

THE RELATIONS BETWEEN THE UNITED STATES
AND RUSSIA BETWEEN 1818-1824

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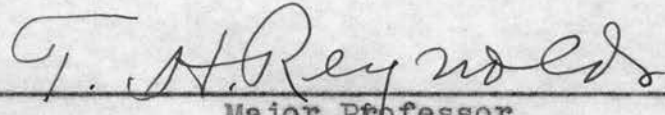
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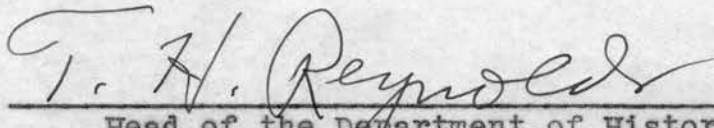
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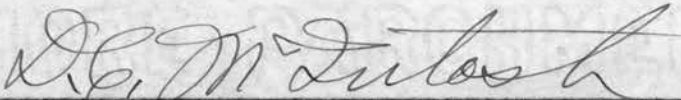
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PREFACE

In order to understand the relations between the United States and Russia, it is necessary to give a careful survey of the period from 1728 to 1824. In the beginning, the relations were primarily concerned with the commercial aspects of the Northwest, but as the section became more valuable it assumed international aspects and the part played by Spain, England, and China has been reviewed.

An endeavor to trace the steps by which the nations based their claims to the Northwest coast of America has been made. Also, the main points of the dispute over the boundaries and trade rights, the diplomatic exchanges, and the settlement of the situation by treaty have been shown.

The controversy between Russia and the new nation of the United States was a tremendously interesting and significant one as it had influence in determining the foreign policy of the United States.

The writer wishes to express his appreciation to Dr. T. H. Reynolds, Head of the History Department, for his aid and advice; and to the Library Staff of Oklahoma A. and M. College for their services.

Bill Hall.

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THE RELATIONS BETWEEN THE UNITED STATES
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Chapter I

The Background of the Relations

In the sixteenth century when the English made their last attempt to seek the northeast passage to India, they found at all points evidence of the Russian crafts in advance of them, and that the Russians had been keeping up a vigorous coasting trade.¹

During the time that Peter the Great was emperor of Russia, the hardy Cossacks, crossing Siberia in pursuit of the sable, had returned with the news that the Pacific Ocean lay beyond Siberia.* Peter the Great was already interested in ship-building, astronomy, and general geography. With the above report, he immediately set about to organize an expedition to determine if Asia were separated from America. The emperor had in mind the acquiring of Russian America, which would be worth Siberia many times.

Bering was placed in command of the expedition because of his knowledge of India. Second in command was

1. Hubert Howe Bancroft, Bancroft's Works, History of Alaska, Bancroft and Company, San Francisco, 1886, XXXIII, 10.

*While the Pacific Coast was reached as early as 1636 it is indeed questionable whether that body of water was identified by its present name until late in the seventeenth century.

Chirikof, a Russian by birth, one of the best naval officers of his time, and the pride of the Russian fleet. Prior to this expedition, Bering had passed through the strait which now bears his name.²

Bering, upon returning from his voyage through the Bering strait, felt that an expedition to determine if America lay on the other side of the strait was desirable. Going before the Russian ruler, Bering presented the following proposition which discussed the relation between Asia and America:

"According to my observation the waves of eastern Kamchatka are smaller than in other seas, and I have found on Karaqinski Island large fir trees that do not grow on Kamchatka. These signs indicate that America, or some land on this side of it, is not far from Kamchatka, perhaps from one hundred to two hundred and fifty miles. This could be easily ascertained by building a boat of about forty or fifty tons and sending it to investigate. If this be so a trade might be established between the empire and the inhabitants of those regions.

"Such a boat should be built at Kamchatka because the necessary timber could be obtained more easily there. The same holds true in matters of food; fish and game are especially cheap there.

"The cost of such an expedition would be from ten to twelve thousand rubles, not including salaries, provisions and materials for both boats. These could not be obtained at Kamchatka but would have to be taken from here and Siberia."³

2. Ibid., p. 37.

3. F. A. Golder, Russian Expansion on the Pacific, 1641-1850. The Arthur H. Clark Co., Cleveland, 1914, pp. 166-169.

The expedition which was sent out under Peter the Great was given elaborate and careful planning. It was a scientific expedition and required six years to cross Siberia and to make ready for the takeoff to the New World.

On the morning of June 4, 1741, two ships sailed out of Avatcha Bay, one with seventy-five men and the other with seventy-seven. The ships were provisioned sufficiently to last the voyagers for five and one-half months. Each ship carried two small landing-boats. They traveled for twenty days in an eastwardly direction, never losing sight of each other, but on the twenty first day they became separated never to meet again.⁴

Chirikof lost sight of Bering, who was in another boat, in the fog and resolutely sailed onward, resolving to carry on. He kept sailing toward the rising sun and on July 15 sighted land at latitude 55° 21'. Since there was no landing place, he followed the coast to 55° 15', where he dropped anchor in a great bay. Chirikof ordered Dementief, the mate, and ten armed men to explore the shore in the long boat. The landing party was supplied with provisions for several days, with guns and other weapons, including one small brass cannon, for protection. A set of signals was arranged so that the land crew could signal to the crew on the ship.

4. H. H. Bancroft, op. cit., p. 68.

Those on board ship thought they observed a signal which signified that the landing party had landed successfully. But after six days of anxious watching, some sailors and a carpenter were sent ashore to aid those on land if aid were needed, with strict orders that one or both of the boats were to return immediately. Those on board ship saw the boat containing the carpenter and sailors land; then a great smoke arose from near the landing place. The night was spent in fear, but every heart was made glad the next morning when the two landing-boats approached the ship. The ship-crew lifted anchor and drifted toward the boats, intending to pick up the landing crew. Great was their alarm when they saw, instead of their boats and men, two strange canoes loaded with savages. The savages approached the ship until they saw the decks swarming with the foreigners, and then suddenly fled in fright. Chirikof swore in anger because he had not sent the crew below the deck; for having persuaded the savages to come aboard, he might have learned the fate of his own men.

After a short period of waiting, Chirikof decided that his landing crew had been slain by the savages, and being without the two landing boats, he suddenly resolved to leave the bay, much against his wishes. No trace of those men, who had gone ashore, has ever been found. The loss of the boats caused great suffering to the expedi-

tion later, as it left them with no means of landing and getting fresh water and food.

Chirikof and his men sailed for Asia, and after five months sailing without dropping anchor, with hunger, thirst and disease ravaging the crew, they reached Avatcha. Many times on this return voyage they had sighted land, but could not land, for they had lost their landing boats. Twenty-one men died aboard ship, and many others were permanently invalided. The men of this expedition, including Chirikof, figured no more in the exploration of the American coast.

When Bering became separated from Chirikof in the fog, he searched for him for several days before he resolved to go on without him. With his crew he sailed across the Pacific, and sighted Mt. St. Elias which was on the mainland of North America at latitude $58^{\circ} 14'$. Mt. St. Elias was sighted by Bering only thirty-six hours after Chirikof had made his discovery to the south.

Bering, feeling that his mission had been accomplished, set sail for home. He had no premonition of the tragedy lurking ahead. After stopping at several islands for food and water, he drove the ship onto the rocks near a small barren island which now bears the name, Bering Island. It was midwinter and they were marooned upon a little island which afforded no food or protection from the driving snows and polar blasts which swept over the island with undiminished fury. Food grew scarce and the

men struggled against approaching starvation. They erected pitiful huts to protect themselves from the terrible coldness of the Arctic midwinter. Daily their number diminished and the struggle for survival became weaker. Bering died, depriving the little band of a courageous leader. As the winter passed, the remaining men worked to construct a small boat from the timbers of their wrecked ship; and after being on Bering Island for nine months, the emaciated survivors set sail for Avatcha Bay, reaching shelter after a nine day voyage.

Out of this terrible suffering came the development of the fur trade in Alaska. Bering and his men while marooned had secured some sealskins which were brought to civilization by the survivors. There the value of sealskins became immediately apparent, and Russia decided to gain control over this source of wealth. In the future Russia based her claims to the Northwestern coast of America chiefly upon the voyages of Bering and Chirikof.⁵

Thus it was again that a seemingly obscure incident had caused nations to rush greedily into the exploitation of the natural resources of a region that otherwise might have continued in a state of savagery.

The Russian government now began to exploit the fur trade of Alaska. They gave contracts to independent tra-

5. Ibid., pp. 89-93.

ders, which was a method of collecting tribute. The first operators on the Alaskan coast were a mixed race of ruthless semi-savages, calling themselves Russians. They were Kamchatkan and Siberian Promyshleniks who were cruel, avaricious, and brave privateers of the fur industry.

Moving in small bands, they fitted out their little shitiki, or vessels formed of planks lashed to timbers and caulked with moss, and fearlessly embarked on the stormy waters of the far northern Pacific. Though starvation, shipwreck, scurvy, and violent death were commonly their lot, they never ceased their plundering and marauding. Falling upon a little village, they killed the male inhabitants and ravished the women. These captive women were taken from their native homes and forced to travel with those fierce wanderers. Many of the women cast themselves into the sea in order to escape the life of a captive in their hands. In Mexico two hundred years earlier, brutality was no more rampant than here with these marauding fur traders.

Russia's fur trade with Alaska continued in such an unorganized and reckless manner for many years, or until the organization of the Russian American Company, which was devoted to the exploitation of the fur trade. Until that time, Russia must leave the scene of action and a new nation enters the lime-light.

Spain, with her exploitation of Central America and

South America, and with claims to the whole continent of both the Americas, came pushing up the coast of California and southern Canada in the sixteenth century. In 1778 she learned of the value of the fur trade in northwestern America, and entered into competition for the control of it.

An English navigator and explorer for England had landed on the coast of northwest America, where he found furs and learned that the Chinese avidly purchased those furs when possible. Publishing an account of his voyage and findings in 1778, he set the stage for the entrance of Spain and England into the fur trade of North America.

Prior to this account of Cook's, one otter skin was worth no more than two rabbit skins,⁶ but now their value had risen tremendously and Spain was desirous of extracting the wealth which lay in fur trading. So in 1785, she projected a scheme to buy skins and sell them to China. The scheme was for the missionaries to collect the skins from the natives and deliver them to the government officials at prices ranging from two dollars and fifty cents up to ten dollars apiece, depending upon the size and condition of the skins. Any skins, other than the ones collected according to this method, were to be confiscated.

Coincidentally to the entrance of Spain into the fur trade, England likewise became interested in the fur

6. Hubert Howe Bancroft, op. cit., History of California, I, 441.

industry, and established a trading post at Nootka Sound, a small inlet on the west coast of present day Canada.

The Spanish government heard that some Russians were attempting to settle on the northernmost part of the American continent. Fearful for her fur trade, Spain sent Martinez to prevent the Russians settling in America. Martinez was in command of an expedition composed of men and ships, and he set sail for the troubled section. Upon arriving at Nootka Sound, in 1789, he found the English trading post which was not adequately fortified to resist the Spaniards. Pulling down the British flag and hoisting the Spanish flag, he captured the fort and took two of the British ships away, but he released them later. For a time this incident threatened to cause a war between England and Spain, but they settled the question of trade in a short time, and Nootka Sound was vacated by both nations, although Martinez had claimed all the territory between Cape Horn and the 60 degree north latitude for Spain while he was at Nootka Sound.

It is remarkable that two American ships which had been anchored in Nootka Sound at the time of the conflict between Martinez and the English had not been molested. Martinez very likely believed that they were not there for commercial purposes but were there because of neces-

7. American State Papers, Foreign Relations, Vol. V, Washington 1858, p. 445.

sary ship repairing. The report was that the adventurers on the American ships made the first purchase of land from the Indians on the northwest coast. An Indian chief named Maquinna sold the land to the Americans.

During the time of the Nootka Sound controversy, Russia was vigorously engaged in the fur trade industry. The Russian traders made great profit in trading furs to the Chinese. All the various kinds of furs and especially the beautiful skins of the otter were articles of high value to the effeminate Chinese, who in winter wore furs in Canton, which is a city of the tropics. Many ships had departed annually, equipped for the chase of the fur bearing animals. Each ship was under a different proprietor, who without pity for the docile Aleuts nor for the fur bearing animals, only thought of completing their cargo as quickly as possible and returning to Okhotsk. So great was the unrelenting, reckless murder of these animals that there was reason to believe that the trade would soon stop altogether.

To stop this, Chilikoff, a Russian who founded the Russian American Company, tried to unite into one company all those interested in the trade, so that some of the evils of unrestrained competition might be alleviated. The Russian American Company was officially organized by Chilikoff, but it treated the natives so badly that complaints to the government nearly caused its abolishment. Through the intervention of Resanoff, who was a close

associate of Emperor Paul I, the company was allowed to exist. Resanoff had married the daughter of Chilikoff, and at the same time had assumed some bills of Chilikoff's which depended upon the prosperity of the company for payment.⁸

Instead of being abolished, the company began to receive support from the nobility. As soon as Alexander mounted the throne as emperor he took a lively interest in the company; taking shares in it himself, he thereby induced many of the noblemen to follow his example. The headquarters of the company was transferred from the islands to St. Petersburg.

The Imperial Ukase of 1799 officially confirmed the Russian American Company. It was granted by Paul I. This Ukase set forth the rules for operating and organizing the company, which had to be composed of all Russians, and with no one else being permitted to subscribe to it. All ships at sea at that time had to join the company as soon as they came into port or give up the trade. The company was to operate anywhere in the islands or coast above 55° north latitude.⁹ The company was to pay no tribute on the furs, but they were to be traded to China for teas which would have placed upon it a high import duty when it entered the ports of Russia. In addition to

8. Ibid., p. 453.

9. Hubert Howe Bancroft, History of Alaska, pp. 379-382.

their carrying on trade, they were to establish churches and promote other industries wherever possible. So strictly were the regulations carried out that by 1800 all the traders in that region had united with the company. No one dreamed that this company, beginning at that time, would soon hold sway over a vast empire almost as big as Russia in Europe, with indefinite boundaries that would later cause international boundary disputes. The company was to constantly keep in friendly relationships with the Americans.

For several years the Russian traders saw little of the Spaniards. Not until after the English and American ships contacted the Russians in trade did they learn about beautiful, sunny California to the south of them where grain might be had in abundance. The Russians were usually very much in need of things to eat, especially grain or bread stuff. Even though the winter temperature in Sitka was above freezing and the summer temperature from fifty-one to fifty-five, no grain could be grown because the climate was so wet.¹⁰ Berries grew in abundance but they did not have a good flavor because the rays of the sun were weak in that northern latitude.

In 1803 Captain O'Cain, an American, after selling to Baranoff, who was the commander of the

10. William Watson Woolen, The Inside Passage to Alaska 1792-1920, II, p. 258.

Russian American Company at Sitka, goods valued at 10,000 roubles, persuaded Baranoff to supply a company of Aleuts with their bidarkas to go to California and hunt otter on the share.¹¹

Because of trade restrictions that the Spanish government had placed upon the colonists, O'Cain did not get to carry on trade freely in California. But he did return to Sitka with 1,000 otter skins, after selling many more at a very low price to the friars in order to beat his Russian partners out of their share.¹² The Spaniards objected to the Russians hunting on the coast of California, but they were helpless at this time to stop it.

Not until 1806 did the Russians of the far North come in contact with the Spanish residents of California.¹³ This was for the purpose of trading for food, after reports of California had been brought back by Captain O'Cain. A Russian ship was sent down to trade but it was received reluctantly by the Spanish authorities. However, this voyage may have inspired Baranoff to send out the later expedition for the purpose of making a permanent settlement at Fort Ross near Bogeda Bay.

In the spring of 1812, Kuskof, a Russian, was sent out by Baranoff of the Russian American Company to erect

11. Hubert Howe Bancroft, History of California, II, p. 63.

12. Ibid., p. 26.

13. Ibid., p. 58.

a fort on Bogeda Bay, latitude north $38^{\circ} 15'$. He was in charge of ninety-five Russian men, including twenty-five mechanics. He had also eighty Aleuts with their hunting fleet of forty bidarkas. A site was located upon a bluff about one hundred feet above the sea, and there Fort Ross was built, with ten cannons for defense.¹⁴

The purpose of the Russians in occupying land on the coast of California was to secure food for Russian colonists who lived in the far north and traded for furs, and also to trade for furs with the Indians who lived in California. The Russians made friends with the native chieftans and likely received some kind of territorial cessions from them. According to Indian reports, the price paid for the piece of land, which the Russians purchased from them, was two axes, three hoes, three blankets, and three pairs of breeches. The Russians felt that this purchase from the Indians was one of the strongest elements in their claim to the western coast of America. Although it is certain, however, that this purchase was made, the Russians never tried very hard to push any territorial claims in California.

But Russia did not hesitate to advance firmly her claims to soil north of California, in the rapidly advancing diplomatic struggle among England, Spain, United States, and Russia for control of this northwest coast.

14. Bancroft, History of California, II, pp. 297-298.

Chapter II

The Diplomatic Controversy

In conformity with the first article of the treaty of Ghent, in 1818 the settlement of Fort George on the Columbia River was restored to the United States.¹ That fact may have renewed the interest of the United States in the Northwest. Since many of the facts concerning the claims of the United States to the Northwest are fairly well known, only a few statements concerning the early explorations of the United States in the Northwest will be made.

The claims of the United States to Fort George and the Northwest were based upon first discovery by sea of the Columbia River by a ship that had sailed from Boston.² Lewis and Clark had discovered the Columbia by land in their famous expedition. As a final claim, the United States had established a trading post at Astoria, which was named Fort George by the British.

American ships had been carrying on a flourishing trade with Russian traders who were badly in need of food-stuffs as has already been mentioned. The Russian government now began to complain against the illicit trade carried on by the Americans with the natives. This trade was supposed to include the sale of firearms to the natives,

1. American State Papers, Foreign Relations, IV, Washington, 1834, p. 856.

2. American State Papers, op. cit., V, p. 444.

which Russia felt was likely to cause fighting between themselves and the natives.

At first, the United States gave very little heed to the Russian complaints which were not very forceful due to the fact that Russia was very anxious for friendly relations to exist between the United States and Russia in matters of trade. But when Ft. George was returned to the United States in 1818, Mr. Prevost who was sent to command the returned fort, wrote a letter to the Secretary of State expressing fear of Russian encroachments on the soil of the United States in the Northwest. In his letter, he gave a glowing account of the marvelous climate, soil, fishing, furs, and other natural resources of the country through which ran the Columbia River. He described the natives and said that they were very peaceful and never tortured their captives but made them their servants.³

The circumstances through which American shipping became involved in the fur trade of the Northwest were very complex. It came about in the following way: Russia had asked American shipping to transport Russian furs from America to Canton, China. Russia couldn't take her furs into Canton because the merchants of Canton thought they were being discriminated against by the Russians, due to fact that the Russians had exclusive

3. Annals of Congress, 17th Congress, 1st Session, Vol. II, Washington, 1855, p. 2138.

trade rights with the Chinese government, and the trade was carried on at a small place called Kiatcha. The merchants of Canton, through a cunning subterfuge, refused to admit Russian fur ships in her harbor. So, since the famous American clipper ships could transport commodities cheaper and faster than anyone else, the Russians asked the Americans to act as transporters of Russian furs into Canton. In this manner, the Americans were brought into the fur trade of the Northwest in an important way.

The United States gained a powerful claim to the Northwest on February 22, 1819, when she signed a treaty with Spain. In that treaty, Spain relinquished to the United States, all rights, claims, and pretensions to Northwest America lying north of the 42° parallel. The boundaries as defined in the treaty are quoted:

"The boundary line between the two countries, West of the Mississippi shall begin on the Gulf of Mexico, at the mouth of the River Sabine in the Sea, continuing North, along the Western Bank of that River, to the 32 degree of Latitude; thence, by a line due North to the degree of Latitude, where it strikes the Rio Roxo of Nachitoches, or Red River, then following the course of the Rio Roxo Westward to the degree of Longitude, 100 West from London and 23 from Washington, then crossing the said Red River and running thence by a line due North to the River Arkansas, thence, following the Course of the Southern bank of the Arkansas to its source in Latitude 42. North, and thence by that parallel of Latitude to the South Sea.

"His Catholic Majesty cedes to the said United States, all his right claims, and pretensions to any Territories, East and North of the said line, and, for himself, his heirs and successors,

renounces all claim to the said Territories forever."⁴

The claims of Spain by right of prior discovery extended to as far north as the 59th degree of latitude, so by transfer of rights from Spain to the United States in 1819, that territory belonged to the United States; considering Spain's claim to be valid.

At this point in the developments, there was issued from the Russian government the Ukase of 1821, which caused the United States to take recognition that the Russians were not going to tolerate American intrusion into the commercial exploitation of the Northwest. This Ukase opened the controversy between Russia and the United States with lightning rapidity. Prior to the Ukase of 1821, relations between the United States and Russia in regard to commercial rivalry had been comparatively untroubled; in fact it had been to the contrary due to the fact that a flourishing trade had existed between the two countries in the Northwest. But now Russia definitely stated her intentions to control the Northwest, both politically and commercially. And the United States was forced to accede to Russia's wishes or to declare her intentions in regard to the Northwest.

In regard to the above mentioned document which the Russian government sent to John Quincy Adams, who was

4. Hunter Miller, Treaties and Other International Acts of the United States of America, Vol. III, Washington, 1933, p. 5.

Secretary of State for the United States, the following message was submitted by the Russian government:

Observing, from reports submitted to us, that the trade of our subjects on the Aleutian islands, and on the Northwest coast of America, appertaining unto Russia, is subjected, because of secret and illicit traffic, to oppression and impediments; and finding that the principal cause of these difficulties is the want of rules establishing the boundaries for navigation along these coasts, and the order of naval communication, as well in these places as on the whole of the eastern coast of Siberia and Kurile islands, we have deemed it necessary to determine these communications by specific regulations, which are hereto attached:⁵

The rules and regulations set up by the Russian government were contained in a long document, of which only a few sections that deal strictly with this controversy are given below:

Section 1. The pursuits of commerce, whaling, and fishery, and of all other industry, on all islands, ports and gulfs, including the whole of the Northwest coast of North America, beginning from Bhering's strait to the fifty-first degree of latitude, also from the Aleutian islands to the eastern coast of Siberia, as well as along the Kurile islands from Bhering's strait to the south cape of the island of Urup, viz: to 45 degrees 50 minuits northern latitude, are exclusively granted to Russian subjects.

Section 2. It is therefore prohibited to all foreign vessels not only to land on the coasts and islands belonging to Russia, as stated above, but also to approach them within less than a hundred Italian miles. The transgressors's vessel is subject to confiscation, along with the whole of the cargo.⁶

It might be well to remark here that the American statesman who pushed the claims of the United States against the Russian government was well qualified for the

5. American State Papers, Foreign Relations, IV, p. 857.

6. Ibid., p. 857.

duty. He was John Quincy Adams, Secretary of State for the United States. He had served as private secretary to the American agent at the court of Empress Catherine of Russia, and had served as Foreign Minister to St. Petersburg;⁷ therefore, he was working with familiar quantities when he sought to advance the claims of the United States.

Adams immediately warned the Emperor of Russia that the American continents were no longer open to settlement by any European countries. He was very much disturbed at the proposed aggression of the Russians on the Northwest coast.⁸

There was reason to believe that Russia would have liked to have remained friendly with the United States in order to strengthen the Holy Alliance which was headed by the Russian Emperor. Russia felt that Great Britain was too powerful by sea for her to cope with, and hoped that inequality of power might be remedied, somewhat, by gaining the friendship of the United States.⁹ But the Ukase of 1821 was proclaimed, very likely because the Russian American Company drove the Ukase through the Russian government without its having been thoroughly considered.

7. John W. Cunliffe, The World's Best Literature, Vol. I, New York City, 1917, p. 935.

8. Randolph Granfield Adams, A History of the Foreign Relations of the United States, Macmillan, New York, 1924, p. 177.

9. Edward Howland Tatum, Jr., The United States and Europe 1815-1823, U. of California, 1936, p. 139.

By the Ukase of 1821, Russia violated the Law of Nations which is shown below:

"The right of navigating and fishing on the high seas is common to all men, the Nation which undertakes to exclude another from that advantage does it an injury and gives just cause for war; for nature authorizes a nation to repel an attack; that is, to resist with force any attempt to deprive it of its rights. Let us go further and say that a Nation which seeks to lay claim, without good title, to an exclusive right over the sea, and to maintain it by force, does an injury to all Nations whose common right it violates; and they may all unite against it to check its claim. It is of the greatest importance to nations that the Law of Nations, which is the basis of their peace, be everywhere respected. If anyone openly treads it under foot all may and should rise against that nation; and by thus uniting their forces to punish their common enemy, they will fulfill their duties towards themselves and towards human society, of which they are members."¹⁰

It can be plainly seen that Russia violated the above act of the Law of the Nations when she assumed the authority to try to keep foreigners off the high sea. Even if it were granted that the northwest coast was a part of Russian territory, she had no right to confiscate cargoes on the sea within 100 miles of the shore, as she was trying to do at this time. There was no doubt but that England and United States both would take offense at Russia for trying to acquire that much power, especially in waters which were becoming a source of profitable commerce.

Did Russia have a right to claim all the territory of the northwest coast without having any settlements on it?

10. Elmer DeVattel, The Law of Nations, III, Washington, 1916, pp. 106-107.

The Law of the Nations gave the following comment:

"All men have an equal right to things which have not yet come into the possession of anyone, and these things belong to the person who first takes possession. When, therefore, a Nation finds a country un-inhabited and without an owner, it may lawfully take possession of it, and after it has given sufficient signs of its intention in this respect, it may not be deprived of it by another Nation. In this way navigators setting out upon voyages of discovery and bearing with them a commission from their sovereign, when coming across islands or other uninhabited lands, have taken possession of them in the name of their Nation; and this title has usually been respected, provided actual possession has followed shortly after.

But it is questioned whether a Nation can thus appropriate, by the mere act of taking possession, lands which it does not really occupy, and which are more extensive than it can inhabit or cultivate. It is not difficult to decide that claim would be absolutely contrary to the natural law, and would conflict with the designs of nature, which destines the earth for the needs of all mankind, and only confers upon individual Nations the right to appropriate territory so far as they can make use of it, and not merely to hold it against others who may wish to profit by it. Hence the Law of Nations will only recognize the ownership and sovereignty of a Nation over unoccupied lands when the Nation is in actual occupation of them, when it forms a settlement upon them, or makes some actual use of them. In fact, when explorers have discovered uninhabited lands through which the explorers of other Nations had passed, leaving some sign of their having taken possession they have no more troubled themselves over such empty forms than over the regulations of Popes, who divided a large part of the world between the crowns of Castile and Portugal."¹¹

According to the above, Russia had no right to much of the territory over which the Ukase of 1821 claimed possession, for they were able to make use of very little land on the Northwest coast. It must be further noted

11. Ibid., pp. 84-85.

that most of the settlements of the Russian traders had been on the islands, and not on the mainland. It is usually assumed that islands go with the mainland instead of the continents belonging to the islands which they happen to be near. From the above statements, Russia had no just claims to the land south of 55 degrees latitude, which had been the southern boundary prior to the Ukase of 1821.

In reply to the charge of the Russians that the Americans were carrying on an illicit trade with the natives, Mr. Adams pointed out that if the Indians were under the Russian jurisdiction, the government of the United States would have to let its trading citizens be governed by laws that the Russians enforced in their own territory. On the other hand, if the Indians were considered as an independent tribe inhabiting independent lands, then Russia could not rightfully prohibit any nation from trading with them, unless it be contraband in time of war. From this last point of view the United States citizen was under no obligation to comply with the wishes of the Russian government in this case.¹² In view of these facts there seemed to be only one solution to the problem; that was to form a mutual compact in consideration of reciprocity and of friendship.

There were many exchanges of letters between John

12. American State Papers, Foreign Relations, V, p. 441.

Quincy Adams and the Prime Minister of Russia during the next few months, with each asserting a claim to the territory under controversy upon the conditions that have already been discussed in the first part of this work. Probably both nations were making claims to land far beyond what they actually expected to occupy. That fact might account for the amount of time required to make a settlement.

After the controversy had been going on for some time, as a result of the Ukase of 1821, Baron Tuyl, who was England's agent, inquired of Adams if he might inform his government that instructions would be sent for the purpose of negotiating peace on the Northwest question. He was confronted with the following reply from Adams:

"I told him specially that we should contest the right of Russia to any territorial establishment on this continent, and that we should assume distinctly the principle that the American continents are no longer subjects for any new European colonial establishments."¹³

Adams was willing to settle the boundary line at fifty-five degrees north latitude but he would never consent to the new boundary set up by the Ukase of 1821. Russia pointed out that the boundary given to the Russian American Company did not necessarily mean that was all the land that Russia possessed in North America, but was all that the Emperor saw fit to grant to the company at

13. Allan Nevins, The Diary of John Quincy Adams, New York, 1929, p. 298.

that particular time.

As the means of communication were very slow, it required much time to settle the controversy. Much of the official correspondence between Washington, D. C., and St. Petersburg, Russia, was by means of passengers who happened to be going from one of the places to the other.

England was now thoroughly aroused over Russia's attempt to control the trade of the Northwest coast of America. It was the Emperor's request that Mr. Middleton, the United States Minister to Russia, be given full power to act in connection with the British and Russians in settling the controversy.¹⁴ This was done in order to settle the dispute.

No sooner had the request been received by the secretary of state, Mr. Adams, until it was granted. On July 22, 1823, full power of diplomacy was granted to Mr. Middleton, along with instructions containing three articles: first, that citizens and subjects of both contracting parties should be permitted to trade unmolested in any of the harbors, bays, rivers that were unsettled and to have the privilege of trading with the natives of the country; second, that the citizens and subjects of the contracting parties should not land in any port where there was a settlement, for the purpose of trade, without

14. John Bassett Moore, History of Digest of International Arbitrations, I, Washington, Government Printing Office, 1898, p. 760.

permission from the governor; and third, that no future settlements should be made on the coast nor on the islands of the Pacific Ocean north of the degree of latitude fifty-five, by any citizens of the United States or any of the states thereof, nor should any subjects of Russia make settlements along the American coast south of the parallel of latitude fifty-five.¹⁵

According to the instructions, each of the contracting parties had the right to enforce restriction of illicit trade on its own citizens or subjects.

In a letter written by Mr. Adams on the same day that he sent instructions to Mr. Middleton, he made the following statement:

"There can perhaps be no better time for saying frankly and explicitly to the Russian Government that the future peace of the world and the interest of Russia herself cannot be promoted by Russian settlements upon any part of the American Continent. With the exception of the British establishments north of the United States the remainder of both the American continents must henceforth be left to the management of American hands. It cannot possibly be the purpose of Russia to form extensive colonial establishments in America."¹⁶

Before Mr. Middleton had time to receive the instructions and carry on any negotiations with the Russian government at St. Petersburg, the United States Congress had met in session and had heard the following message from President Monroe:

15. Ibid., p. 762.

16. American State Papers, Foreign Relations, V, p. 445.

"At the proposal of the Russian Imperial Government made through the minister of the Emperor residing here, a full power and instructions have been transmitted to the minister of the United States at St. Petersburg to arrange by amicable negotiations the respective rights and interests of the two nations on the northwest coast of this continent. . . . The Government of the United States has been desirous by the friendly proceeding of manifesting the great value which they have invariably attached to the friendship of the Emperor and their solicitude to cultivate the best understanding with his Government. In the discussions to which this interest has given rise and in the arrangements by which they may be terminate the occasion has been judged proper for asserting, as a principle in which the rights and interests of the United States are involved, that the American continents, by the free and independent condition which they have assumed and maintained, are henceforth not to be considered as subjects for future colonization by any European powers."¹⁷

It was evident that Russia was going to treat with England and the United States jointly, but after the non-colonization principles put forth by Mr. Adams in his letter, and also by President Monroe in his annual message to Congress, Mr. Middleton became fearful that Russia was going to treat with England separately. He declared that if they did, it would be null and void because they could not fix any boundary that would be binding upon the United States. Some time had elapsed since Mr. Middleton had received his instructions and the Russian government had not yet conferred with him, so he went to see Count Nesselrode and learned officially that Russia was going

17. James D. Richardson, Messages and Papers of the Presidents, 1789-1908, Bureau of National Literature and Art, II, p. 209.

to treat with England separately.¹⁸ Thereupon he solicited an invitation from Count Nesselrode for a conference to discuss the question of the Northwest controversy. Count Nesselrode agreed to give Middleton a conference on the following Saturday, which was February 9, 1824.

At the appointed time Count Nesselrode received Mr. Middleton and asked for the proposals of the United States, which were given by Middleton according to his instructions from Mr. Adams. The conference adjourned with the date of February 20, 1824 set for the next conference.

In the second conference, Count Nesselrode had a co-worker with him in the person of Mr. Poletica, who did most of the talking at this conference. Mr. Poletica pretended that the claim of the United States, as received from Spain, included the territory to the east and to the north of the parallel of 42° . Therefore a line should be drawn perpendicular to the parallel of 42° at the coast. In reply to that, Mr. Middleton informed him that the parallel of latitude reached across the ocean. Furthermore, if that be the line, then Spain would yet hold all west of the perpendicular line and Russia would still have no claim to the land on the northwest coast.

Mr. Poletica went so far as to say that even though the Count of Nesselrode did agree to the boundary as formerly stated by the United States, he (Poletica) could

18. American State Papers, op. cit., V, p. 453.

never sign any agreement for any American ships to land on the coast under question. The Count merely listened through most of this conference, but did fix the time for another conference to be held just three days later.¹⁹

The third conference occurred on February 23, 1824. By this time Russia had substituted for 55° north latitude as the boundary between the two countries, that of 54° 40'. The reason as explained was to include two points of the island in which the port called Bucarellia by the Spanish was located. The Count thought the idea of free trade between the citizens of the United States and the subjects of Russia would be impossible.²⁰

Mr. Middleton knew it would be in violation of his instructions to accept a boundary south of fifty-five degrees, but he felt inclined to do so if he could gain the other provisions. Therefore he offered to let the line of limitation stand unsettled for the time being. By doing so, he thought that Russia would see a possibility of gaining ground by waiting and would submit to free trade.

There was delay of several days before another conference, but the fourth conference was held on March 8, 1824. In this conference, Count Nesselrode brought up the possibility of limiting the trade to a period of ten

19. Ibid., p. 459.

20. Ibid., p. 460.

years except for firearms and intoxicating liquors, which were to be permanently prohibited with the natives. Middleton objected to the prohibition of firearms and liquors in trade with the natives because he felt that it would place a premium on that trade with other countries who would take advantage of it. In reply Russia pointed out that England had already agreed to give up that illicit trade, and that Russia had a way of making other powers do the same.²¹

There were at least six other conferences held during the next few weeks in which most of the discussion was over the conditions of trade, especially over the trade of firearms and liquor with the natives. Finally, the controversy was removed and matters were untroubled.

On April 17, 1824, the Plenipotentiaries of Russia and the United States signed the following treaty at St. Petersburg, Russia:

Article I

It is agreed that in any part of the Great Ocean commonly called the Pacific Ocean or South Sea, the respective citizens or subjects of the high contracting powers shall be neither disturbed nor restrained, either in navigation, or in fishing, or in the power of resorting to the coasts, upon points which may not already have been occupied, for the purpose of trading with the natives, saving always the restrictions and conditions determined by the following articles.

21. Ibid., p. 460.

Article II

With the view of preventing the rights of navigation and of fishing exercised upon the Great Ocean by the citizens and subjects of the high contracting powers from becoming the pretext for an illicit trade, it is agreed that the citizens of the United States shall not resort to any point where there is a Russian establishment, without the permission of the governor or commander; and that, reciprocally, the subjects of Russia shall not resort, without permission, to an establishment of the United States upon the northwest coast.

Article III

It is, moreover, agreed that hereafter there shall not be formed by the citizens of the United States, or under the authority of the said States, any establishment upon the northwest coast of America, nor in any of the islands adjacent, to the north of fifty-four degrees and forty minutes of north latitude; and that the same manner there shall be none formed by Russian subjects, or under the authority of Russia, south of the same parallel.

Article IV

It is, nevertheless, understood that during a term of ten years, counting from the signature of the present convention, the ships of both powers, or which may belong to their citizens or subjects respectively, may reciprocally frequent, without any hindrance whatever, the interior seas, gulfs, harbors, and creeks upon the coast mentioned in the preceding article, for the purpose of fishing and trading with the natives of the country.

Article V

All spirituous liquors, firearms, other arms, powder, and munitions of war of every kind, are always excepted from this same commerce permitted by the preceding article, and the two powers engage, reciprocally, neither to sell nor suffer them to be sold to the natives by their respective citizens and subjects, nor by any person who may be under their authority. It is likewise stipulated that this restriction shall never afford a pretext nor be advanced in any case to authorize

either search or detention of the vessels, seizure of the merchandise, or, in fine, any measures of constraint whatever toward the merchants or the crews who may carry on this commerce, the high contracting powers reciprocally reserving to themselves to determine upon the penalties to be incurred, and to inflict the punishments, in case of the contravention of this article by their respective citizens or subjects.

Article VI

When this convention shall have been duly ratified by the president of the United States with the advice and consent of the Senate on the one part and on the other by His Majesty the Emperor of all the Russias, the ratification shall be exchanged at Washington in the space of ten months from the date below or sooner if possible, In faith wherof the respective Plenipotentiaries. Done at St. Petersburg, April 17, 1824.²²

22. Hunter Miller, op. cit., pp. 152-155.

Conclusion

As has been the case many times in disputes between nations, trade factors were the primary causes for the controversy between Russia and the United States. The decisive and diplomatic policy of the Secretary of State, John Q. Adams, was probably the most effective factor in settling the dispute, and although he wanted to prevent Russia from settling on the Northwest coast, the writer doubts that he would have cared greatly, if Russia had permitted free trade.

It is difficult to determine the relative value of the contending claims to the Northwest, but the writer feels that Russia had an extremely valid claim due to both discovery and settlement.

The United States gained prestige and respectful recognition in the eyes of the Russian government through the settlement of the controversy. And in general, the value of the relations and their consequences to the United States lay in the fact that the non-colonization policy of the United States was shaped and guided by the controversy presented in this study.

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