

hand in the affair. The President in his annual message had recommended that notice be given to terminate the agreement for joint occupation, and early in the session a resolution was reported by the Committee on Foreign Affairs in the House directing the President to give the required twelve months' notice. The opportunity for long and vehement talk was, of course, made the most of, and the question was debated through the month of January and half of February; but the resolution was finally passed by a vote of 163 to 54 on February 9, 1846.

In the Senate there were even longer and more excited debates, which developed the most marked differences of opinion as to the policy to be pursued. Calhoun, who had again been sent by his state to the Senate, was particularly anxious about the result. He had expressed himself in the autumn as thinking that the true policy of the United States was to remain quiet, to do nothing to excite attention, and leave time to operate. He considered Polk's mention of Oregon in his inaugural address "a profound blunder," and thought that nothing could be more imprudent or more improper than his remarks, which had left the subject in the worst possible condition. He believed that the "indisposition of England to go to war" was shared by all the Atlantic states, and he suspected that the members of the administration were also opposed to war "if they could get out of the scrape."¹ Immediately after his arrival in Washington Calhoun had called on the President and expressed his strong desire for delay, as he feared the result of hasty action by Congress and the debates which would arise. But Polk insisted on the measures he had recommended in his message. To a supporter of Calhoun's he said—

"that the only way to treat John Bull was to look him straight in the eye; that I considered a bold & firm course on our part the pacific

entertain serious apprehensions of War. . . . He said the British Government would be glad to get clear of the question on almost any terms; that they did not care if the arbitrator should award the whole territory to us. They would yield it without a murmur."—(Moore's *Buchanan*, VI, 352.)

¹ *Amer. Hist. Assn. Rep.* 1899, II, 661, 671, 673.

one; that if Congress faltered or hesitated in their course, John Bull would immediately become arrogant and more grasping in his demands; & that such had been the history of the British Nation in all their contests with other Powers for the last two hundred years."¹

As the months rolled by, and Congress consumed the time in talk, Polk became more and more anxious. He saw senator after senator and urged the passage of the resolution directing that notice be given to terminate the joint occupancy of Oregon, but he firmly declined to say what he would do after that, beyond a general assurance that if Great Britain should make a not unreasonable offer he would probably submit it to the Senate for their advice. At last, however, the flood of eloquence in the Senate abated, and the resolution for giving notice was passed by a vote of 40 to 14 on April 16, 1846, in a somewhat different form from that adopted by the House.² The President was not much pleased with either form of resolution; but he told his visitors that while he was content with the resolution which had passed the House, yet to avoid the risk of a failure to pass anything he advised acceptance of the Senate's amendment. He believed, correctly as the result proved, that the British government would take no step as long as the question of notice was being debated in Congress, that they "would calculate on our divisions," and that they would not regard as unfriendly a notice to terminate the joint occupancy agreement.

A week passed, in which the form of the resolution was still under discussion, but at length, on April 23, 1846, on the report of a committee of conference, both houses voted in favor of giving the notice—the Senate by 42 to 10, the House by 142 to 46.

The resolution, after reciting the conventions of October, 1818, and August, 1827, ran as follows:

¹ *Polk's Diary*, I, 155.

² Both senators from Maine, Illinois, and Indiana voted in the negative, and one senator each from New Hampshire, New York, Pennsylvania, Delaware, Florida, Ohio, Michigan, and Missouri. All these were Democrats. The South, it will be observed, was all but unanimous for the notice.

"Whereas it has now become desirable that the respective claims of the United States and Great Britain should be definitely settled, and that said territory may no longer than need be remain subject to the evil consequences of the divided allegiance of its American and British population, and of the confusion and conflict of national jurisdictions, dangerous to the cherished peace and good understanding of the two countries:

"With a view, therefore, that steps be taken for the abrogation of the said Convention of the 6th of August, 1827, in the mode prescribed in its second article, and that the attention of the governments of the two countries may be the more earnestly directed to the adoption of all proper measures for a speedy and amicable adjustment of the differences and disputes in regard to the said territory:

"*Resolved*, That the President of the United States be, and he is hereby authorized, at his discretion, to give to the government of Great Britain the notice required by the second article of the said Convention of the 6th of August, 1827, for the abrogation of the same."¹

By the time this joint resolution was passed Mexican affairs were approaching a crisis, much to the annoyance of Polk and his cabinet. They had despatched Slidell with light hearts, in the belief that the purchase of California was within easy reach; and the news that Mexico might not be willing, after all, to discuss terms of peace was naturally unwelcome.

On Monday, the twelfth of January, 1846, the first despatch from Slidell was received, giving an account of his failure to be received by Mexico, and the next morning it was read and considered by the cabinet. There seems to have been no dissent or hesitation as to the course to be pursued. General Taylor was ordered to march his army from Corpus Christi to the banks of the Rio Grande, Commodore Conner was ordered to take his fleet back again to Vera Cruz, and Slidell's conduct was expressly approved. "The course you have determined to pursue," Slidell was told, "is the proper one. . . . The President, in anticipation of the final refusal of the Mexican government to receive you, has ordered the army of Texas to advance and take position on the left bank of the Rio Grande; and has

¹ U. S. Stat. at Large, IX, 109.

directed that a strong fleet be assembled in the gulf of Mexico. He will thus be prepared to act with vigor and promptitude, the moment that Congress shall give him the authority."¹ All this seemed to commit the administration to nothing. The appearance of an American army opposite Matamoros and the reappearance of an American fleet off Vera Cruz might serve as a strong hint to Mexican politicians; but no message was sent to the American Congress, nor was any public announcement made of the naval and military orders.

Taylor, at Corpus Christi, received his orders early in February, and began making deliberate preparation for the advance from the Nueces to the Rio Grande; while at the same time President Polk, at Washington, was occupied in conferences which were destined to exercise the greatest influence upon the course of the American government.

On Friday, the thirteenth of February, the President was called on by a certain Colonel Atocha, a Spaniard by birth, who had lived for a time in New Orleans, and had there been naturalized as an American citizen. He had subsequently lived for some years in Mexico, where he had been an obscure hanger-on of Santa Anna's. After Santa Anna's imprisonment, early in 1845, he had been ordered out of Mexico by Herrera's administration. He had already, in June, 1845, called at the White House to urge his claim for damages as an American citizen, but when he called again, in February, 1846, he stated that he had recently come from Havana, where he had seen Santa Anna; and in a long and confidential interview he undertook to put the President in possession of the views of that ambitious exile.

"He represented," Polk noted in his diary, "that Santa Anna was in constant communication with his friends in Mexico, and received by every vessel that left Vera Cruz hundreds of letters. He intimated that the recent Revolution headed by Paredes met Santa Anna's sanction, and that Santa Anna might soon be in power again in Mexico. He said that Santa Anna was in favor of a treaty with the U. S., and that in adjusting a boundary between the two countries the Del Norte

¹ Buchanan to Slidell, Jan. 20, 1846; H. R. Doc. 60, 30 Cong., 1 sess., 53.

should be the Western Texas line, and the Colorado of the West down through the Bay of San Francisco to the Sea should be the Mexican line on the North, and that Mexico should cede all East and North of these natural boundaries for a pecuniary consideration and mentioned thirty millions of Dollars as the sum. This sum he said Santa Anna believed would pay the most pressing debts of Mexico, support the army until the condition of the finances could be improved, and enable the Government to be placed on a permanent footing. Col. Atocha said that Santa Anna was surprised that the U. S. Naval force had been withdrawn from Vera Cruz last fall, and that Gen'l Taylor's army was kept at Corpus Christi instead of being stationed on the Del Norte; and that the U. S. would never be able to treat with Mexico, without the presence of an imposing force by land and sea, and this, Col. Atocha added, was his own opinion. Col. Atocha did not say that he was sent by Santa Anna to hold this conversation with me; but I think it probable he was so."¹

On the following Monday Colonel Atocha called again on the President, and repeated his suggestions as to a treaty. The President made the commonplace remark that if the government of Mexico had any proposition to make, such as Santa Anna suggested, it would be considered when made; but the reply was obvious to any one familiar with Mexican affairs.

"Col. Atocha said no Government or administration in Mexico dared to make such a proposition, for if they did so there would be another revolution by which they would be overthrown. He said they must appear to be forced to agree to such a proposition. He went on to give his own opinion and, as he said, that of Gen'l Santa Anna, that the U. States should take strong measures before any settlement could be effected. He said our army should be marched at once from Corpus Christi to the Del Norte, and a strong Naval force assembled at Vera Cruz, that Mr. Slidell, the U. S. Minister, should withdraw from Jalappa, and go on board one of our ships of War at Vera Cruz, and in that position should demand the payment of the amount due our citizens; that it was well known the Mexican Government was unable to pay in money, and that when they saw a strong force ready to strike on their coasts and border, they would, he had no doubt, feel their danger and agree to the boundary suggested. He said that

¹ Polk's *Diary*, I, 224. Atocha, after years of effort, succeeded in getting Congress to take up his claims, and ultimately, in 1873, his estate recovered over two hundred thousand dollars. See *Atocha v. U. S.*, 8 Court of Claims Rep., 427.

Paredes, Almonte, & Gen'l Santa Anna were all willing for such an arrangement, but that they dare not make it until it was made apparent to the Archbishop of Mexico & the people generally that it was necessary to save their country from a war with the U. States."¹

The archbishop, according to Santa Anna's messenger, could easily be persuaded, if he were assured that the debt due from the government to the church would be paid out of the money coming from the United States; and Santa Anna and Paredes wanted money for the army, but would need it at once. "With half a million in hand they could make the treaty and sustain themselves for a few months, and until the balance was paid."

Santa Anna, or Atocha in his name, had touched, with a perfectly unerring finger, the real purposes and ambitions of the listening President; and he had delicately flattered him by recommending a military policy which Polk had already secretly adopted. Advice so adroitly given was certain to be followed, though the President gave Atocha no message to be carried back to Havana.

"Col. Atocha," he noted, "is a person to whom I would not give my confidence. He is evidently a man of talents and education, but his whole manner & conversation impressed me with the belief that he was not reliable, and that he would betray any confidence reposed in him, when it was his interest to do so."

And so Santa Anna's messenger went back without the very slightest intimation as to what the President would do.

Santa Anna's real motive in opening communications with the American government is abundantly clear. He must have hoped to repeat his political successes at the time of the Spanish invasion of 1829 and the French attack on Vera Cruz in 1838, and he must have believed that, in case a genuine threat of war were made by the United States, the people of Mexico would infallibly turn to the hero of Tampico and Vera Cruz. But whether he would or could, in that event, make peace on the terms he had caused to be suggested to the President of the United States was quite

¹ *Ibid.*, 228.

another matter, about which Santa Anna at that time probably felt little concern.

At cabinet meetings held on the fourteenth and seventeenth of February President Polk related his conversations with Atocha. On the first occasion he suggested sending a confidential agent to confer with Santa Anna, but the proposal met with little favor and was dropped. At the second meeting he informed his cabinet that he thought it would be necessary to take strong measures with Mexico. He proposed to instruct Slidell to demand an early decision from Mexico, first, as to receiving him, and, second, if he was received, then whether they would pay the amounts due to American claimants without further delay. If the Mexican government refused to do both, he was to be directed to go aboard one of the American naval vessels off Vera Cruz and await further instructions. The President, in that event, would send "a strong message to Congress" asking for authority "to take redress into our own hands by aggressive measures"; or, in other words, for authority to declare war.

To this echo of Atocha's talk Buchanan objected. He thought that Slidell, if he left Mexico, ought to come back to the United States; and although he undertook, with rather an ill-grace, to prepare instructions to Slidell embodying the President's views, the latter made up his mind that he would have to draft them himself. Finally, after two days' reflection, the President decided to do nothing, "in the expectation that we must very soon receive further information from Mr. Slidell," and for a month nothing was done in this direction.¹

On the ninth of March Slidell's despatches from Jalapa were received, in which he gave an account of the establishment of the Paredes government, but stated that he was still waiting before making a new demand to be received.² "The character of a despatch to be transmitted to him was agreed upon" at a cabinet meeting held on the tenth of

¹ *Ibid.*, 233-238.

² Slidell to Buchanan, Feb. 6 and 17, 1846; H. R. Doc. 60, 30 Cong., 1 sess., 56, 61.

March,¹ and he was directed not to leave Mexico until a new demand to be received as minister had been made and rejected, in which event he might, in his discretion, either return to the United States or remain in Mexico to watch the progress of events.² And thus Buchanan's dilatory policy prevailed.

For weeks the same state of uncertainty and inaction continued. The news that the Mexican government had again refused to receive Slidell, and that he had determined to come home, reached Washington on the seventh of April, and the cabinet agreed that the President should send a message to Congress recommending war-like measures.³ But a few days later, after consulting some of the members of Congress, Polk "determined to make no communication to Congress on the subject until the facts should be certainly ascertained, that Mr. Slidell had received his passports and had left Mexico." When the cabinet met again it was unanimously agreed to delay still longer and to wait until Slidell had returned to the United States; and then, a little later, it was agreed that it would be "prudent to wait the arrival of the next Steamer from England."⁴ On the twenty-fifth of April, Congress having at last acted on the proposal to give notice to Great Britain in regard to Oregon, the members of the cabinet all concurred in the decision that a message in reference to Mexico should be sent in "next week."⁵ Slidell returned to the United States, he came to Washington, he saw the President, and he urged that there was but one course to follow, "and that was to take the redress of the wrongs and injuries which we had so long borne from Mexico into our own hands, and to act with promptness and energy"; but all the President told him in reply was that "it was only a matter of time" when a message would be sent to Congress on the subject.⁶

¹ Polk's *Diary*, I, 282.

² Buchanan to Slidell, March 12, 1846; H. R. Doc. 60, 30 Cong., 1 sess., 64. On the day of the date of this instruction Slidell's new demand to be received was rejected by the Mexican government; *ibid.*, 67.

³ Polk's *Diary*, I, 319.

⁴ *Ibid.*, 327, 343.

⁵ *Ibid.*, 354.

⁶ May 8, 1846; *ibid.*, 382.

The reason for this hesitation was never mentioned, but it is obvious enough. The administration were not anxious to go to war with Mexico, though they were willing to do so if necessary—especially since they considered the Oregon question as good as settled—but they were afraid of Congress and the country. Those whom Polk consulted, notably Calhoun and Benton, were desirous of peace, and it is quite probable that at the time of Slidell's return neither of the houses of Congress would have voted for a declaration of war.

While the cabinet was thus puzzling over the Mexican situation the question of Oregon was being finally disposed of. The British government, as soon as it received the official notice of the termination of the joint occupancy pursuant to the resolution of April 23, was swift to act, for reasons which were thus stated by Lord Aberdeen himself in the House of Lords:

"The state of the negotiations," he said, "was this—the President had sent his message to the Senate with a direct refusal of our repeated proposals to submit the whole question to arbitration.¹ That being the case, my Lords, I felt that nothing could be done at that moment till the Senate and House of Representatives should have taken some steps in consequence of that Message. I waited, therefore, the result of that communication so made by the President. When I saw that the Senate and House of Representatives had adopted Resolutions of such a conciliatory and friendly description I did not delay a moment, putting aside all ideas of diplomatic etiquette which might have led me to expect that some other steps would be taken on the other side; but, without waiting a moment, I prepared the draught of a convention, which was sent by the packet of the eighteenth of May to Mr. Pakenham, to be proposed for the acceptance of the United States' Government."²

The boundary which Aberdeen now proposed was the line of 49° north, as far as the Gulf of Georgia, and then south and west through the Strait of Juan de Fuca, so as to leave to Great Britain the whole of Vancouver's Island. This solution

¹ Message of Feb. 7, 1846, to the House of Representatives transmitting diplomatic correspondence.

² Hansard, 3 ser., LXXXVII, 1038.

had been repeatedly talked over since it was first suggested by Everett to Aberdeen, more than two years before.¹ Both the President and the British minister in Washington had discussed it with members of the Senate, and McLane had reported that he believed the British government would make the offer if there was a likelihood of its being accepted. Buchanan, in an official letter of February 26, 1846, had replied that, if made, the President would submit the proposal to the Senate, "though with reluctance"; but it was well understood that if submitted to that body it would be approved. "From all I can learn," wrote Buchanan privately to McLane, "there is not the least doubt that either of the two propositions specified in my despatch would receive the previous sanction of a constitutional majority."²

On June 6, 1846, Pakenham presented the draft treaty which had been sent him from the Foreign Office, and four days later the President, after some singular objections from Buchanan,³ sent the proposal to the Senate, and requested their advice as to the action which it might be proper for him to take in reference to it. In doing so he stated in his message that he was following a precedent set by General Washington, which seemed eminently wise, "though rarely resorted to in later times." The Senate was a branch of the treaty-making power, and also a branch of the war-making power, and it was thought that a decision on the proposals of the British government, without a definite knowledge of the views of the Senate, might render the question much more complicated and difficult of adjustment. Should the Senate by a two-thirds vote advise the acceptance of the proposition, the President would conform his action to their advice; but should that body decline to give such advice, he should consider it his duty to reject the offer. At the same time he added that his opinions on the

¹ Everett to Upshur, Feb. 22, 1844; *State Dept. MSS.* "I then repeated what I had said on a former occasion, about the cession on our part of the southern end of Quadra and Vancouver's Island and I expressed the hope that if an offer was made to that effect by the Government of the United States, that Mr. Pakenham would be authorized to accept it."

² Buchanan to McLane, Feb. 26, 1846; Moore's *Buchanan*, VI, 377, 385.

³ Polk's *Diary*, I, 451-462.

Oregon question, as contained in his annual message of December 2, 1845, remained unchanged.

Two days later the Senate by a vote of 37 to 12 advised the acceptance of the British offer, and on June 15, 1846, the treaty was signed, and at once formally ratified by the Senate, and ratifications were exchanged at London a month later.

The announcement of the result was the last act of Peel's ministry, and was received with a feeling of relief by all parties in England. "The settlement of the Oregon question has given us the greatest satisfaction," wrote the Queen.¹ Palmerston, in the House of Commons, and Lansdowne, in the House of Lords, representing the new ministry, expressed their pleasure, and there was no dissent.²

But in fact the result was a great personal triumph for Polk's skill in negotiation. He had accurately judged the temper of the British government and the temper of the American Congress. Against the advice of his timid and irresolute Secretary of State, he had insisted that the proposals for settlement must come from the British government. The British government had not dared to do less than meet the substance of the American demands, and the Senate had not dared to take the responsibility which the President put upon it of choosing between a compromise and war. The treaty not only settled the question of Oregon, but it also finally settled the question whether foreign nations would interfere between the United States and Mexico. The decision of the British government, said Peel, was not influenced at all by the dispute between those countries.³ But the signature of the Oregon treaty was notice that Great Britain was willing to give the United States a free hand in Mexico, including California; and if Great

¹ The Queen to Sir R. Peel; *Queen Victoria's Letters*, II, 100.

² Hansard, 3 ser., LXXXVII, 1057, 1222. The favorable result was attributed by Lord Aberdeen very largely to the friendly and conciliatory course adopted by Mr. McLane, the American minister in London. "I am well assured," he remarked, "that there is no person in this House, or in this country, who more cordially participates in the feeling of satisfaction which it is fitted to produce than Mr. McLane."—(*Ibid.*, 1039.)

³ *Ibid.*, 1053.

Britain would not interfere, it was certain that no other country in Europe would venture to take part in the coming contest.

The President had run serious risks for a great object, but the result had fully justified his boldness. And his boldness was all the more conspicuous because, even before the British proposal was made, hostilities with Mexico had actually begun.