

THE AMERICAN
SECRETARIES OF
STATE AND THEIR
DIPLOMACY

SAMUEL FLAGG BEMIS

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JOHN MIDDLETON CLAYTON
SECRETARY OF STATE
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BY

MARY WILHELMINE WILLIAMS, PH.D.

PROFESSOR OF HISTORY
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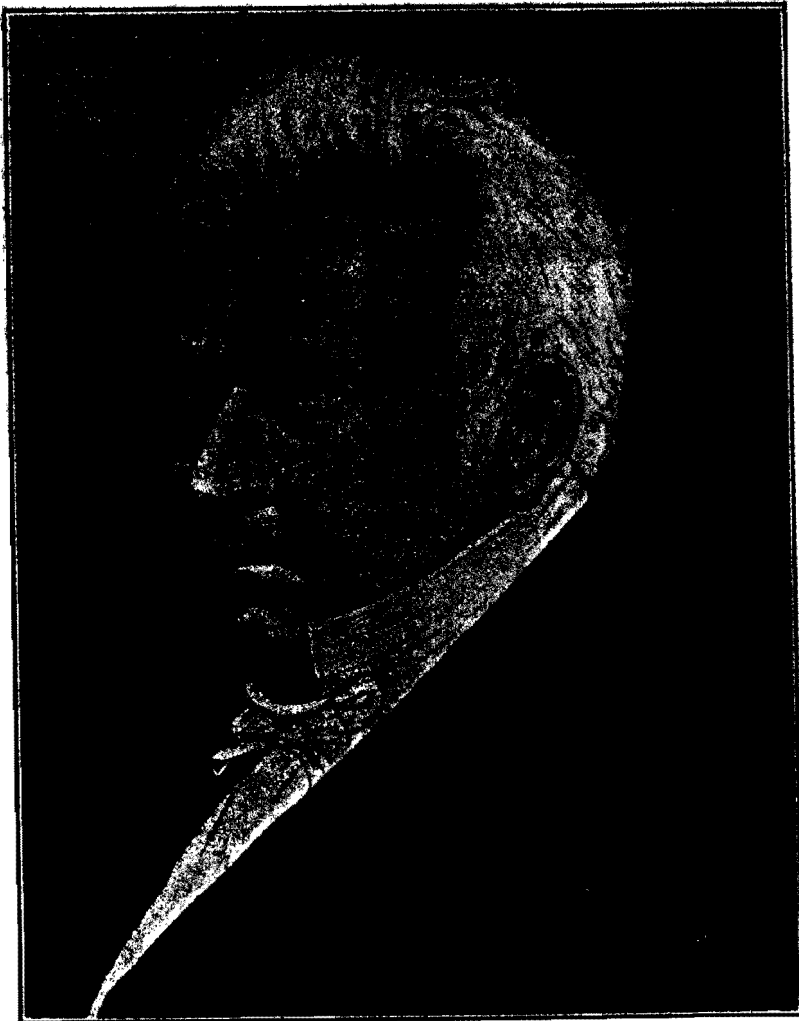
JOHN MIDDLETON CLAYTON

CHAPTER I

APPOINTMENT AND EARLY CAREER

JOHN MIDDLETON CLAYTON became head of the State Department on March 7, 1849. This honour was partly a reward for service given in the Whig campaign of 1848, and partly the result of a friend's influence. Through speech-making in Delaware and some of the neighbouring states in behalf of General Zachary Taylor he helped bring about the latter's election to the presidency. In view of Clayton's established political reputation and his well-known Whig loyalty, under the party code this service merited a position in the new Cabinet. Taylor, however, intended the State Department portfolio for Clayton's friend, John J. Crittenden, then governor of Kentucky. Crittenden declined, and recommended Clayton in his stead, and, consequently, the President-elect offered the place to Clayton on February 16, 1849. Clayton himself had cherished presidential ambitions and the year before had declared that he would not "consent to become any great man's Secretary or subordinate." Nevertheless, with as great alacrity as circumstances permitted, he accepted the first office in the Cabinet.¹

Heredity and training are unusually evident in the making of John Middleton Clayton. His mother, Sarah, daughter of Ignatius and Elizabeth Middleton of



John M. Clayton

Annapolis, Maryland, was noted for fluency of speech and conversational charm, gifts which she transmitted to her son. From the side of his father, James Clayton of Delaware—a descendant of Joshua Clayton, who accompanied William Penn to America—came his interest in law and politics; for the Delaware Claytons had long been active in public affairs, the most prominent in this regard being John Middleton's uncle, Joshua, who was president of the state under the constitution of 1776, and also first governor.

The future Secretary of State was born in the little village of Dagsborough, Sussex County, Delaware, July 24, 1796. From there, a few years later, the family moved to Milford, Kent County, where James Clayton engaged in the milling and tanning business, in addition to farming his estate, known as Thorne Hill.

During the long winter evenings at home, the boy received a thorough grounding in the Bible and in Shakspeare, with whose writings his father was very familiar; and in academies at Berlin, Maryland, and Lewes and Milford, in his native state, he gained his early formal schooling. From Milford Academy he went to Yale College, and graduated from there in 1815 with the highest honours. After studying for a time in the law-office of his cousin, Thomas Clayton, later chief justice of Delaware and United States Senator, he spent almost two years at the then famous law school at Litchfield, Connecticut, borrowing the money to do so, for his father's wealth had been lost in the hard times following the War of 1812. After a little more study in a law-office in Kent County, Clayton was admitted to the bar at Georgetown, Delaware, in October, 1819, at the age of

twenty-three; and soon afterwards in Dover he began to practise law.

A year later his father, broken by misfortune, died insolvent, and to John, the older of the two sons, fell the task of supporting his mother and the three youngest of his parents' six children. This heavy burden supplied the strong stimulus to industry which Clayton always needed to do his best work, and he quickly built up a very prosperous law practice.

He further improved his fortunes by marrying in September, 1822, an heiress, Sally Ann, daughter of James Fisher, a physician of Kent, Delaware. Two children were born to them, James Fisher, in 1823, and Charles McClymont, in 1825. His wife, to whom Clayton was tenderly attached, died two weeks after the birth of the younger son. He never forgot his loss and never remarried.

John M. Clayton was one of the ablest lawyers the country has produced. His fame was won largely by natural ability, although superior training and unusual thoroughness in preparing for cases contributed towards it. He had a remarkable memory for facts, great eloquence, winning manners, and skill as a cross-examiner that has rarely been excelled. Over juries he had an almost uncanny influence, with the result that many a hardened criminal whom he defended went scot-free. Though he gave little time to law practice after entering federal politics, Clayton was counsel, during his career, in more than a thousand cases. The two most famous of these were *Randel v. the Chesapeake and Delaware Canal Company*, and the controversy between Delaware and New Jersey over the original ownership

of Pea Patch Island, in the Delaware River, which Delaware had ceded to the United States Government. In the former case, tried in 1837, Clayton won for his client the largest damages ever awarded up to that time by any court in the country. In the latter he appeared as counsel for the federal Government in defence of Delaware's original title to the island, associating with him James A. Bayard of Delaware; and the case, which was tried in 1847, in Independence Hall, Philadelphia, before John Sergeant as arbiter, was decided in favour of Delaware and the United States Government.

Clayton reached his majority in the politically unexciting "era of good feeling," and, therefore, at first took little interest in partisan politics, although, true to family tradition, he allied himself with the Federalist group. While still too young to vote, he had begun, as clerk of the state senate, to serve his native state, to which he was always deeply devoted. Later he was in turn clerk of the house of representatives, member of the house, auditor of accounts, and secretary of state of Delaware. And even after he had been in the federal Senate, he twice served his state locally: in 1831 he was delegate from Kent County to the constitutional convention and was largely responsible for the changes then made in the Delaware constitution, including much of the plan for an admirable judiciary system; in 1837 he was elected to the chief justiceship of the state, a position which he filled for about two and a half years.

It was the bitter strife in Delaware between the supporters of John Quincy Adams and of Andrew

Jackson that first roused in Clayton an interest in political issues and made him an enthusiastic partisan. To Adams he now gave his hearty support, organized Delaware for the National Democratic, or Whig, party, of which he became in that state the recognized leader, and won the state for his candidate in 1828. After that his interest in politics was almost unabated, and he remained an ardent Whig until the party fell to pieces, after which he gave his waning strength, first to the Know Nothings, and then to the embryonic Republican party.

Clayton's services to the Delaware Whig group in 1828 were rewarded by election to the United States Senate. Though the youngest member of that body when he took his seat, in 1829, he began almost immediately to show the activity characterizing his whole senatorial career and soon won fame as an orator. His first notable speech was made in March 1830, in favour of the Foote resolution. The next year he instituted an investigation of the Post Office Department which brought to light serious abuses and resulted in reform and reorganization. An ardent lover of the Union, he supported Jackson in the nullification controversy; but strongly opposed his bank policy, and voted for the resolution of censure of the President for the removal of the deposits, in consequence of which he was one of the senators against whom Jackson directed his famous retaliatory protest. An intense believer in protection, he perhaps had more to do with the passage of the compromise tariff bill of 1833—which he considered necessary to save the protective principle—than any other except Clay. As chairman of the Senate judiciary

committee, he had a large share in settling the boundary dispute between Michigan and Ohio, and was primarily responsible for giving to the former the upper peninsula.

Before the quarrel over the veto of the bank recharter bill, Clayton, feeling that his family needed him, had planned to retire from the Senate at the end of his term; but after Jackson's protest he felt that he must vindicate his opposition to the President's actions. He therefore stood for re-election and engaged in a vigorous speaking-campaign in Delaware, which secured Whig majorities in both houses of the legislature, including many of his personal friends. Regarding this victory as approval of his course in the Senate, he now resigned office and declined re-election; but the state legislature refused to acquiesce in his action, and, accordingly, he consented to remain in the Senate and to accept a second term. The following year, however, he resigned his seat, and, as already stated, early in 1837 became chief justice of Delaware, an office he could fill while living at home in Dover.

In August 1839, when the prospects seemed fair for a Whig victory at the next national election, Clayton gave up his seat on the bench to campaign for the recovery of Delaware from the Democrats, who had captured it two years before. Following the election of William Henry Harrison, Henry Clay, during this period a very close friend of Clayton, tried to secure for him a place in the Whig Cabinet; but his efforts were in vain, and for a few years Clayton was without political office, and devoted his attention to other things.

During this recess from public life he became interested in agriculture, and, in 1844, bought a farm near

New Castle, which he later named Buena Vista in honour of Taylor's victory in the Mexican War. The place was badly run down, but by scientific methods he quickly restored the fertility of the soil, made Buena Vista a model for the farmers of Delaware, and gained a reputation as an agriculturalist far beyond the borders of the state.

It was in this period also that he met Richard Montgomery Bird, who for several years previous to his death, in 1854, was Clayton's closest friend. Bird soon became a zealous Whig, and, in 1844, stumped Delaware in the interest of Clayton's nomination to the vice-presidency and went to the Baltimore convention as his personal representative. But Theodore Frelinghuysen of New Jersey, and not John M. Clayton of Delaware, received at Baltimore the nomination for the second place on the Whig ticket.

Though keenly disappointed by the Whig defeat in 1844, Clayton accepted re-election to the Senate the next January, and remained in office until he became a member of Taylor's Cabinet. In the Senate he opposed the annexation of Texas and the war with Mexico, but supported the war after it had begun; and he likewise stood against war with England over the Oregon boundary, favouring a division along the forty-ninth parallel. After the Treaty of Guadalupe Hidalgo he was chairman of the Senate committee to which was referred the organization of the recently acquired territories. Though he had favoured running the Missouri Compromise line to the Pacific, the committee finally recommended what became known as the Clayton Compromise, the peculiar feature of which was a provision for settling the slavery

question in California and New Mexico by decision of the federal Supreme Court, to which all slavery cases should be appealed from the territorial courts. The measure, though regarded by some as merely a first-class trouble-maker, passed the Senate, but in the House was defeated.²

Feeling that Henry Clay had no chance of election to the presidency in 1848, Clayton, in January 1846, headed a congressional movement for General Winfield Scott; for he had come to see the political efficacy of a military reputation, and, furthermore, all his life he retained a boyish admiration for victors of the battle-field. Later, however, he turned to Taylor, and, as has already been stated, worked energetically for his election, receiving as a reward the portfolio of the State Department.

When he became head of President Taylor's Cabinet, John Middleton Clayton was still in the prime of life and was in many ways one of the most attractive personalities in Washington. More than six feet in height and well proportioned, his figure was commanding and dignified. He had a good profile, a clear skin of healthy appearance, and large, friendly grey eyes shaded by bushy brows, which were still dark, though his hair, worn brushed back in pompadour style, was prematurely white. He was polished in manner, a brilliant conversationalist, notably kind-hearted, unselfish, and considerate of friends and kindred. Though not above using equivocal methods to gain personal or political ends, he was perhaps as honourable as most of his contemporaries in public life. As a lawyer and an orator he was widely known, and he had to his credit nearly

twenty years of successful experience in public life. Nevertheless he was a lawyer, with a lawyer's psychology, and a politician, with an eye to immediate party advantage, rather than a statesman-diplomatist willing to direct his labours consistently towards the attainment of a noble, though remote, ideal. He was somewhat lacking in patience and tact, as his career in the State Department later revealed; and even his friends saw in him a want of firmness and stability, which was especially apparent when pressure of duties caused him to act without adequately studying conditions or carefully weighing final results.

Clayton was not the "Atlas of the Administration," as the *Washington Union* declared him to be in a back-handed slap at Taylor's inexperience; upon him, nevertheless, fell the heaviest political burdens of one of the most vexatious and complicated periods of national history. Not only did knotty foreign problems press for solution, but threats of disunion rumbled up from the South, and soon virtually all Southern Whigs were alienated by the question of slavery in California and New Mexico. Meanwhile the two great party leaders, Clay and Webster, stood aloof, angry at being passed over for a man so little interested in politics as never to have cast a vote before his nomination for the presidency. It was a minority Administration, to begin with, and before the end of a twelvemonth it was floundering like a crippled ship in a stormy sea. But Clayton, though well aware that his task would not be an easy one, prepared to battle valiantly for the success of his party; and on March 16, 1849, he wrote to Crittenden, at the time his closest political confidant and adviser:

"In the midst of ten thousand hopes & fears I snatch a brief moment to say that the former greatly predominate—that I have now *ten* hopes to *one* fear, and that while we are 'benetted round' with many cares, I firmly adhere to the belief that Taylor's administration will be one of the most glorious in our history."³

Though, before election, Taylor had ingenuously announced his intention to be "President of the whole nation," and had thereby won many border-line votes, under the instruction of the veteran Whigs of his Cabinet he promptly became an ardent spoilsman, anxious to reward the party faithful with offices at the expense of the Democrats, who, thanks to the "treachery" of Tyler, had enjoyed almost a monopoly of them for twenty years. In the revolution which now took place Clayton played a leading part. While the opposition press, in the words of Taylor's organ, the *Republic*, howled "like a pack of scalded dogs," he joyfully ousted Democrats—but always, he asserted, for "good cause"—and gave their places to "worthy Whigs." Jacob Colamer, the Postmaster-General, Clayton wrote Crittenden, was "often at his wits' end, frightened by *removals* and *appointments*, but I cry courage to them all and they will all go ahead, *all by-and-by!*"⁴ As time passed and he found his sleeping as well as waking hours consumed by the unending procession of ravenous spoilsmen, he lost some of his enthusiasm for rewarding the faithful and denounced them as "office-hunting d—brigands."

The diplomatic appointments, with which Clayton

had most concern, were on the whole fairly strong. Abbott Lawrence displaced George Bancroft in England; William C. Rives went to France, supplanting Richard Rush; Daniel M. Barringer became minister to Spain; Ralph Letcher, former governor of Kentucky and friend of both Clay and Crittenden, was sent to Mexico; and Henry Clay's son James was made chargé to Portugal, in the hope of reconciling Clay himself to the Taylor Administration.

For the success of his department Clayton had high hopes. He wrote Crittenden:

"Congress must settle all questions of *domestic* policy. I will settle the questions of *foreign* policy & I will give you leave to hang me like an acorn if I do not bring out the glorious old man's administration in its foreign relations without cause for complaint even from his enemies."⁵

The new Secretary of State was, as yet, unaware of the bitterness of the opposition and of the considerable part the President would choose to play in international relations.

The Administration was unbound as to foreign policy, except for the general declarations—favouring peace, neutrality, and strict enforcement of treaty pledges—made by Taylor during his campaign and in his inaugural speech. By these Clayton expected to be governed; but, besides trying to show high regard for foreign obligations, and flint-like firmness in demanding the country's rights—including those implied in the Monroe Doctrine—he aimed to promote commercial

expansion, and to display sympathy for the advance of republican principles, which were struggling at the time to establish themselves in Europe. While anxious to preserve goodwill between nations, he was not averse to introducing a little "eagle-screaming" into his diplomatic intercourse, for the purpose of rousing popular enthusiasm for the Government.

Though not always convinced of the wisdom or the efficacy of the Monroe Doctrine, Clayton on various occasions applied its principles. Profiting by Buchanan's experience, he made no announcement of Administration attitude towards ownership of Cuba, but in his instructions to Barringer stated that transfer of the island to another foreign power would be the immediate signal for war—a policy which Barringer later made known to the Spanish Government. He warned the Dominican Republic that a French protectorate over it would not be "pleasing" to the United States, and notified the French Government—when it was trying to coerce Hawaii over the question of extra-territoriality—that the United States would not with indifference permit the islands to pass under the dominion of another nation. Most significant of all, he negotiated with Sir Henry Bulwer a canal treaty (to be taken up in detail later) by which Great Britain was ultimately forced to withdraw from extensive territorial claims in Central America—a fact which is usually overlooked in discussion of the Clayton-Bulwer Treaty.

In his efforts to increase national commerce Clayton was energetic and resourceful, though, because of existing conditions and the shortness of his period as Secretary of State, he achieved little directly. With the

Kingdom of Hawaii, which had gained a new importance from the extension of United States territory to the Pacific coast, he completed a treaty of commerce; and he instructed agents of the Administration in Europe to wait watchfully for opportunities to make trading-agreements with the revolutionary groups struggling at the time for independence. To commercial possibilities in the Orient he gave similar attention. Aaron Haight Palmer of New York, director of the American and Foreign Agency, at his request drew up two reports on Oriental trade, in which were set forth plans for a mission to Japan. Clayton gave his approval of the plans, and, though he did nothing to put them into effect—presumably because of the problems which beset the Administration—Commodore Perry later made use of them in his expedition to Japan.⁶ But it was the canal treaty made with Bulwer that Clayton regarded as his most important contribution towards the future commercial prosperity of the nation.

When the Taylor Administration came into office, Hungary's struggle for freedom from the Austrian Empire was arousing much sympathy among the American people; and both Clayton and the President were anxious that the United States Government should be the first to recognize the new state if it could maintain itself. Accordingly in June 1849, A. Dudley Mann, then in Paris, was appointed secret agent and instructed to go to Hungary, if possible, and study the situation there with a view to such recognition. Before Mann reached Hungary, however, Austria, with Russian aid, had crushed the rebellion, and Kossuth and the other leaders were refugees in Turkey. But Taylor's very frank

allusion, in his annual message, to his purpose regarding Hungary so aroused Hülsemann, the Austrian minister in Washington—who appears also to have seen a copy of Mann's instructions—that he was ever afterwards a thorn in Clayton's flesh. Repeatedly Hülsemann protested orally against the action of the United States Government, and only at the urgent request of Clayton, already well supplied with trouble, did he refrain from written protest.⁷

Though in the Senate attack on the Mexican protocol which had embarrassed the Polk Administration, Clayton had been a leader, as Secretary of State he strongly supported the view of his predecessor, Buchanan, that this document in no way weakened the terms of the Treaty of Guadalupe Hidalgo. And he removed Clifford, the Polk representative in Mexico, giving his place to Letcher, on the alleged ground that Clifford failed to maintain this attitude.

With regard to another matter which came up at the time, Clayton's policy tended to discredit his predecessor. In Polk's Administration, during an armistice in the war over Schleswig-Holstein, the German Government had bought a trading vessel in the United States and, aided by American naval officers, who acted with the consent of the Secretary of the Navy, was having it transformed into a war-ship in New York harbour. As resumption of hostilities between Denmark and Germany seemed imminent when Taylor came into office, William B. Preston, the new Secretary of the Navy, instructed by Clayton, promptly withdrew all aid of his department in the equipment of the vessel. A little later Steen Billé, the Danish chargé in Washington,

protested against the fitting out of the vessel—which had been renamed the *United States*—as a violation of neutrality. On April 10, 1849, Clayton wrote Baron Roenne, the German minister, stating that since there was evidence that the German Government intended to use the vessel in the war against Denmark, to permit it to depart would be a breach of neutrality on the part of the United States. He added, however, that the vessel would be allowed to sail if the German minister, in accordance with an American law of 1818, would solemnly declare that it was not intended to be used against any government with which the United States was at peace. Roenne, whose case was obviously very weak, took in reply an aggrieved attitude towards Preston's action and presented a long, specious argument—said to have been supplied by Benjamin F. Butler—against Clayton's interpretation of an American law, the act of Congress of 1818. Clayton answered by inclosing a copy of the opinion of Reverdy Johnson, the Attorney-General, which supported his view of the question, repeating the terms under which the vessel would be permitted to sail. Baron Roenne met this, on May 1, with further flimsy arguments; and, since it was obviously presumptuous on the part of a foreign diplomat to attempt to question the meaning given by the United States Government to one of its own laws, Clayton perhaps would have done well to refuse to discuss the matter with Roenne. However, on May 5 he replied in detail to the arguments of the German minister, but stated that, in view of the latter's unwillingness to give the assurance asked for, the President had decided to order the vessel held until Roenne, in conformity with another section

18 AMERICAN SECRETARIES OF STATE

of the law of 1818, should give bond that it was not to be employed against any nation with which the United States was at peace. A little later Roenne agreed, but under protest, to give the bond called for; and, this being furnished, the *United States* was permitted to sail, which ended the matter.

CHAPTER II

THE POUSSIN AFFAIR

MORE serious trouble arose with France through a correspondence between Clayton and William Tell Poussin, the French minister at Washington. The ridiculously petty origins of this pure quarrel of diplomats, without a serious international issue or interest at stake, eventually developed into a dispute between the United States and France which for several months caused real anxiety to some lovers of peace. Today the quarrel is scarcely remembered even by the professional historian. It is therefore necessary to disentangle the essential facts from the prolix diplomatic correspondence which was exchanged upon the subject.

The first friction came from discussion of claims made by Poussin for alleged damages done to a Frenchman named Port by American military officers during the Mexican War. Five hundred bales of tobacco seized by the invading army, after being sold to a Mr. Domercq, were, by mistake, offered under the authority of Colonel Childs of the United States Army at public auction and bought by Port. The blunder being discovered, Port was notified, but not before he had sold his purchase at a gain of \$4,500. A military court settled the difficulty by handing over the tobacco to Domercq and paying back, with interest, Port's purchase price. Port was not satisfied with the arrangement and through Poussin, who acted under instructions from his Government, asked

compensation for losses due to the annulment of the sale.

Poussin presented the claim as Polk's term ended. While Port was in Washington waiting for a decision during the first month of Clayton's incumbency, Poussin three or four times urged a reply, writing, for example, on March 28 to learn whether the Secretary of State had the matter under consideration "as it was promised." Clayton, then very busy disposing of the patronage, and perhaps impatient over the importunity of the French minister, replied by inclosing copies of documents from the War Department bearing upon the matter, together with a note to Poussin saying that, after carefully studying this evidence in connexion with that submitted by Poussin, he believed Port had no just cause for dissatisfaction with the decision of the military court, which, consequently, there seemed no sufficient cause for disturbing. Poussin, unwilling to accept this reply as final, again sent a letter in behalf of Port's claims, in which he hinted against the character of Colonel Childs, who had served as witness before the military court. Clayton, in his answer, implied that Poussin's veracity was under question, and gave as reasons for his stand regarding the claim his belief that the evidence showed Port to have been in collusion with Childs's secretary and interpreter (who had since died) and that Port was well aware when he bought the tobacco that it had already passed into private hands—which was probably the case. It was not the duty of either the court or the United States Government, Clayton declared, to guarantee a speculation made under such conditions.⁸

Poussin, from New York, sent another letter in defence of the claims, in which he implied that Clayton had accepted Childs's unproved charges against Port, and ended with the obnoxious words:

"The Government of the United States must be convinced, that it is more honourable to acquit fairly a debt contracted during war, under the pressure of necessity, than to avoid its payment, by endeavoring to brand the character of an honest man."⁹

As soon as he received this, Clayton, under Taylor's instructions, on April 21, sent Poussin a brief note ending: "I lose not a moment in requesting you to repair to this city without unnecessary delay." The French minister returned to Washington. In an interview Clayton told him that his letter was highly offensive and contained language which the United States Government could not admit, and gave him opportunity to withdraw the communication. Poussin did withdraw it and, after expunging the last paragraph, the most objectionable part, returned it to Clayton.¹⁰ Here the matter was for a while allowed to rest.

Shortly afterwards a similar trouble took place between the two, this time over the efforts of Carpenter, commander of the United States naval vessel *Iris*, to secure salvage for rescuing the French ship *Eugénie* from a reef on which it had struck in the Gulf of Mexico. Carpenter, instead of putting the matter promptly in charge of the admiralty court in Vera Cruz, had personally detained the *Eugénie* while trying to secure the reward which he declared due him. But after a few days,

as a result of the protest of the acting consul for France in Vera Cruz, and the assertion of the American consul in the port that he did not believe this a case of salvage, he abandoned his efforts and permitted the French vessel to sail.

Poussin, in a communication none too diplomatic in tone, asked in the name of his Government that Carpenter be censured for his conduct in order to discourage repetition of such action. Upon receiving this letter Clayton evidently got from the Attorney-General a casual opinion regarding Carpenter's right to salvage, but none as to the legality of his action in detaining the *Eugénie*, which was the real subject of Poussin's protest. In reply to Poussin he merely enclosed some communications of Carpenter's, obtained from the Navy Department, explaining his actions with the statement that he trusted that these would remove any misapprehensions which the French Government might have as to Carpenter's conduct.¹¹

This failure of Clayton to give the question due attention caused the French minister to send a reply which again brought matters to a climax between the two. On May 30 he wrote Clayton:

"The explanations given by Commander Carpenter are not of a nature, Mr. Secretary of State, such as to dispel the discontent which his proceedings have caused to my Government. . . . I called on the Cabinet of Washington, Mr. Secretary of State, in the name of the French Government to address a severe reproof to that officer of the American navy, in order that the error which he had committed on a point

involving the dignity of your national marine, might not be repeated hereafter.

"From your answer, Mr. Secretary of State, I am unfortunately induced to believe, that your Government subscribes to the strange doctrines professed by Commander Carpenter of the war steamer *Iris*, and I have only to protest, in the name of my Government, against these doctrines."¹²

For this letter the Taylor Administration might have dismissed Poussin, or asked for his recall, a request which could hardly have been ignored. Instead, it was decided, apparently on the President's initiative, to place the whole matter in the hands of the French Government, a decision with embarrassing possibilities for the United States. To Rush, who had not yet been displaced by Rives, Clayton sent a copy of the correspondence, with a letter discussing what had taken place. The Administration, he wrote, would perhaps not have taken such definite notice of the last letter from Poussin were it not for the offensive language recently used by him in connexion with Port's claims. He had then been permitted, in the interest of harmony and friendship, to withdraw his words, but the United States Government was not inclined to countenance communications from any quarter which questioned or impugned its honour and dignity. The President, therefore, had directed that Rush should lay the whole accompanying correspondence before the French Government, offering no suggestions as to what procedure was expected by the United States.¹³

Rush, after a brief interview with Alexis de Tocqueville,

then French Foreign Minister, formally presented the correspondence as directed. Some weeks passed without any reply to his note. During this time the French Government sent Clayton word indirectly that it intended soon to replace Poussin. To Poussin himself Tocqueville wrote a sharp note of censure for the tone used in his correspondence with Clayton. On August 9 Rush received Tocqueville's reply, which expressed astonishment and regret at the turn affairs had taken. But, Tocqueville declared, Clayton as well as Poussin had used undiplomatic language, and he hinted that the former's note of April 21 asking the French minister to return to Washington was "rather an imperious summons than a diplomatic invitation." The resentment which Poussin had perhaps expressed with too much spirit was due, Tocqueville suggested, to a misunderstanding of some expressions in Clayton's letter; but, he informed Rush, he had "invited" the French minister never, in his intercourse with the United States Government, to be unmindful of the observances and forms of "benevolent courtesy"; and he felt that if this courtesy was reciprocated, Poussin would have no difficulty in following instructions.¹⁴

In Washington Tocqueville's reply was taken to mean that the plan to send a new minister had been given up, and therefore Clayton, under instructions from Taylor, notified Poussin on September 14 that the United States Government would hold no further official correspondence with him.

Though his talents certainly did not run along diplomatic lines, Poussin was an ardent democrat, with genuine admiration for the United States, and consequently

he was much mortified by his dismissal. Crampton, the British chargé in Washington, hoping to pour oil upon the troubled waters, tried to induce the Taylor Government to receive him back; but this proposal was met by a prompt and flat refusal.

When Poussin was dismissed, Rush had already been sent his letter of recall, and his successor, Rives, had been appointed, but with instructions to stop in London on his way to Paris and perform an errand for his Government. Therefore, to avoid delay, Clayton addressed Tocqueville directly, when he replied to the latter's letter to Rush, and informed him that the French minister would no longer be recognized. This letter of Clayton's—written on September 14—was even sharper in tone than any he had addressed to Poussin. Tocqueville, he stated, seemed to think the submission of the Poussin correspondence called upon him to

"construct an apology for that minister, by indiscriminately censuring both parties to the correspondence. You were not invited [he added] to decide as an arbiter upon the mode in which the American government conducted that correspondence, which was not only courteous in terms, but entirely unexceptionable in spirit."

In view of the fact that Tocqueville seemed to look upon Poussin's disrespectful language with indulgence and had shown no disposition to right the wrong, the President had instructed him, Clayton continued, to perform a duty from which he had hoped his friendly appeal to the French Government would have relieved

him. The United States Government was the guardian of its own honour and would never submit to intentional disrespect. Therefore, before this letter should reach Tocqueville, Poussin would have been told that the United States Government would hold no further correspondence with him. He had been likewise instructed, Clayton concluded, to express to the French Foreign Minister his friendly sentiments for the Government and people of France, and to state that he looked forward with lively satisfaction to the arrival of Poussin's successor, with whom it would be the study of the United States Government to cultivate agreeable and friendly intercourse.¹⁵

To Montholon, the French consul-general at Richmond, who, some time later, came up to Washington as an unofficial representative of Tocqueville, Clayton presented similar views in conversation, and likewise stressed the governmental attitude in a letter.

Before this, on September 27, Rives had reached Paris, and at about the same time the French Government, as yet unaware of the dismissal of Poussin, appointed Bois-le-Comte as his successor. Rush, a few days after Rives's arrival, delivered to the French President his letter of recall and requested an audience for the presentation of his successor. On October 5, before Rives had been officially received, Clayton's letter reached Tocqueville, who the same day asked Rush to call upon him. In the interview which took place Tocqueville stated that the communication of the American Secretary of State had caused much surprise by its tone and contents, and had given rise to considerations so intimately connected with the dignity of the

Government and the nation that the presentation of Rives must be postponed and the matter laid before the Council of Ministers.

Promptly following this, Rives secured an informal interview with Tocqueville, who went over the history of the question under discussion, stressing the fact that when the Poussin correspondence had been laid before him, there had been no request for recall, and no intimation that immediate or specific action on the subject was desired or expected. Clayton's letter to him of September 14—which Tocqueville regarded as a very embarrassing mode of communication—was, he said, equally painful; for its expression and tone were wounding to the dignity of the French Government. Consequently he had submitted it to the Council of Ministers, who had decided that, however anxious they might be to maintain cordial and uninterrupted relations with the United States, it would be proper to "adjourn" the reception of the new American minister until some explanation should be given by his Government. Rives tried to smooth matters by saying that virtually everything disagreeable in the correspondence had been due to misunderstanding, but Tocqueville, while admitting that there had been misconceptions, remained firm in his assertion that explanations from the United States Government must precede the reception of Rives.¹⁶

This attitude Tocqueville conveyed directly to Clayton by a letter of October 11, explaining that the French Government, in the absence of an explanation, did not know whether to regard the action of the American Cabinet as the effect of "a misunderstanding to be regretted or of an intention to wound the French

government, and to derogate from the just respects" which were due to it.¹⁷

This last sentence obviously offered a loop-hole through which the American Government could with dignity emerge from the scrape. Taylor, however, as Clayton put it, had been reared in a school which taught him

"Greatly to find quarrel in a straw
When honour's at the stake."

His was the code of the army camp rather than of the council-table. He therefore viewed Tocqueville's diplomatic ultimatum as a demand for an apology backed up by a threat—certainly a far-fetched interpretation—and promptly declared that no explanation would be given. Clayton urged that the reply to be sent to France be couched in language that would enable the French Government to back out with dignity from the stand it had taken, which would likewise extricate the American Government from its plight. Taylor would not yield, and, therefore, the answer which, on November 10, Clayton wrote Tocqueville stated:

"The President finds nothing in the conduct of this Government, which requires any expression of his intentions, views, or wishes, beyond that contained in my note to Your Excellency of the 14th of September last."¹⁸

The next day Clayton sent word to Rives that if he was not received within a week after this instruction

reached him, he was to proceed at once to a different mission, choosing between St. Petersburg and Berlin; and added:

"If they will receive you immediately (every hour's delay more & more offends the Prest's pride) I could arrange this matter thro. yr. intervention with Mr. de T. equally to the honor of both Govts. If you are not recd., I repeat, I do not now see how the matter can be arranged."¹⁹

This letter, together with one to Tocqueville, Clayton sent to Lawrence in England, instructing him to deliver both to Rives by special messenger.

The Administration now regarded war with France as not improbable; the Whig press, especially the *North American*, assumed a bellicose tone; and Taylor, who took the matter very calmly, ordered that Rives keep Commodore Morgan of the United States naval squadron in the Mediterranean in close touch with the situation. Clayton was upset and dismayed by the turn which had been given to French relations.²⁰

Before his second letter to Tocqueville was penned, however, a sharp change in the French attitude had taken place. On November 7, 1849, Louis Napoleon suddenly dismissed his Cabinet, and on the following day he received Rives in the most cordial manner, assuring him, as Rives reported to Clayton, that

"if the difficulty had arisen with any monarchical government, he would have waited until the necessary explanations had been exchanged; but with the

Republican government of the United States, he was not ashamed to make the first advance. He hoped, therefore, that the step he had taken in receiving me, before any explanations had been communicated from Washington, would be viewed by the Government of the U. S. as a special mark of his consideration."²¹

Louis Napoleon's abrupt change is to be explained by his schemes connected with European politics, the execution of which would have been defeated by war with the United States. Montholon's reports had probably given him a better understanding of the situation from the American view-point, and had doubtless revealed more fully the President's temper. Therefore he perhaps hastened his reception of Rives so that word of it might reach the United States before Taylor sent his message to Congress. This was the view of Rives, who advised that the coming message mention France with special cordiality.

Clayton, greatly relieved by the unexpected clearing of the sky, replied that this would be done, but instructed Rives to deliver to the French Government the last State Department letter to Tocqueville, if this had not already been done. This instruction seems never to have reached Paris, but in accordance with a later one, received in January 1850, Rives promptly handed the letter in question to General La Hitte, the new French Foreign Secretary, explaining that his Government thought it most proper that it be delivered in order to complete the history of the subject in the archives of both Governments. La Hitte, on receiving it,

merely remarked that the letter related to a terminated affair.

Meanwhile President Taylor's message, which mentioned France with unusual friendliness, had appeared and met with "warm and universal praise" in Paris. And on March 18 Bois-le-Comte, Poussin's successor, was received at Washington with effusive cordiality, thus ending the comedy of errors which conceivably might have terminated in a tragedy of war.

Though Poussin was rude and Tocqueville lacking in frankness, Clayton and Taylor were certainly more responsible than they for the foolish impasse which had been produced. The President was more blameworthy than the Secretary of State, for, though Clayton produced an irritating situation by failing to show proper regard for Poussin's communications, and by countering rudeness with more rudeness, it was Taylor's dominating influence which later made the situation serious, and which—had not Louis Napoleon adroitly shifted his position—might have resulted in serious trouble.

CHAPTER III

CLAIMS AGAINST PORTUGAL; SPAIN AND FILIBUSTERS

I

IN accordance with the Administration policy to stand firmly for national rights Clayton took up and pressed vigorously private claims for damages against Portugal, involving six American vessels. The four cases of most recent origin concerned the *Bolton*, whose boats had been seized by Portuguese authorities; the *Miles*, which had lost its oil cargo in the same manner; the *Colonel Blum*, seized and wrecked; and the *Magoun*, also seized by Portuguese officials, who imprisoned the passengers and crew for many months.

These recent cases were fairly simple, but two others were long-standing and complicated. The less difficult of the latter involved the claim of James Hall, captain of the *Shepherd*, from which in 1828 ten thousand Spanish dollars were seized in Lisbon harbour by Portuguese officials, who arrested Hall on the charge that the money, in violation of the law, had been brought aboard from Lisbon. This charge was disproved in the trial which followed, and the verdict in favour of Hall was sustained by a higher court, which ordered restitution of funds. But the money was not restored, and in 1833 Don Miguel, who had usurped the Portuguese throne, granted a special decree in favour of the informer and ordered a revision of the case. Accordingly,

the next year the Portuguese Government passed a sentence of confiscation. From Don Miguel's standpoint this ended the matter.

The oldest and most controversial claim was that connected with the privateer *General Armstrong*, destroyed during the War of 1812 by the British under the guns of the Portuguese fortress at Fayal, in the Azores. The attack had apparently been made upon the vessel after it had fired upon some boat-loads of men approaching from British ships in the harbour. The Americans justified their action by asserting that the men in the boats carried arms; but both the British and the Portuguese Governments denied this, asserting that the men had merely been sent out to inspect the privateer. By the Treaty of Ghent the United States had abandoned all claims against Great Britain, such as the one in question; but it had early demanded damages of Portugal on the ground that, by permitting the destruction of the *General Armstrong* to take place within its jurisdiction, it had violated neutrality.

George W. Hopkins, who was minister to Portugal when the Taylor Administration came into office, was interested in the claims, especially that of James Hall; and Clayton promptly instructed him to press for settlement, using his own judgment as to how to proceed, but making it clear to Portugal that the period of delay had passed and immediate decision was demanded. The Portuguese Ministry, Clayton stated, must be made to understand that the United States would construe further delay of settlement into denial of the claims, and that it contemplated laying the whole subject before Congress. While taking this emphatic stand, Hopkins

must make it evident that the United States was very anxious to avoid having to suspend or interrupt diplomatic relations.²²

Hopkins set vigorously to work. On July 25 he asked for a definite answer on the two oldest claims before October 1. By this date, when James Clay succeeded Hopkins, the Portuguese had rejected the *General Armstrong* claim. Though the new chargé used his best efforts, no favourable reply had been secured by December 1 in connexion with any of the cases. In consequence, the President's message alluded pointedly to the matter, as one soon to be made the subject of a special communication to Congress.

This caused Count Tajal, the Portuguese Minister of Foreign Affairs, to send word to Clayton, through Figanière, the Government's representative in Washington, that all of the claims which should be found to be just would be paid, and with reference to the others Portugal would so proceed as to show the American Cabinet that it was not seeking pretexts for avoiding settlement. These assurances were too indefinite to satisfy the Taylor Administration. Therefore Clayton, early in March 1850, wrote instructions for James Clay to make a final demand for settlement. The instructions were sent to Commodore Morgan with orders from the Secretary of the Navy to go in a war-vessel to Lisbon and deliver them to Clay, who, in turn, was to present the demand for settlement and to inform Count Tajal that the war-vessel which brought the instructions would wait a reasonable time for the answer. If within twenty days—or longer, if Clay thought best—a satisfactory answer was not given and provision made for the payment of

the claims, Clay then was to demand his passports and depart from Portugal in the war-vessel. In discussing terms Clay might, if he thought it right to do so, admit that some of the details could not fairly be insisted upon; but he was primarily to secure a liquidation of the claims as a whole, through getting a promise of some round sum to be paid, which could be apportioned later. In reply to an intimation from the Portuguese Government that it would be willing to arbitrate the claims, Clayton wrote that

“the President has directed me to say that no such course will, under the circumstances, receive his sanction, and this for reasons too obvious to need enumeration.”²³

Though the Portuguese Government well knew that a war-vessel was to be sent to aid in pressing the American claims, it flatly refused to pay damages for the *Magoun* and the *Colonel Blum*, and rejected likewise the claim of James Hall—this last on the ground of its inability to alter any decision of a judicial power. It promised, however, to pay for the loss of the boats of the *Bolton* whenever satisfactory proof of the amount due should be given; and expressed willingness to submit the case of the *Miles*, which was of a “purely mercantile character,” to the arbitration of a group of Lisbon merchants; and that of the *General Armstrong* to the decision of a third power, with a suggestion of the King of Sweden.²⁴

Guided by Clayton's instructions, Clay rejected the offer of arbitration. He knew, however, that the

Portuguese Ministry was counting upon an early Cabinet change at Washington and upon the hope that Congress would not sustain the uncompromising attitude of the executive branch, and hence he greatly feared that the position of the United States would be made worse in the eyes of the world by a cool offer on the part of Portugal, despite the approaching war-vessel and Commodore Morgan, to arbitrate all of the claims. Such an offer did in fact come on June 18, but on the following morning the war-vessel with Clay's special instructions reached Lisbon. This fact helped relieve Clay's embarrassment.

On June 21, 1850, under the instructions brought by Morgan—of which he already had a copy—Clay delivered to the Portuguese Government a final demand for settlement of the claims, asking for an answer within twenty days. A week later the Russian minister approached him in the interest of an adjustment, but without result, for Clay refused to negotiate further with reference to the case of the *General Armstrong*, as the Portuguese desired. On July 7 the Portuguese Ministry made reply to Clayton's formal demand for settlement, offering as before to arbitrate the question of the *General Armstrong*; but the other claims it agreed to pay, though with a protest against doing so, "as being compelled by force of circumstances and solely to preserve peace."²⁵ Feeling that his instructions admitted of no other course, Clay rejected the offer on the day it was received and demanded his passports. He left Lisbon a few days later. Such was the state of Portuguese relations when Clayton resigned his office.

The next year, under Webster's secretaryship, the

case of the *General Armstrong* was wisely submitted to arbitration and went against the United States, which seems to show that the uncompromising attitude of the Taylor Administration on the question of claims—apparently due primarily to the insistence of the President himself—was unjustified by the facts and unfair to Portugal.

II

Even before the break with Portugal, Cuba's proximity had caused trouble with Spain in spite of the best efforts of Clayton to avoid it and to preserve treaty obligations. In the United States the island was believed to be on the verge of revolt and there were many, especially in the South, who were anxious to turn the situation to their own advantage as well as to aid Cuba to free itself from Spain. Early in August 1849, Clayton learned that men were being recruited in various parts of the country, and that a military expedition was being drilled and equipped on Round Island, in the Mississippi. The goal of the enterprise was unknown, but in the opinion of District Attorney Hunton of New Orleans its object was "unholy and illegal." Accordingly Clayton instructed him and officials in other cities to be on the alert to prevent any unfriendly action against Spain. On the heels of this order, to the indignation of Southern annexationists, Taylor issued a proclamation denouncing the proposed expedition, which was followed up by pressure from war-vessels upon Round Island, soon resulting in the dispersion of the adventurers.

The filibusters were persistent. Soon Calderón de la Barca, the alert Spanish minister in Washington,

warned Clayton that an expedition was about to sail from the Atlantic seaboard. Clayton, in consequence, telegraphed instructions to District Attorney Hall of New York, who responded by detaining two vessels, the *Sea Gull* and the *New Orleans*, which proved to be part of the filibuster fleet.

This prompt and efficient action of the American authorities won the commendation of the Spanish Government; but Clayton did not long rest on his laurels, for early the next year it became apparent that an expedition was planning to sail from New Orleans for Cuba. Unfortunately, however, as Hunton informed Clayton, the leaders—the chief of whom was Narciso López, a Venezuelan who had spent many years in Spain and Cuba—were acting under such expert legal advice as to escape amenability to the laws of the land. Hence Hunton was unable to detain the three vessels under suspicion, and they departed in May 1850. The American Government, bent upon doing its whole duty, sent war-vessels to Cuba to prevent a landing there. The *Creole*, however, with López aboard, eluded the naval guard and landed its passengers at Cárdenas, where they looted and burned some of the public buildings, but were soon driven back to the *Creole*, which was chased by a Spanish vessel to Key West. Later López was twice arrested under Clayton's orders, and tried, only to be acquitted by sympathetic Southern juries.

Meanwhile the two other vessels, the *Georgiana* and the *Susan Loud*, which together carried between forty and fifty men, stopped at Contoy, a small key off the coast of Yucatan. Here they were seized by Spanish officials and taken to Havana, where the prisoners, de-

nounced as "pirates," were placed on preliminary trial before a naval court. Their summary execution seemed not unlikely unless prompt aid came from their Government. Clayton, much concerned over the situation, was the one who now advocated a bold and uncompromising stand. He wished, in demanding the release of the men, to present what was almost an ultimatum of war. The other Cabinet members opposed this, whereupon Clayton told Taylor in Cabinet meeting that if not supported in the policy outlined, he would resign; and Taylor, in defiance of three-fourths of his advisers, gave the plan his approval, declaring that if the prisoners were put to death he would immediately send a war message to Congress.

Clayton now took a bellicose attitude towards Spain, setting in motion all of the governmental machinery over which he had control in an effort to save the prisoners and secure their freedom. Commodore Morris was ordered to Havana in a war-vessel to demand the release of the men and to warn the Captain-General of the island that the President would view their punishment by Spanish authorities as an outrage; Barringer was instructed to labour in Madrid in the interest of the prisoners; and Clayton himself took up the question with Calderón de la Barca, declaring that the Spanish authorities had no right to punish Americans captured on Mexican soil who had committed no hostile act against Spain, and warning the Spanish minister that the results would be very serious if the men should be executed.

The Spanish Government replied that, regardless of results, it must hold to its right to try the prisoners,

who, though captured on Mexican soil, were unquestionably bound for Cuba. The trial at Havana calmly proceeded in the very face of Clayton's efforts to prevent it; but in the latter part of July 1850, all except three of the prisoners were released on insufficient evidence. Those still held, the captain and the mate of the *Georgiana* and the mate of the *Susan Loud*, were subsequently given prison sentences. In October 1850, however, they were pardoned and freed by the Queen "as a new proof of friendship to the United States." But Barringer, lacking instructions from Webster, who had succeeded Clayton in the latter part of July, had continued to follow Clayton's instruction in working for the release of the prisoners; and to Clayton he gave the credit for saving their lives.²⁸

CHAPTER IV

THE CLAYTON-BULWER TREATY

I

AS has been stated, a plan for an interoceanic canal was part of Clayton's policy of commercial expansion. It was also one in which he had long been interested. As early as March 1835, he had introduced into the Senate a resolution favouring presidential action in the interest of a canal across the American isthmus which should—in harmony with the ideas expressed in 1826 by Henry Clay when instructing the commissioners to the Panama Congress—be open on the same terms to all nations willing to become parties to the treaties necessary for carrying the plan into effect. The resolution passed the Senate, but produced no results at the time.

By 1849 popular interest in such an undertaking was immeasurably increased by the territorial gains from Mexico, but the difficulties in the way were now much greater than they were fourteen years before. The British Cabinet, fearing that, after the Mexican War, the United States would seize and monopolize what was considered the best isthmian route, had decided to act. In the name of the Mosquito Indians, over which a protectorate was claimed, Great Britain declared that the Mosquito dominions extended to the south of the San Juan River, and, in 1847, seized for His "Mosquito Majesty" the mouth of that river, which formed the eastern terminus of the Nicaraguan route.

As the reader of the preceding volume of this Series is aware, Nicaragua, after protesting in vain against this action, appealed to the Polk Administration for aid. Determined not to tolerate British monopoly of the canal route, Polk appointed Elijah Hise as chargé to Guatemala, with instructions as to this affair. As the fate of the peace treaty with Mexico was unknown when his instructions were written, it was deemed wise to be cautious. Hise was merely directed to gather information as to British encroachments in Central America, and was given no power to make treaties.

Hise, after studying the situation on the Isthmus, became convinced that the British aimed to control both terminuses of the Nicaraguan route and so informed his Government, asking for power to outwit the scheme by making transit treaties with the Central American states. Owing to the slow means of communication, Hise failed to receive any reply from the Polk Administration, or the recall letter which Clayton soon wrote, until many weeks after it had been sent. Though uninstructed, he determined to protect American interests by making a treaty with Nicaragua, which was signed on June 21, 1849. This document secured for the United States or its citizens the exclusive right to build a canal by the Nicaraguan route, as well as to fortify the same, and pledged the United States, in return, to protect Nicaragua in all territory rightfully held by it.

When Clayton came into office, Nicaragua's plea to Buchanan for help against Great Britain was still unanswered, and an American transportation company which wished to contract with Nicaragua for the building of a canal, finding its way apparently blocked by the

British pretensions in favour of the Mosquitos, had appealed to the United States Government for protection of the proposed enterprise. To both appeals the new Administration promised aid. In preparation for making good the promise, Hise was recalled and E. George Squier named to succeed him. The new chargé was authorized to make commercial treaties with the Central American states, but his special task was to secure from Nicaragua treaty guaranties for the protection of the transportation company, now merged with the Atlantic and Pacific Ship-Canal Company of New York. This latter arrangement should secure to American citizens a right of way across the Isthmus for a transit line to be open to all nations on equal terms; but there must be no guaranty of Nicaraguan independence in return for such a concession.

Squier soon secured for the canal company a favourable contract and a charter of incorporation from Nicaragua, and then negotiated a canal treaty by which the two contracting countries agreed to protect the canal company in its undertaking; while the United States guaranteed the neutrality of the canal as long as it should be controlled by American citizens, and recognized the Nicaraguan rights of sovereignty and property in the route.

Even before he had time to make the treaty, Squier became suspicious of the designs of Frederick Chatfield, the aggressive British consul in Central America—who was equally suspicious of Squier. Chatfield, in order to frustrate what he believed to be the plans of the American agent, decided, in opposition to instructions, to make use of debts owed by Honduras to secure a British

foothold on the Gulf of Fonseca, where, it was thought, the Nicaraguan canal would terminate on the Pacific. Therefore, he demanded a settlement of certain British debts and threatened to place a lien upon the Honduran island of Tigre if, as he expected, Honduras failed to respond. Squier, equally intent upon preventing British domination of the Pacific end of the canal route, proceeded to checkmate Chatfield by inducing Honduras to cede Tigre Island to the United States for eighteen months, by the end of which time he expected that all of the arrangements in connexion with the canal would be completed. Chatfield, before Squier could take possession, ordered Captain Paynter of the British Navy to seize the island and hoist the British flag. This was done on October 16, 1849. In spite of Squier's indignant protests, the island remained under British control until Admiral Hornby of the British fleet in the West Indies, knowing that the act of Chatfield was unauthorized, ordered the restoration of the territory to Honduras.

II

While Hise and Squier were making unauthorized treaties in Central America, Secretary Clayton was trying, by direct negotiation, to eliminate British influence from the region. He had few illusions as to the difficulty of the task, though he saw clearly that the British Ministry had compromised itself seriously by the spectacular seizure of San Juan and the later refusal to restore the port to Nicaragua; but he had consulted members of the Foreign Relations Committee of the Senate and received the opinion that Congress would not sustain

him if he invoked the Monroe Doctrine in an effort to oust Great Britain from Central America. He therefore decided that he could gain his end only by making with Great Britain a canal treaty which should contain mutually self-denying pledges with reference to the region. Consequently, on May 2, 1849, he instructed Bancroft, American minister to London, to sound out Palmerston in conversation and learn the intentions of the Ministry as to the Mosquito territory; especially to find out whether it claimed the right, as ally and protector of the King of the Mosquitos, to "control or obstruct the commerce of the river San Juan de Nicaragua, or to keep forts or establishments of any kind on its banks." Likewise Bancroft was to intimate to Palmerston that, should the river become a world highway, it would be very inexpedient for any great commercial power to claim a right to it, and to inform him in the most friendly manner possible that, while the United States would consider such exclusive possession by themselves as a great evil, which would excite the jealousy and ultimately the hostility of other commercial nations, it ought not to consent to the obstruction of the route by any other power. If, Clayton proceeded, after the case had been thus presented, Palmerston was still unwilling to give up the Mosquito claim and retire from the river and harbour, Bancroft must present the views of his Government as to the invalidity of this claim, assuring Palmerston that the United States was not moved by ambition or by the slightest feeling of unfriendliness towards Great Britain. Should this prove ineffective, Bancroft must present to the British Government a formal written protest.

Bancroft waited long for a chance to interview Palmerston, but he had ample opportunity to talk with the agents of Costa Rica and Nicaragua in London and thus to get light upon the situation. Castellon, the Nicaraguan minister, after futilely urging on Palmerston the restoration of San Juan, turned in despair to Bancroft and asked him whether Honduras, Salvador, and Nicaragua—the three states then most fearful of England—or whether Nicaragua alone, would be admitted to the American Union. If so, on what terms, and by what procedure? If not, could Nicaragua count at least upon United States aid in defending its territorial integrity? Bancroft, lacking instructions on the subject, gave an evasive answer, which led Castellon to turn again to Palmerston, offering now to arbitrate the question of the Mosquito protectorate. This the British Foreign Secretary likewise refused.

After repeated requests Bancroft finally secured a conference with Palmerston. The latter replied to the question whether the British Government meant to appropriate the town of San Juan with: "No; you know very well we have already colonies enough." He admitted, however, that the port was in the hands of British commissioners, but declared this to be a temporary arrangement. Bancroft then asserted that his Government held that there was no such political entity as the kingdom of the Mosquitos; that, if there were, its jurisdiction would not extend to the San Juan; and that even if it did, England would have no right to protect it. In reply to this, Palmerston made more apparent the British Government's aversion to restoring the port; but he assured Bancroft that the plan for an inter-

oceanic highway would be better served by the policy he was following than by any other means. With reference to such a plan, he added, the United States and Great Britain could have but one interest.

Palmerston was "called away" before the interview was ended, and made no attempt to finish it, and yet he spent considerable time in conference with the Nicaraguan minister, which led Bancroft to conclude that his object was to delay discussion with the United States until Nicaragua had been frightened into acquiescence in the Mosquito claims. Bancroft therefore decided to present the protest, as instructed by Clayton, and proceeded to prepare the document; but his recall came before it was written.

Before Bancroft's successor, Abbott Lawrence, was ready to leave for his post, the Central American situation became more complicated, and the Administration was much embarrassed through arrival of word that Hise had made a treaty, the substance of which was soon made known through the press. Clayton was disconcerted and alarmed, for though the terms of the treaty were contrary to his policy, the Democratic Senate would certainly make political capital out of his refusal to submit it for ratification. He feared also that a knowledge of its terms by England would make very difficult a peaceful adjustment of the Mosquito question; and the condition of relations with France at the time made especially important the preservation of friendly relations with England. Feeling that matters brooked no delay, and not knowing that Bancroft had seen Palmerston, Clayton explained the situation to Crampton, the British chargé in Washington, assuring him that the

Hise Treaty did not have the approval of the Administration, and informed him that the Mosquito question would be taken up in London.

Clayton also realized that word would perhaps soon arrive that Squier, under authorization, had made a canal treaty with Nicaragua, and he was fearful that the terms of this should become known in England in advance of any agreement with the British Government over the Mosquito question, which would complicate negotiations towards such an agreement. Therefore, as Lawrence could not be hurried off to his post, Clayton, on August 16, instructed Rives, who was about to leave for Paris, to stop in London and explain to Lord Palmerston the aims and intentions of the United States Government in connexion with the canal project.

Before Rives reached England, the substance of the Hise Treaty and the canal company's contract became known there. As a result Palmerston seems to have decided that British interests could not be served by evasion. In any case, he went out of his way to comply with Rives's request for an interview. At this meeting Rives set forth the view-point and unselfish aims of his Government, and the Foreign Secretary replied by pointing out the duties of Great Britain as protector of the Mosquitos, but he assured Rives that nothing could be further from the minds of the British than the idea of holding exclusive possession of the San Juan as key to the proposed interoceanic highway. When Rives, quoting Clayton, pointed out that the British recognition of sovereignty in the Mosquito tribe of Indians was contrary to all other British precedent and to American policy, Palmerston explained that the case of the

Mosquitos was a very special one, which "stood upon its own peculiar circumstances." But he declared that the Mosquito title need not prevent the consummation of the plan for the isthmian canal. In concluding the interview Rives suggested that the local difficulties might be adjusted if the British Government would use its influence with Mosquitia and Costa Rica—which was very friendly towards England—while the United States did the same with Nicaragua, after which an international guaranty might be made as to the use of the interoceanic highway. Palmerston, whose suspicions seem to have been largely banished by Rives's frank and amiable words, received the suggestion in a friendly manner. Rives left with the feeling that the British Cabinet would be willing to co-operate as the United States Government desired. Lawrence, who arrived two weeks later, gained the same impression from conversations with Palmerston and Russell.

After reaching London, Lawrence received full instructions for handling the Mosquito question. Clayton, who had made a careful study of the subject, presented a long, detailed argument to show the groundlessness of the British claim. He directed Lawrence to suggest to Palmerston that the two nations form a treaty guaranteeing the independence of Nicaragua, Honduras, and Costa Rica, and extinguishing, through payment to the Indians by Nicaragua, the Mosquito right of occupancy to any lands through which the proposed canal might pass. Clayton also enclosed a project of a canal treaty broadly based upon that made by Squier, which had recently reached the United States, instructing Lawrence to show the project to Palmerston, telling him

that the American Government was willing and anxious for England to make such a treaty with Nicaragua, with which it had recently made one of the same import. "Place the whole negotiation," Clayton wrote, "on the broad basis of a great highway for the benefit of mankind, to be dedicated, especially by Great Britain and the United States, to the equal benefit and advantage of all the nations of the world that will join us in entering into these proposed treaty stipulations with the state of Nicaragua." Should the British Government desire additional guaranties of American good faith, Clayton added, Lawrence must assure it that the United States would gladly enter into a treaty pledging both nations "never to colonize, annex, or fortify any part of the ancient territory of Guatemala, embracing Nicaragua, Costa Rica, Honduras, and, indeed, the whole Mosquito coast."

If Palmerston should reject the offer and refuse to co-operate, it was to be Lawrence's duty to call attention to the terms of the Hise Treaty, warning the British Foreign Secretary that if a just and satisfactory arrangement could not be made with England, guaranteeing the neutrality of the proposed canal, the President would not hesitate to present to the Senate for ratification this or some other treaty which might be made by Squier, in which move he would be sure of national support. If, Clayton proceeded, the British Government refused to consider all offers that were made, Lawrence should enter the protest which Bancroft was to have presented, and promptly notify his Government. It was of much importance, Clayton declared, that the British be induced to give up all pretensions to the Mosquito coast; and in conclusion he wrote:

"I shall await the result of your negotiation with no little anxiety. Bring it to a speedy close, one way or the other. We are ready for either alternative. If we must have a collision with Great Britain upon this matter, the sooner we understand it the better for us."

Lawrence promptly took up the question with Palmerston in an interview in which he paved the way for a formal note written on November 8, 1849. In this he asked whether the British Government meant to occupy or colonize Nicaragua, Costa Rica, the Mosquito coast, or any part of Central America; and also whether it would join with the United States in guaranteeing the neutrality of a ship-canal, railway, or other communication, to be open to the world and common to all nations. In the hope of a prompt and definite reply he omitted to take up in this note the question of the Indian title, explaining to Palmerston that he felt that the dispute between the Mosquitos and Nicaragua, as well as the boundary dispute between the latter and Costa Rica, might be settled by the friendly offices of England and the United States, and that the Mosquitos could be provided for in some manner satisfactory to both England and Nicaragua. The United States, he assured Palmerston, had no ulterior purposes with reference to Central America, and would be willing to agree mutually with Great Britain "neither to settle, annex, colonize, nor fortify that country."

Palmerston's reply, written November 13, stated that the British Government had no intention to occupy or colonize Nicaragua, Costa Rica, the Mosquito coast, or

any part of Central America, and that, although a close political connexion had existed between Mosquitia and Great Britain for about two centuries, the latter did not claim dominion over the Indian territory. The British Government would, Palmerston assured Lawrence, take great pleasure in co-operating with the United States in securing the protection of an interoceanic transit route which should be open to commerce under equal terms for all nations; and it would undertake to secure the consent of the Mosquitos to make the port of Greytown—the English name for San Juan—entirely applicable for such purposes. The British Government would also be glad to join the United States in effecting a reconciliation between Nicaragua and Costa Rica about their boundaries and other matters, and would be willing likewise to enter into agreement with the United States to neither settle, annex, colonize, nor fortify Central America.

In a private letter of the same date, however, the British Foreign Secretary protested to Lawrence against the terms of the Squier treaty. He had not seen the agreement, he stated, but if his information was correct, its object was partly to try to force the return of Greytown to Nicaragua. Such an engagement, he warned Lawrence, would involve the United States in an unprovoked aggression towards Great Britain.

The attitude thus taken by Palmerston towards the Mosquito protectorate made it very evident to Lawrence that a discussion of the subject could not be avoided, and therefore within the next few weeks he sent Palmerston two successive communications in which he pressed strongly for the abandonment of the protectorate. In

the later note, written December 14, 1849, he asked categorically whether the British Government would transfer the protectorate to other hands under proper guaranties for the humane treatment of the Indians. To this Palmerston made no reply, and at this stage the negotiations stood for some time.²⁷

III

During this pause, word of Chatfield's seizure of Tigre Island reached the United States. A wave of indignation swept the country. The act seemed of a piece with the taking of San Juan from Nicaragua two years before. The Democratic press now accused Clayton of supinely permitting Great Britain to extend its control on the Isthmus; both houses of Congress turned attention to the situation; and it was evident that soon the hostile opposition would call for the Central American correspondence. Clayton, whose personal and political prestige had been much weakened by the Poussin incident and other events, felt that unless something was done very soon to offer an excuse for refusal to make the correspondence public, the whole affair must be surrendered into the hands of Congress, with disastrous results to the Administration, perhaps to Anglo-American relations as well. As Lawrence was too ill at the time to attend to official business, Clayton turned to Sir Henry Lytton Bulwer, the new British minister, who had recently reached Washington. Explaining the situation, he stressed the bad effect produced by Chatfield's action and the great need for some prompt settlement of the canal question.

Bulwer, while stating that he could not disavow the seizure of Tigre, since he lacked official information regarding the matter, expressed entire willingness to talk over the subject of adjusting difficulties. Discussion began, and soon led to negotiations between the two, though Bulwer was uninstructed, and Clayton likewise acted without consultation with the President or the Cabinet. It was agreed between them that their treaty draft, if their Governments should fail to approve it, should be considered "as having never been made." Lawrence's letter of November 8, 1849, to Palmerston and the latter's reply of the 13th were taken as bases for an agreement, and it was understood that the discussion should concentrate upon the neutralization of the canal route, *avoiding the question of the Mosquito protectorate*. It was likewise understood—at least by Bulwer—that until their efforts to come to an agreement should prove futile, the Squier Treaty would not be placed before the Senate for ratification. These points agreed upon, Bulwer asked Clayton to draw up in the strongest terms he could think of an article excluding Great Britain from any advantages over the proposed transit route across Nicaragua which its relations to Mosquitia might otherwise afford. Clayton, though forced by circumstances to relinquish his earlier plan to get from Great Britain an explicit pledge to give up the Mosquito protectorate, now tried so to phrase the article as to gain, indirectly, complete British withdrawal. Consequently, in preparing the draft of this self-denying article, he hunted the dictionary for verbs which would effect his object, and was especially pleased over the possibilities of the word "occupy." The two nations by

the terms drawn up by him were pledged not to occupy as well as not to fortify or colonize any portion of Central America. This wording Bulwer permitted to stand, for he believed that it did not impair the protectorate; and he sought to keep out of the document any pledge that would do so. The negotiations were, as the *London Times* later put it, a struggle "for generalship in the use of terms."²⁸ As a result of the negotiations Taylor, on February 13, 1850, refused to respond to calls for the Central American correspondence and treaties, which had come from both houses of Congress late in January.

Before this, on February 3, the completed project had been signed by the two negotiators and promptly sent to Palmerston for approval. Not until *after* this had been done did Clayton submit a copy of the document to the Cabinet. Upon doing so he found, to his dismay, that the President and some of the Cabinet members thought the wording of the project too general to force Great Britain from the Mosquito coast—which they considered absolutely necessary—and they demanded that the treaty include a specific pledge from England of her withdrawal. A discussion then followed between Clayton and Bulwer, which brought out the fact that the latter did not regard the promise not to occupy any part of Central America as binding the two nations not to "take or keep possession." Bulwer declared, furthermore, that his Government would not agree to a specific giving up of the protectorate, and consistently refused to admit such a pledge into the project. As a result of this difference of view-point Clayton wanted to abandon the treaty, but Bulwer, a veteran diplomat, clearly saw that no subsequent agreement was likely to be so favourable

to England as that recently drafted, and he was not slow to take advantage of the situation created by Clayton's unauthorized negotiations. To Clayton, therefore, he pointed out that the project could not be dropped until the British Government, to which it had been submitted, had expressed itself. And to Palmerston he explained the situation in a letter written February 18, 1850, calling attention to the very serious condition of public feeling in the United States, and suggested that the Foreign Secretary, if he approved the project, add to it an explanation or clause that would quiet somewhat the American suspicions of British intentions as to the British protectorate.²⁹

While waiting to hear from Palmerston, the two negotiators in an informal manner continued to discuss the difficulties. Bulwer, in a note of February 14, reiterated his belief that the project "satisfied the honour & interests of both parties," but offered to suggest to Palmerston anything further that Clayton desired, to secure the protection and neutralization of the proposed canal. He reminded Clayton, however, that his Government could not take territory from the Mosquitos and give it to Nicaragua. Why, he asked, did the United States seek a quarrel with Great Britain over the Mosquitos?³⁰

In a long, private reply, written the next day, Clayton again gave the views of the American Government as to the Mosquito title, and stressed the unselfish aims of the United States in connexion with the proposed canal. He introduced a new argument into the discussion by assuring Bulwer that he was mistaken in thinking that England alone was called upon to make sacrifices, adding:

"There is not one of these five Central American states that would not annex themselves to us tomorrow, if they could, and if it is any secret worth knowing you are welcome to it—*Some of them have offered and asked to be annexed to the United States already.* Your government could not annex one of them, with its own consent, and, in the face of these facts, we offer to agree with you, that we will not occupy (or interpose to exercise any dominion over) any one of them, if you will only consent to give up your alliance with your Mosquito king. . . . If you refuse to extinguish that Indian title or to abandon the protectorate, we shall hold ourselves at liberty to annex any part of the Central American states or to make any other contract with them, which our interests may dictate. The President thinks that we make, by far, the greatest concessions."³¹

In the hope of removing the problem of the Mosquitos from connexion with the canal Clayton a little later, in conversation with Bulwer, suggested that the word "occupy" be interpreted as providing for withdrawal of British protection from the territory claimed by the Indians to a distance of about a hundred miles from the San Juan, thereby securing a neutral zone along the transit route. Such an agreement, he argued, would harmonize the project with the Squier Treaty, which would then be presented to the Senate. Bulwer opposed the plan on the ground that, instead of securing peace and protection to the route, the arrangement would make it a scene of strife between a variety of claimants; and, furthermore, he reminded Clayton that no formal

change could be made in the project until after Palmerston should have been heard from.

During this period of waiting Palmerston's disavowal of Chatfield's seizure of Tigre Island reached Washington, qualified by the declaration that it must not be regarded as a relinquishment of British claims on Honduras, for Great Britain must hold itself free to use whatever means the law of nations allowed to secure redress, if that redress should continue to be withheld. To the Taylor Administration this statement seemed nothing less than a notice that Great Britain might again seize and occupy Tigre, though, as a part of Central America, the island plainly came under the self-denying clause of the treaty project then under discussion. To Clayton this seemed like bad faith, of which he was more convinced by a renewal of persistent—though false—rumours of a proposed British protectorate over Costa Rica, which more than a year before had vainly asked such aid in a boundary dispute with Nicaragua. As a result Clayton now decided that no treaty could be made with England on the existing basis. Therefore, on March 19, 1850, the Squier Treaty was submitted to the Senate for ratification.

IV

A few days afterwards Bulwer received Palmerston's approval of the treaty project, accompanied by the authorization to remove American suspicion by giving Clayton a note at the time of signing the treaty, stating that the British Government had no intention of making use of the Mosquito protectorate for the purpose of

doing any of the things it had disclaimed intention to do in the letter to Lawrence of November 13, 1849. This arrangement seemed to clear the way for a treaty with England. At this point, however, Bulwer learned with dismay and secret indignation that the Squier Treaty had gone to the Senate. Clayton explained why this had been done, but assured Bulwer that the document, which was still in the hands of the Committee on Foreign Relations, was not beyond his reach, that he could still have made in it the changes necessary to harmonize it with the treaty then under negotiation. The changes which Clayton had in mind, however, merely concerned the use of the canal, while Bulwer was intent upon doing away with the clause by which the United States recognized Nicaragua's sovereignty over the whole canal route. Nevertheless, for the time the skies were cleared, and negotiations were resumed on a cordial basis. At Clayton's suggestion Bulwer even wrote Palmerston asking power to make a treaty with the Nicaraguan agent in Washington on the basis of the Squier Treaty. To Bulwer this meant the treaty modified as he desired. The note to be given Clayton at the time of signing seemed to remove the scruples of Taylor and his Cabinet, and, after a few minor changes, the convention appeared ready for the signatures of the negotiators, when once more the two men seemed to have laboured in vain.

This was due to the fact that Taylor, who had been following the negotiations closely, was struck by the stress placed by Palmerston on the Mosquito protectorate in his letter of November 13 to Lawrence, and also by an allusion to the same subject in a recent letter from Bulwer to Clayton. He therefore insisted that

before the signing took place, Bulwer must be informed that the United States did not recognize the Mosquito title. Accordingly in Cabinet meeting a letter was prepared, dated April 6, stating that nothing in the treaty should be

“construed to be an admission on the part of this government, of any right or title, whatever in the Mosquito King, to any part of Central America or of what is called the Mosquito coast. The British government has long been fully aware that this government has denied the title claimed for the Mosquito Indians, and of the fact that the United States has negotiated a treaty (now before the Senate) recognizing the title of Nicaragua over the line of the Canal.”³²

In a private note of the following day Clayton told Sir Henry that the President held this definition of his position indispensable; without it the treaty could not possibly pass the Senate.

The official allusion to the Squier agreement roused the resentment of Bulwer, which is not to be wondered at in view of the conditions under which the negotiations were begun. He immediately wrote Clayton a private letter taking the attitude that the notice given in the communication of April 6 was an unprovoked and needless “act of hostility,” and that the United States Government had assumed the responsibility of breaking off at a late moment “and in no kindly manner” an arrangement conducted until then in a most friendly spirit by both.³³

In a reply that was likewise private, Clayton wrote

that the President could not conceive how the statement regarding the Squier Treaty could be looked upon as offensive to the British Government, for that Government had already been officially informed of the point of view of the United States. “If you must disagree with us on that point can you not agree to differ without making a national quarrel about it?” Clayton asked. The President, he said, felt honour bound to refer to the Squier Treaty lest, if it should be ratified by the Senate, he be accused of suppressing anything which Great Britain should at the time know. He felt, however, that there was nothing in the Squier Treaty inconsistent with the one made with England. Under the terms of the latter both the protectorate and the recognition of Nicaragua’s title were shadows, since neither country could do anything offensive to the other to maintain them. “The only question,” he declared, “is shall we abandon a great & substantial object for the sake of these shadows?”³⁴

In a long letter in which he reviewed the history of the negotiations, Bulwer set forth the reasons for his resentment of the Cabinet action. He reminded Clayton of the conditions under which the negotiations had begun, and of the understanding that the Squier Treaty was to be changed so as to harmonize with the friendly relations existing between the two countries; and he alluded to the fact that by the last mail he had, at Clayton’s request, asked for powers to make with Nicaragua a treaty of similar character. In the face of all this, and in spite of the original agreement to avoid discussion of the Mosquito title, Bulwer pointed out, the United States Government at the very last moment had brought up the matter by a positive statement that it not only

disputed the claim affirmed by Great Britain, but was actually on the point of concluding a treaty with the Nicaraguans asserting and recognizing their opposing claim. "You say that we could agree to this disagreement," wrote Sir Henry, "but people do not like to agree to be publicly called liars and robbers." Such an unprovoked declaration as that made in Clayton's letter of April 6, 1850, he asserted, could not help wearing "a most unfriendly character," and it might possibly be considered cause for increasing British naval armaments. If the United States Government felt it necessary to state "civilly and quietly" that the treaty under negotiation was not understood by it as a recognition of the Mosquito title, he would not, he stated, refuse on that account to sign; and if such statement were omitted and, instead, the United States agreed to offer to try to secure for Nicaragua, by good offices, a satisfactory settlement with England of the quarrel over Mosquitia, this, under existing circumstances, would probably not be greatly objectionable, even if not agreeable. Such modifications, he added, would make it possible to complete the treaty, while vastly improving the position of the canal company, which could not possibly secure aid from British capitalists if the recognition of the Nicaraguan title was permitted to remain in the Squier Treaty.³⁵

After much discussion Taylor finally consented to withdraw the Cabinet letter of April 6, and to omit all official mention of the Squier Treaty and the governmental attitude towards the Mosquito title, while Bulwer, perhaps partly by way of return, agreed that, in lieu of the note which Palmerston had authorized him to give to Clayton at the time of signing, the treaty it-

self should contain a statement—thus making it binding, and mutually so—that neither party would make use of any protection over or alliance with any Central American state or people to do indirectly what it pledged itself directly not to do. These adjustments being made, the two negotiators signed the project on April 19, 1850, after which it was promptly submitted to the Senate for ratification.

In its final form the first article, which had been the cause of practically all of the trouble, read as follows:

"The Governments of Great Britain and the United States hereby declare that neither the one nor the other will ever obtain or maintain for itself any exclusive control over the said Ship-Canal; agreeing that neither will ever erect or maintain any fortifications commanding the same or in the vicinity thereof, or occupy, or fortify, or colonize, or assume or exercise any dominion over Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America; nor will either make use of any protection which either affords or may afford, or any alliance which either has or may have, to or with any State or people, for the purpose of erecting or maintaining any such fortifications, or of occupying, fortifying, or colonizing Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America, or of assuming or exercising dominion over the same. Nor will Great Britain or the United States take advantage of any intimacy, or use any alliance, connection, or influence, that either may possess with any State or Government through whose territory the said canal may pass, for the

purpose of acquiring or holding, directly or indirectly, for the subjects or citizens of the one, any rights or advantages in regard to commerce or navigation through the said canal, which shall not be offered, on the same terms, to the subjects or citizens of the other."

By the sixth article the contracting parties agreed to invite all other friendly nations to enter into similar treaty engagements with them, in order that such nations might have a part in the great enterprise; and they likewise pledged themselves to make conventions with the Central American states for facilitating the completion of the canal and procuring the establishment of a free port at each end; and in the eighth they declared that, desiring not only "to accomplish a particular object but also to establish a general principle," they would extend their protection to any other practicable communications across the isthmus between the Americas. The remainder of the treaty related to the more obvious provisions needed for the construction and neutralization of the canal.

V

When the treaty was off his hands, Clayton turned to a related matter which had come up a few days before the signing had taken place. Bulwer had then officially notified him of receiving word from Palmerston that some Americans were reported as about to establish themselves on Ruatan, one of the Bay Islands in the Gulf of Honduras, which were possessions of the Republic of Honduras, but had been occupied in a casual

way at various times by Great Britain. The islands, wrote Palmerston, were not only English *de jure*, but actually occupied by British settlers governed by an officer appointed by the superintendent of Belize. Furthermore, in 1841 the governor of Jamaica had been instructed to expel forcibly any intruder who failed to withdraw upon demand. He felt assured, Bulwer wrote Clayton, that the latter would take all possible steps to prevent the aggression from taking place. Clayton was dismayed. Though he appears to have admitted to Bulwer early in the negotiations that Belize, "with its dependencies, including two islands called Ruatan and Bonaca," was excluded from the treaty, he now feared that a discussion of British title to the islands would be introduced into the negotiations, which would probably destroy all chance for peaceful settlement with England; and this just at the time when a break with Portugal seemed imminent. It was apparently these considerations which led Clayton to delay replying to Bulwer's note until after the canal treaty had been sent to the Senate.

This accomplished, he saw Bulwer personally and told him that he believed the reported designs of Americans on Ruatan to be entirely incorrect, and asked that Bulwer withdraw his official note regarding the matter, since, if permitted to stand, it would have to be sent to Congress and might give the impression that Great Britain was at that moment laying claim to new territories in America, a belief which, however mistaken, would affect the passing in the Senate of the treaty which they had recently signed. Sir Henry, therefore, agreed to cancel his note of April 15, and to accept in its

stead a private one from Clayton stating that the American Government had never desired to occupy, fortify, or settle any of the Bay Islands, that he had no knowledge, information, or belief that American citizens wished to establish themselves there, and that no attempt to do so would receive countenance from their Government.³⁶

Before submitting the canal treaty for ratification Clayton had secured approval of it from various Senate leaders. The treaty nevertheless had a stormy passage. The vague wording of the first article was especially criticized. Senator King, chairman of the Committee on Foreign Relations, explained that this was a concession to the pride of England, which had been forced into a sort of backward step. Both King and Clayton assured the opposition that the treaty was a practical application of the Monroe Doctrine and required the abandonment of the Mosquito protectorate. As a result of the efforts of its friends the agreement was ratified on May 22, by a vote of forty-two to eleven.

The British Government gave its approval to the modifications introduced into the project after Palmerston had seen it, but the latter had apparently been made suspicious of American aims by Clayton's attitude towards Bulwer's note regarding the Bay Islands. He now instructed Bulwer to hand to the American Secretary of State before exchanging ratifications of the treaty a declaration that "Her Majesty does not understand the engagements of that Convention to apply to Her Majesty's Settlement at Honduras, or its dependencies." Should the United States Government refuse to receive and assent to this declaration, Palmerston

wrote, Bulwer must wait for further instructions before exchanging ratifications.

Clayton saw clearly that the word "dependencies" was meant to include the Bay Islands. By the time Palmerston's stipulation became known to him, he appears to have looked into the question and decided that Great Britain's claim to them was baseless. In any case he now knew that neither the President, the Cabinet, nor Congress would acquiesce in the British pretensions with reference to the islands. Once more he was inclined to abandon the treaty, especially as a reaction against it had taken place in the Senate. Senator King warned him that if re-submitted, it would not get a single vote. King declared, however, that the Senate fully understood that the treaty did not apply to Belize. This seemed to make an adjustment again possible, and Clayton consented to proceed with the exchange of ratifications with the understanding that Bulwer would receive a declaration in reply to the one Palmerston had instructed him to make as to the exemption of Belize and its dependencies. In the preparation of this counter-declaration he secured the advice of the Attorney-General and sought a wording that would exclude the Bay Islands from the application of Palmerston's reservation. When he thought he had achieved this, the two men met, on July 4, to exchange ratifications. But again the treaty was endangered, for Bulwer objected to the wording of Clayton's counter-declaration. Discussion over this followed, and continued throughout the night, centering in the question of what was included in the term "Central America." The document was, however, at last made acceptable to the British minister. In its final

wording Clayton stated that the treaty was not understood by the two Governments or their negotiators

“to include the British settlement in Honduras, (commonly called British Honduras, as distinct from the State of Honduras,) nor the small islands in the neighborhood of that settlement, which may be known as its dependencies. To this settlement, and these islands, the treaty we negotiated was not intended by either of us to apply. The title to them it is now and has been my intention, throughout the whole negotiation, to leave, as the treaty leaves it, without denying, affirming, or in any way meddling with the same, just as it stood previously. The chairman of the Committee on Foreign Relations of the Senate, the Hon. William R. King, informs me that ‘the Senate perfectly understood that the treaty did not include British Honduras.’ It was understood to apply to, and does include all the Central American States of Guatemala, Honduras, San Salvador, Nicaragua, and Costa Rica, with their just limits and proper dependencies.”

To attempt now, Clayton added, to delay ratification until the precise limits of Central America could be agreed upon would absolutely defeat the treaty. It might be well, however, to adopt later a conventional article defining the boundaries of the region.³⁷

Obviously, by defining the dependencies of Belize as the “small islands in the neighborhood of that settlement,” and by specifically stating that the treaty was meant to include the Central American states “with their just limits and proper dependencies,” Clayton

aimed to exclude the Bay Islands from the former and include them in the latter.

To this Bulwer wrote an answer intended to defeat the purpose of Clayton, by stating that he understood the latter as meaning that the treaty was not intended to include “whatever is Her Majesty’s Settlement at Honduras, nor whatever are the dependencies of that Settlement.” Whether or not Clayton accepted this answer is uncertain. Later he declared that he did not accept it and, as evidence, referred to a memorandum purporting to have been made at the time; and George P. Fisher, his private secretary and the librarian of the State Department, who was present, supported him in the denial. Nevertheless, this counter-note of Bulwer was printed with the other correspondence on the subject in the British *Parliamentary Papers* and, evidently after Clayton resigned office, a copy found its way into the State Department archives. In view of these facts, and of the astuteness which generally characterized Bulwer, it is hard to avoid the conclusion that Clayton did accept the counter-statement, but kept the fact secret for a time by not filing it with the other papers connected with the negotiation.³⁸ Be that as it may, the difficulties were somehow smoothed over and exchange of ratifications took place at about dawn, July 5, 1850.

Thus, after almost unparalleled difficulties, was completed the Clayton-Bulwer Treaty, probably the most persistently unpopular agreement ever made by the United States with a foreign government. The chief fault of the document was the ambiguity of the first article, as to the interpretation of which the negotiators

themselves took ominously opposing views at the very outset, Clayton gleefully writing Lawrence, on April 22, 1850, that the Mosquito protectorate stood, the "shadow of a name," since the British could neither protect to occupy nor occupy to protect; and Bulwer, a few days later, declaring in a letter to Palmerston that nothing had been affirmed in the treaty regarding the protectorate, but nothing abandoned.³⁹

In spite of its ambiguity, and of its alleged violation of the Monroe Doctrine, the Clayton-Bulwer Treaty, within the first ten years of its existence, forced Great Britain to give up to their rightful owners not only the whole Mosquito territory, but the Bay Islands as well, an achievement which, in view of the fact that the British claims were not utterly baseless, appears to stand without parallel in the whole history of the Monroe Doctrine. It is well to realize also that the Doctrine in question is neither sacred nor infallible, and that, though the British-American alliance made for the neutralization of the canal was anathemized for thirty years before the treaty was abrogated, when viewed without prejudice this part of the arrangement to some extent justified Seward's declaration in the Senate that the Clayton-Bulwer Treaty was "the first universal fact in the history of the human race." It was, at least, an international agreement with aims not primarily selfish.

CHAPTER V

LAST YEARS

THOUGH Clayton felt the completion of a canal convention with Great Britain to be a distinct triumph, he fully realized that supplementary treaties with the Central American states would be necessary to insure the success of the main agreement. Taylor's sudden death, on July 9, 1850, removed the chance of Clayton's representing his country in such negotiations. He promptly handed in his resignation, which went into effect July 22. Even if Taylor had lived to complete his term, Clayton would probably not have retained office until its close; for his political ambitions were fluctuating, as his repeated resignations from office show; his health was declining from the kidney disease which later ended his life; the duties of office, partly because of inadequate clerical aid, were very heavy; and his private affairs, which had been much neglected during the sixteen hard months in the State Department, needed his attention. Hence, though overwhelmed with grief over the death of Taylor, to whom he had become deeply attached, he was glad of the excuse to resign.⁴⁰ The relief that he felt was expressed, shortly after leaving office, in a letter to Crittenden:

"I feel like a man with a mountain taken from his shoulders. If any man under a mountain ever did recover from the pressure of it. . . . I have worked and

toiled, as man never toiled before, amidst embarrassments and difficulties unequalled. When that which I have done shall be known, I shall have no cause to fear the judgment of those who are to come after me. But the situation I have filled was during the period of President Taylor's administration more difficult, more thorny and more liable to misrepresentation and calumny than any other in the world, as I verily believe. . . . I have fought a good fight, though I think I have got no credit for it; and henceforth there is laid up for me, not indeed any crown [in] glory, but a place of rest, where, in the retirement of private life, I shall remain contented like my old chief, that I have faithfully endeavored to do my duty."⁴¹

In his haven of rest at Buena Vista, Clayton kept aloof from politics, but looked on with indignation while Webster, his successor, recognized the Mosquito title, and while Bulwer, convinced that the Squier Treaty would not be harmonized with his own interpretation of the treaty made with Clayton, brought about its defeat in the Senate. When, however, in 1852, Cass, Douglas, and others began to attack the canal treaty, which he regarded as the crowning work of his political career, Clayton determined, though seriously ill, to return to the Senate and defend the convention and the Administration under which he had served. By means of a strenuous speaking-campaign he secured a majority of his party adherents in both houses of the Delaware legislature, and was elected United States senator early in 1853.

As before, he took an active interest in all that went on in the Senate, but most of his energy he gave, as long as it was needed, to the task which had brought him back to office. In several very able speeches he answered the attacks upon the treaty made with Bulwer; showed that his opponents, despite their assertions to the contrary, must have been well aware that Belize was not included in the terms of the document; and convinced most of those who came under the influence of his words that the agreement, if honourably observed by Great Britain, would do all that even the most aggressive could wish towards forcing the latter to withdraw from Central America. Perhaps by all of his friends, and even by some of his foes, Clayton's efforts were looked upon as successful in vindicating the part he had played in making the treaty. He was not, however, satisfied with this victory, but was feverishly anxious that the Pierce Administration adopt his interpretation of the document. When, therefore, the opportunity offered to discuss the question with Marcy, he gladly seized it; and subsequently, during the violent dispute with England over the meaning of the self-denying terms of the agreement, he furnished some of the most able arguments offered by Marcy in defence of the American view-point.⁴²

In the spring session of 1856 Clayton was often absent from the Senate chamber because of increasing illness and weakness. Since both of his sons had died childless, he had recently sold his estate, Buena Vista, to a nephew and moved back to Dover, where he had begun his professional career. Here to the friends of his youth he came, when Congress had adjourned for the summer, with the words of Wolsey upon his lips: "An old man,

broken with the storms of state, is come to lay his bones among you." Later, though he rallied slightly, he felt that death was near at hand, and early in the autumn conveyed this belief in a letter to his friend Elisha Whitesley by the words: "To me now, the volume of futurity is the most important study—I mean eternity." The end came on November 9, 1856, at the home of his niece, Margaret Clayton Comegys, in Dover; and he was buried beside his wife and sons in the cemetery of the local Presbyterian church, of which he had recently become a member.

The shortness and the unusual handicaps of his term of office make it difficult to rank Clayton as Secretary of State. While it is clear that he was less able as well as less successful than J. Q. Adams, Daniel Webster, and others who appear to be worthy of the highest place, he was far above the weakest of those who held the office. Perhaps it would be fair to class him as a strong second-rate man, a place which was chiefly won by negotiation of the Clayton-Bulwer Treaty, his ablest, as it was his most famous, diplomatic achievement.

DANIEL WEBSTER

SECRETARY OF STATE

JULY 22, 1850, TO OCTOBER 24, 1852

(SECOND TERM)

BY

CLYDE AUGUSTUS DUNIWAY, Ph.D., LL.D.

PROFESSOR OF HISTORY

CARLETON COLLEGE