply with the two resolutions passed on June 17th in relation to the correspondence on the Oregon question and the "Puget's Sound Agricultural Company".

President Polk answered this request on July 21st by transmitting a report of Buchanan with a copy of all the desired despatches and instructions relating to the Oregon treaty which had been forwarded to McLane, including a statement of the propositions previously made and rejected by the United States and Great Britain, for the adjustment of the question.

Polk said the papers were "numerous and voluminous" and from their confidential character he believed their publication would be prejudicial to the public interests. He withheld the despatches of McLane to Buchanan for public considerations; he was anxious for every Senator to look over the despatches at the Department of State.

Buchanan reported there was not in the Department of State any official document or evidence in regard to the information desired concerning the Puget's Sound Agricultural Company and the Hudson Bay Company and that the only information on the subjects in his possession had been obtained from books which
were accessible to everyone. He gave the names of the principal references.

Convention Ratified By England And The United States. President Polk on August 5th informed the Senate and the House of Representatives that the Convention had been duly ratified by both nations and that the ratifications were exchanged at London on July 17th. He thought the time had come when the numerous petitions from the Oregon citizens that a territorial government be established by the United States in Oregon; that the trade with the Indians be regulated; that railroad routes be established; and, that immigration be encouraged, should be granted by the United States Government. These suggestions of Polk were carried into effect on August 14th.

Interpretation Of The Treaty Of June 15, 1846. Oregon. No map or chart was attached to the treaty and little was known of the geography of the Gulf of Georgia in 1846. The result was there was still open ground for dispute. Between the Continent and Vancouver's Island there are nine islands and the channels which combine in three as they enter the Straits of Fuca. The British claimed the eastern channel Fraseric and the United States claimed the western "Canal de Hors." An area of seventy square miles of islands was between the two channels. The Canal de Hors was the only one known at the time of the treaty and it was said to have been expressly mentioned by the persons conducting the negotiations. Finally after useless attempts to settle the question by negotiation the British pro-

1 Sen. Doc. 476; 230; 270. 2d. 3d and 51.

(2 Sen. Doc. 470; 470; p. 1.
posed arbitration. The United States sent George Bancroft who was the Secretary Of The Navy when the treaty was made and was at this time the only remaining member of the administration which negotiated the treaty. The United States and Great Britain presented memorials giving their respective claims which were interchanged and the replies of each were presented. Emperor William of Germany and three jurists, namely: the kings of the Netherlands, Sweden and Norway decreed after examining the four papers that the boundary line be drawn through the channel Haro, the claim of the United States. This decision was made at Berlin on October 21, 1872.

The principal phases of the subject were completed by the treaty of June 15, 1846, but every detail was settled by the decision of October 21, 1872.