

same spirit that Europeans were going into South Africa, heedless of all the rights and feelings of the natives. None the less, the natives received them with easy good-humor and friendliness.

"Notwithstanding the bitter feeling entertained in Mexico against Americans," says Bancroft, "the imminence of national hostilities, and the warlike nature of the orders sent to the north, immigrants to California from the United States were still received with the greatest hospitality and kindness, though in most cases they entered the country illegally, and in many were not backward in declaring their disregard or contempt for all Mexican formalities of law. The supreme government had perhaps some ground for blaming the Californian authorities for the manner in which they enforced the laws, or failed to enforce them; but the immigrants had no cause of complaint whatever. There was not in 1845 the slightest sign of disposition to oppress foreigners in any way. There were rumors, fomented by men who desired an outbreak, and circulated among new-comers on every route, of an intention to drive out all Americans; but these rumors were unfounded, and were credited only by the ignorant, who did not come personally in contact with the natives, and who never could understand that the Spaniards, as they were called, had any rights in their own country. 'The Spaniards were becoming troublesome!' is a common remark of old pioneers, who justify their action of the next year by dwelling on the growing jealousy and hatred of the people toward Americans; but all evidence to be drawn from correspondence of the time shows that not only were the people still friendly, but that the authorities, far from being hostile, were even more careless than in former years about enforcing legal formalities in connection with passports, naturalization, and land grants."¹

With this migratory movement the government of the United States had of course nothing whatever to do. But if it did not help the movement on, neither did it do anything to hinder it, although the extent to which the migration was growing was well known in Washington, and the Mexican legation issued public warnings as to the requirements of the Mexican laws. Was this the result of any settled plan? And what had been the policy of the successive American administrations prior to that of Polk?

There certainly was no idea in the earlier days of acquir-

¹ Bancroft, *California*, IV, 604.

ing this portion of the kingdom of New Spain, although the coast of California had been visited for years by American vessels and the opportunities for foreign colonization and the ease with which the territory could be seized by any foreign power had been a frequent subject of remark. Even as early as 1799 a Spanish governor of Lower California complained to his superiors of the "arrogant boldness" of American whalers in the Pacific, and pointed out that "possibly this proud nation, constantly increasing its strength, may one day venture to measure it with Spain, and acquiring such knowledge of our seas and coasts may make California the object of its attack."¹

The first official suggestion that the boundary between the United States and Mexico might be so adjusted as to include the bay of San Francisco seems to have been contained in the instructions of August 6, 1835, from the State Department to Anthony Butler.² That suggestion came to nothing, and after the successful revolt of Texas the subject of a revision of the boundary was not again mentioned by the State Department for several years. In 1842 it was, however, brought forward anew by Waddy Thompson, the minister in Mexico, who wrote suggesting to Webster that Mexico might be willing to cede California by treaty in settlement of the claims of citizens of the United States.

"I believe," he wrote, "that this government would cede to us Texas and the Californias and I am thoroughly satisfied that is all we shall ever get for the claims of our merchants on this country. As to Texas I regard it as of very little value compared with California, the richest, the most beautiful and the healthiest country in the world. Our Atlantic border secures us a commercial ascendancy there; with the acquisition of Upper California we should have the same ascendancy on the Pacific. . . . It is a country in which slavery is not neces-

¹ *Ibid.*, II, 32.

² See Vol. I, p. 259, of this work. Adams says that Jackson's "passion" for the thirty-seventh degree of latitude, from the Arkansas River to the Pacific, so as to include San Francisco and Monterey, was kindled by a letter from a purser in the navy to the Secretary of State, Forsyth, dated Alexandria, Aug. 1, 1835.—(*Memoirs*, XI, 348.) There was, however, abundant information besides this then readily accessible.

sary, and, therefore, if that is made an objection let there be another compromise. France and England both have had their eyes upon it."¹

And to President Tyler Thompson wrote at the same time, asking him to read the despatch to Webster on the subject of Upper California, which, he said, "will reconcile the Northern people as they have large fishing and commercial interests in the Pacific and have literally no port there."² The suggestion for the acquisition of California appealed very favorably to the President, and also to Webster, who at the time of receiving Thompson's letter was in the thick of his negotiations with Lord Ashburton. Instructions were therefore sent to Thompson favoring the idea of a treaty with Mexico, in which the cession of California should be made a mode of discharging Mexican debts. At the same time Everett, in London, was instructed to suggest to the British government a settlement of the Oregon question and the matters in dispute between Mexico and the United States "by a tripartite arrangement which should, as one provision, embrace a cession to the United States of the port of San Francisco on the coast of California"; to which Aberdeen replied that though the British government "would not deem it expedient to become a party to any such arrangement, they have not the slightest objection to the United States making an acquisition of territory in that direction."³ Webster, in conversation with Adams, said that he had also talked over the question with Lord Ashburton, and "that the question had been put to him whether if a cession from Mexico, South of our present boundary line, forty-two, to include the port of San Francisco, could be obtained, England would make any objection to it, and Lord Ashburton thought she would not."⁴ Webster even

¹ Thompson to Webster, April 29, 1842; *State Dept. MSS.*

² Thompson to Tyler, May 9, 1842; *ibid.*

³ Everett to Calhoun, March 28, 1845; *ibid.*

⁴ J. Q. Adams's *Memoirs*, XI, 347. See also Schaefer's "British Attitude toward the Oregon Question," *Amer. Hist. Rev.*, XVI, 293, who gives Ashburton's own version of the conversation. This author thinks that Webster's real plan was for a tripartite arrangement, the United States to pay a sum for California to be agreed on, of which part should be turned over to American and part to British creditors.

went so far as to sound the Mexican minister in Washington, and to renew the proposal for the cession in the spring of 1843.¹ But Commodore Jones's seizure of Monterey, which had become known in Mexico about the end of 1842, had, of course, put a stop for the time being to any serious attempt at a negotiation for California.

For the next year the subject seems to have remained completely in abeyance. It was only revived after the treaty for the annexation of Texas had been signed, in April, 1844, when the subject of the acquisition of California again became the subject of consideration by President Tyler and his advisers. That treaty had been expressly so framed as to leave the boundaries of Texas undefined, and the joint resolution of the following winter was drawn in the same manner. It was hoped that this might open the way to a negotiation, in the course of which the whole subject of the boundaries of Mexico, from the Gulf to the Pacific, might be reconsidered, but these hopes came to nothing.

The possibility of a transfer of California from Mexico to Great Britain was also the subject of a good deal of discussion at various times. The arrangements made with the British holders of Mexican bonds before 1840 had contemplated, as already has been seen, a mode of payment by issuing scrip certificates authorizing the persons holding such scrip, at their option, to locate lands in Texas or elsewhere in Mexican territory. This, of course, did not contemplate anything like the creation of a British protectorate, as the location of land by holders of scrip would simply be an individual acquisition of property. But although this would have been the legal effect, and although few bondholders, if any, ever exercised their options to locate lands within Mexican territory, there were persistent rumors of huge grants to British subjects.

In the course of the year 1841 Pakenham, then British

¹ The suggestion was made on the day the ratifications of the convention for payment of adjudicated claims were exchanged, viz.: March 29, 1843. And see Adams's *Memoirs*, XI, 3. At about the same time Webster wrote to Everett, and spoke to Fox, the British minister in Washington, of his tripartite plan.—(*Amer. Hist. Rev.*, XVI, 293, note 61.)

minister in Mexico, learned a good deal from various sources of the value of Upper California. His principal informant was James Alexander Forbes, whose work on California was published in London in 1839, and who had devoted a chapter "to Upper California considered as a field for foreign colonization." He was a partner of the firm of Barron, Forbes & Company, of Tepic (near San Blas, on the west coast of Mexico), and while on a visit to the capital had had a conversation with Pakenham, to whom Barron, then British consul at Tepic, had frequently written in regard to California. At about the same time Pakenham learned of the journey to the Pacific of Duflot de Mofras, an attaché of the French legation at Mexico, who during the years 1841, 1842, and 1843 travelled extensively in California, and at least as far north as the mouth of the Columbia River. His movements seemed to Pakenham to be highly suspicious, for the British government in 1841, and for two or three years later, was very uneasy in regard to French activities in the Pacific, and was sending repeated instructions to its naval and diplomatic officers, directing them to watch the movements of the French.¹

As the net result of Pakenham's information from various sources, he wrote to the Foreign Office, expressing his regret "that advantage should not be taken of the arrangement sometime since concluded by the Mexican Government with their creditors in Europe, to establish an English population in the magnificent Territory of Upper California." As Texas had five years before thrown off Mexican authority, that arrangement, so far as related to Texas lands, must, he thought, "be considered a dead letter." Chihuahua and New Mexico he did not regard as eligible districts for colonization.

"But I believe," he continued, "there is no part of the World offering greater natural advantages for the establishment of an English

¹ De Mofras wrote an interesting account of his travels, which was published by the French government in 1844, in two stout volumes and an atlas, under the title *Exploration du Territoire de l'Orégon*, etc. The Hudson's Bay Company people looked on De Mofras with great suspicion and dislike.—(Sir G. Simpson to the Governor, etc., of the Hudson's Bay Company, Nov. 25, 1841; *Amer. Hist. Rev.*, XIV, 81.)

colony than the Province of Upper California; while its commanding position on the Pacific, its fine harbours, its forests of excellent timber for ship-building as well as for every other purpose, appear to me to render it by all means desirable, in a political point of view, that California, once ceasing to belong to Mexico, should not fall into the hands of any Power but England; and the present debilitated condition of Mexico, and the gradual increase of foreign population in California render it probable that its separation from Mexico will be effected at no distant period; in fact, there is some reason to believe that daring and adventurous speculators in the United States have already turned their thoughts in that direction. . . . I need scarcely observe that any foreign Settlement in California would for some time to come be nominally dependent on the Mexican Republic; but this state of things would not last forever, nor, while it did last, would it, I imagine, be attended with serious inconvenience."¹

In writing thus to Lord Palmerston, Pakenham very evidently had in his mind the history and development of the American colonies in Texas, and looked forward to a similar development and separation in case a British colony should be established on the shores of the Pacific.

The British policy at this time, however, under the government of Sir Robert Peel, who came into office before Pakenham's letter reached London, was by no means favorable to the acquisition of any additional British possessions. Since the Canadian revolt of two or three years before British statesmen were much inclined to a "little England" policy, and therefore when Pakenham's despatch came to be considered, it met with a cool reception from Lord Stanley, the new Colonial Secretary. He was not anxious, as his Under-Secretary informed the Foreign Office—

"for the formation of new and distant Colonies, all of which involve heavy direct and still heavier indirect expenditure, besides multiplying the liabilities of misunderstanding and collisions with Foreign Powers. Still less is Lord Stanley prepared to recommend the adoption of a plan whereby the Soil shall, in the first instance, be vested in a Company of Adventurers, with more or less of the powers of Sovereignty and of Legislation, and the Settlement so formed be afterwards placed under the protection of the British Crown; which as it seems to his Lordship, is the position contended for by Mr. Pakenham."²

¹ Pakenham to Palmerston, Aug. 30, 1841; E. D. Adams, 238.

² Hope to Canning, Nov. 23, 1841; *ibid.*, 240.

This reply was transmitted by the Foreign Office to Pakenham without comment; and from the end of the year 1841, and until nearly five years later, neither Pakenham nor his successor, Bankhead, seems to have made any suggestions to his government as to acquiring an interest in California.

Other British agents, however, were more active in the matter. In September, 1844, Forbes, who was now British consul at Monterey, in California, wrote to Barron, the consul at Tepic, in regard to an interview he had had with what he described as a body of influential native Californians, who had inquired whether California could "be received under the protection of Great Britain, in a similar manner to that of the Ionian Isles." Forbes said he had refused to meddle in the matter, but felt himself in duty bound to use all his influence "to prevent this fine country from falling into the hands of any other foreign power than that of England." He thought it impossible for Mexico to hold California much longer, and if the government of Great Britain could properly extend its protection to California he considered it would be impolitic to allow any other nation to avail itself of the "critical situation" then existing. Mofras, he said, had made an offer of French protection; but the increase in the numbers of American settlers in California, which Forbes did not refer to, was probably what was then regarded as the most pressing danger. Barron, in forwarding this letter to the Foreign Office, said he would express no opinion on the subject of the despatch "otherwise than to say that this fine country has been totally neglected by Mexico, and she must ere long see some other nation its protector, or in absolute possession of it."¹

These despatches were received in London on December 13, 1844, and on the thirty-first of the month (the first mail to Mexico following the receipt of Barron's letter),

¹ Barron to Aberdeen, Oct. 12, 1844; *ibid.*, 242. Forbes in his book had strongly expressed the opinion that California was "apt to separate from the parent state," and that any foreign power, if disposed to take possession of California, could easily do so. This was written in 1835, although not published until 1839.—(Forbes's *California*, 146-149.)

Aberdeen wrote to the various British agents in regard to the policy of the government. To Elliot, in Texas, and to Bankhead, in Mexico, he wrote that the plan for a joint guarantee of Texan independence was at an end, thanks to the course of conduct pursued by the Mexican government, which "must effectually paralyze the exertions by which Gt. Britain and France were prepared to uphold the Independence of Texas against the encroachments of the U. States, even at the risk of a collision with that power." To Barron he wrote, that it was "entirely out of the question that Her Majesty's Government should give any countenance to the notion which seems to have been agitated of Great Britain being invited to take California under her protection," although it was important to Great Britain that if California should throw off the Mexican yoke it "should not assume any other which might prove inimical to British interests"; and that Great Britain would "view with much dissatisfaction the establishment of a protectoral power over California by any other foreign state."¹

These letters revealed a change in the attitude of the British government since Webster had been informed that no objection would be made to the acquisition of California by the United States. The change may readily be explained by the fact that the negotiations in respect to Oregon had assumed quite a different aspect, and by the fact that the value of such a port as San Francisco was becoming better understood.

"Look at the chart," wrote Lord Haddington, the First Lord of the Admiralty, to Lord Aberdeen. "You will see that it is not only the finest harbour, but the most easily defended, really unattackable from the land side, and therefore as good as an island, while towards the sea it has facilities of defence which are hardly to be found any-

¹ Aberdeen to Elliot; same to Bankhead; same to Barron, Dec. 31, 1844; E. D. Adams, 192, 248. Forbes told Larkin, the American consul, about a year later, that the British government had reprimanded him for having introduced the subject of California politics, and that he believed the rumors of negotiation with England were false, although England would not regard with satisfaction the interference of any other nation. His own preference, he added, was for the United States to take California and improve the value of property.—(Bancroft, *California*, V, 70.)

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where, unless at Malta and Corfu. When we are about it, let us obtain possession, while we can, of the Key of the North-West coast of America."¹

But though British admirals, British consuls, and Hudson's Bay employees urged their government to take over California, the dread of a war with the United States, coupled with uncertainty as to the action of France, and possibly some chivalrous unwillingness to take advantage of the pitiable weakness of Mexico, were enough to induce Peel's cabinet to remain passive. They watched events and made no sign.

¹ Gordon's *Aberdeen*, 183. The author attributes this letter to Lord Ellenborough, "then at the Admiralty"—an obvious blunder: Lord Ellenborough was not "at the Admiralty" when the letter was written, but was governor-general of India.

CHAPTER XXX

SLIDELL'S MISSION

THE anomalous conditions in California and the dangers arising out of the annexation of Texas to the United States gave less concern to General Herrera's unhappy administration than the state of affairs at home. He and his ministers had many and difficult problems to meet, but the most difficult was that of bare existence; for the situation had been immensely complicated by their decision to treat with Texas upon the basis of its recognized independence, a decision which had been approved by a reluctant Congress in the face of the furious opposition of a large portion of the press.

The aspect of domestic affairs was indeed calculated to dismay the stoutest heart. The government of Herrera had no following throughout the country. He was himself more or less the accident of an hour, and was quite devoid of the personal strength and qualities of leadership which had enabled Santa Anna to retain for so long a time his hold on the governing classes in Mexico. Every important man in the country was almost openly plotting to obtain power, but as yet there seemed to be no man with sufficient courage and prestige to establish a government. The condition of the Treasury went continually from bad to worse. The ordinary receipts were far from sufficient to meet the ordinary expenditures in times of peace, even though not a dollar of interest was paid on the foreign debt and the payment of the instalments due by treaty to the United States had been suspended.¹ The army had become more and more

¹ *Memoria que sobre el estado de la hacienda . . . presentó á las cámaras el ministro del ramo en julio de 1845.* The Minister of the Treasury at this time was Luis de la Rosa.