JOHN C. FRÉMONT'S CONTRIBUTION TO THE WINNING OF CALIFORNIA

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By

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PREFACE

In this work the student has made no attempt to add anything to the existing amount of material available concerning John Charles Frémont. Rather he has attempted to analyze carefully the part played by this controversial character at the time our nation was pushing her boundaries to the Pacific.

Much has been written about the chief figure of this work. The student has undertaken the task of weighing the different interpretations of the contributions of the man, Frémont, by comparing his work as viewed by his friends and by his foes. In making this evaluation he has availed himself of the memoirs of Frémont's contemporaries as well as those of Frémont himself. Wherever possible documentary sources have been used.

Material contained herein has been found in the library of the Oklahoma Agricultural and Mechanical College, in the library of the University of Washington, Seattle, and in books from the Library of Congress which have been secured on inter-library loan.

The student is deeply indebted to Professors George E. Lewis, Norbert R. Mahnken, and O. A. Hilton, of the History Department, Oklahoma Agricultural and Mechanical College, whose helpful criticism and supervision have made this work possible.

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EARLY LIFE AND EXPLORATIONS

Chapter I

In considering the contributions of a person it is often necessary to look into his ancestry and background in order to evaluate his acts. Especially is this necessary when dealing with such a controversial character as John Charles Frémont.

His mother was Ann Beverly Whiting, youngest daughter of Colonel Thomas Whiting. The Whitings were one of the best families of tidewater Virginia. Orphaned at an early age, Ann was reared by a married sister, and, as a result of her sister's planning, married John Pryor. Although a man of wealth, Pryor was many years older than his young wife and was stricken with the gout.[1]

It was only natural that such a good looking young woman should be noticed by Jean Charles Frémon,[2] a dashing French émigreé with a very adventurous past. The year was 1810, and at this period of our history our relations with the French were unusually cordial.

The couple eloped, and differences of opinion exist as to whether Ann and Pryor had been granted a divorce prior to the elopement. Records exist that indicate Pryor's petition to the Virginia legislature for a divorce was denied on Dec. 11, 1811.[3]

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[1]Allan Nevins, Frémont, Pathmarker of the West (New York: D. Appleton-Century Company, Inc., 1939), p. 4. Hereafter cited as Allan Nevins, Frémont, Pathmarker.

[2]John C. Frémont, for reasons that are not entirely clear, changed the spelling of his name.

[3]Allan Nevins, Frémont, Pathmarker, p. 8.

The birth of John Charles Frémont on Jan. 21, 1813, in Savannah, Georgia, is so clouded with obscurity that his political enemies were able to refer to it as illegitimate during Fremont's campaign for the presidency of the United States in 1856.[4]

Frémon died in 1818 and his destitute family moved to Charleston, South Carolina. In this old town of many French Huguenots, young John began to feel that his French blood was an asset rather than a liability. He was soon able to move in the best circles and quickly made friends.[5]

A friend of the youth sent him to a preparatory school in order to prepare him for the ministry or bar, but the indoor life proved too boring. However, the knowledge of mathematics, botany, physics, and chemistry gained in the preparatory school was to prove very valuable later when Fremont made his famous explorations to the West.[6]

Though expelled from school for irregular attendance, his reputation for brilliancy enabled him to secure a position as tutor in a private school. He read wisely, and it is probable that a book on practical astronomy so fascinated him as to lay the ground work for his later familiarity with the heavens.

Young Frémont made friends with a Creole family and roamed

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[4]Allan Nevins, Frémont, the West's Greatest Adventurer (New York: Harper Brothers, 1928), Vol. I, p. 502. Hereafter cited as Allan Nevins, Fremont, Adventurer.

[5]Ibid., p. 5.

[6]Dictionary of American Biography (New York: Charles Scribner's Sons, 1931), Vol. VII, p. 19.

the woods with the two boys of the family. He realized in later years that his boyhood days in the wilds influenced his whole life.[7]

He also became acquainted with Joel R. Poinsett. This distinguished citizen of Charleston had just returned from Mexico where he had served as our minister from 1825-29.[8] This friendship was to have beneficial consequences for Fremont in succeeding years, as will be indicated.

In 1832 President Andrew Jackson sent the warship Natchez to Charleston harbor when the South Carolina legislature passed the Nullification Ordinance. Outbreak of war between South Carolina and the United States seemed certain. When the crisis passed the warship returned to Hampton Roads, Virginia. On its subsequent cruise to South America, Frémont went along as an instructor in mathematics, a position he secured largely through Poinsett's influence.[9]

He gained some experience when he helped survey the route of a projected railway between Charleston and Cincinnati. During the winter of 1837-38 the government needed a survey made of the region in Georgia then occupied by the Cherokee Indians. Frémont wrote of this military reconnaissance, to which he was appointed:

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[7]John Charles Frémont, Memoirs of My Life: A Retrospect of Fifty Years (New York: Belford, Clarke, and Company, 1887), p. 20. Hereafter cited as John C. Fremont, Memoirs.

[8]J. Fred Rippy, Joel R. Poinsett, Versatile American (Durham, N.C.: University Press, 1935), p. 105. Hereafter cited as J. Fred Rippy, Poinsett.

[9]Dictionary of American Biography, Vol. VII, p. 19.

> Here I found the path I was destined to walk! Through many of the years to come the occupation of my prime of life was to be among Indians and in waste places. Other events which intervened were incidents in this and grew out of it. There were to be no more years wasted in tentative efforts to find a way for myself. The work was laid out and it began here with a remarkable continuity of purpose.[10]

In 1838 Frémont's friend, Joel R. Poinsett, was appointed Secretary of War by President Van Buren.[11] He knew that Fremont desired a commission and ordered him to Washington where the young man was commissioned a second lieutenant in the Topographical Corps. In this capacity he accompanied a survey party led by Jean Nichlas Nicollet that explored the region lying between the Missouri and the Upper Mississippi Rivers.[12]

On the return of the expedition Frémont spent more than a year aiding the scientists compile the data collected and complete the reports and maps of the area which had been surveyed. After these reports had been completed Frémont had some leisure time on his hands. He soon became a welcome figure at the social functions of the capital. His ability to talk of South American ports and Indian life and his boundless energy and charm doubtless help to explain this popularity.[13]

Senator Thomas H. Benton, United States Senator from

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[10]John C. Frémont, Memoirs, p. 24.

[11]J. Fred Rippy, Poinsett, p. 168.

[12]John C. Frémont, Memoirs, p. 38.

[13]John Bigelow, Memoir of the Life and Public Services of John Charles Frémont (New York: Derby and Jackson, 1856), p. 33. Hereafter cited as John Bigelow, Memoir.

Missouri, was much interested in western expansion.[14] He visited Frémont and Nicollet while they were completing their reports and maps, and Frémont subsequently wrote that his interviews with Benton were very important in shaping his later career.[15]

Benton had long been in favor of pushing American claims to the Pacific. Years later his daughter spoke thus of the Senator in a biographical sketch:

> ...He found in my father an appreciative friend. Mr. Frémont had been the topographical engineer of the surveys and was now making up his maps. My father found so much to inform and interest him in this Mississippi work, that quickly there grew up close and friendly relations.[16]

From time to time other senators met with them at Benton's home. Frémont was called upon to tell of his surveys, and gradually a scheme was formulated for a mapping expedition of the Northwest.[17]

Frémont first met Jessie, the Bentons' second oldest daughter, at the Benton home in Washington. As their interest in each other grew, the parents became alarmed. Benton protested that Jessie was too young to think of marriage. Fremont later described Mrs. Benton's attitude regarding his courtship in this manner:

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[14]George P. Garrison, Westward Expansion, 1841-1850 (New York: Harper and Brothers, 1900), p. 144. Hereafter cited as George P. Garrison, Westward Expansion.

[15]John C. Frémont, Memoirs, p. 66.

[16]Ibid., p. 13.

[17]Ibid., p. 66.

> Mrs. Benton was not always friendly to my suit, though to me she always was. She thought her daughter much too young -- she was but sixteen -- and beyond this that the unsettled life of an army officer was unfavorable to making such a home as she wished for her.[18]

The Bentons, through the aid of the Secretary of War, Joel R. Poinsett, had Frémont commissioned in the summer of 1841 to make a survey of the Des Moines River. Frémont was placed in charge of the expedition. He set out to the discharge of this duty with such spirits as he could command, finished it, and returned to Washington. On Oct. 19, 1841, shortly after his return, the impatient lovers were married.[19]

When the couple told Senator Benton of the wedding, a stormy scene followed. But as the days passed Benton was reconciled, and the family accepted Frémont wholeheartedly.

Frémont was fortunate in the time in which he lived, for the decade of the eighteen forties was the outstanding period of American expansion. It was during this time that Texas and the Southwest, California, and Oregon were added to the Union. Another factor in his favor was that his father-in-law was perhaps the greatest exponent of western expansion in Congress. In 1825 Senator Benton had introduced into the Senate a bill to authorize the President to use the Army and Navy in the protection of American interests in Oregon. Though many of his colleagues opposed him and the measure was defeated, he

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[18] Ibid., p. 68.

[19] John Bigelow, Memoir, p. 34.

persisted year after year in his contentions that the Stars and Stripes were destined to fly over all the western area now within the United States.[20]

In 1841 an appropriation of $30,000 was made by Congress for the purpose of financing an expedition to reassure the western settlers of the government's interest in them and to advertise the importance of Oregon to the public. However, it wasn't until later years that Benton admitted that one purpose of the expedition was to aid the Oregon emigration.[21]

On May 2, 1842, Frémont, now twenty-nine years of age, left Washington for St. Louis, Missouri, to organize and lead the expedition. Until recently he had been an unnoticed lieutenant, but his marriage to Senator Benton's daughter had made him a figure known to many of the inhabitants of the capital. Only a few months before he had been a green assistant to Nicollet, but now he was to step into the shoes of the latter.[22]

As guide of the expedition Frémont was extremely fortunate to secure the services of Kit Carson. Only thirty-three years of age at that time, Carson was well qualified, for he knew the West as well as any other man. "He was cool, quiet, observant

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[20]Congressional Globe, 29 Cong., 2 sess. (Washington: Blair and Rives, 1847), p. 859. Hereafter cited as Cong. Globe, 29 Cong., 2 sess.

[21]Thomas Hart Benton, Thirty Years View, 1821-1850 (New York: D. Appleton and Company, 1893), Vol. II, p. 178. Hereafter cited as Thomas H. Benton, Thirty Years.

[22]Allan Nevins, Fremont, Adventurer, Vol. I, p. 90.

and determined; the ideal complement of the quick, sensitive passionate, indomitable Frémont."[23]

During the period of four months Frémont's party accomplished all the objectives required by the government. They journeyed far enough up the Kansas River to ascertain its character, and then followed one of its branches to its source in the mountains. They went through the South Pass, and Frémont and four of his men climbed the highest peak found in that region. They returned by the valley of the Platte River, following that stream and determining its navagibility and the character of the region.[24]

Upon his return to Washington Frémont learned that Senator Benton was already planning a second expedition -- one to reach the Pacific Coast -- and he hurriedly began the report to Congress of the recently completed expedition. Upon its completion a resolution was passed in the Senate that it be printed for Congress with 1,000 extra copies for free distribution.[25]

The most important contribution made by this report was its declaration that the plains between the Missouri and the foothills of the Rockies were fertile and the Great American Desert did not exist in that area. The delusion that an American Sahara lay in regions which are now the very granary of

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[23]Allan Nevins, Frémont, Adventurer, Vol. I, p. 101.

[24]Congressional Globe, 27 Cong., 3 sess. (Washington: Blair and Rives, 1843), p. 390.

[25]Ibid.

the United States persisted, however, until the gold rush of 1849 finally disproved that erroneous belief.[26]

Frémont's report turned much attention toward Oregon and many settlers left Missouri for that region. President Tyler, however, in his annual message to Congress in December, 1842, expressed the thought that it would be wise to wait until the respective claims of Great Britain and the United States were adjusted before granting titles to land in the Oregon country.[27]

The resentment of the expansionists was immediate, and a bill was introduced in the Senate which provided for the construction of a series of forts along the Oregon route and one at the mouth of the Columbia River. The bill also provided that each adult settler should be given a section of Oregon land as a homestead.[28] Though this bill was killed in the House of Representatives, much was accomplished toward turning the public's attention toward the Northwest.

Frémont sought and obtained orders for a second expedition when his first one was barely completed. His orders were to complete his line of survey across the continent. Little was known concerning the whole western slope of our continent, and that little was mostly guesswork.[29]

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[26]Allan Nevins, Frémont, Pathmarker, p. 124.

[27]James David Richardson (ed.), Compilation of the Messages and Papers of the President, 1787-1897 (Washington: Government Printing Office, 1909), Vol. IV, p. 196. Hereafter cited as James D. Richardson, Messages and Papers.

[28]Thomas H. Benton, Thirty Years, Vol. II, p. 469.

[29]Ibid., p. 580.

This expedition left the present site of Kansas City, Missouri, on the 29th of May, 1843. On the 4th of November they had reached Fort Vancouver on the Columbia River, which was the appointed terminus of the journey. On returning to the present site of The Dalles the party decided to traverse what is now the state of Oregon from the north to the south.[30]

On March 6, 1844, the expedition had crossed the present state of Oregon from the Columbia River in a southerly direction. They crossed over into what is now California and provisioned at John A. Sutter's fort.[31]

As the expedition made its way to the United States, it returned by way of the present state of Utah. The attention of the Mormons was first turned to the Salt Lake region by Frémont's report of his survey. Senator Benton afterwards claimed that Frémont's visit to California was our first step toward the acquisition of that province.[32]

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[30]Allan Nevins, Frémont, Pathmarker, p. 145.

[31]John Bigelow, Memoir, p. 108.

[32]Thomas H. Benton, Thirty Years, Vol. II, p. 581.

CALIFORNIA BEFORE THE CONQUEST

Chapter II

The state of California, according to the 1940 census, contained a population of 6,907,387, and the Census Bureau's population estimate for July 1, 1945, was 8,822,688. One city, Los Angeles, in 1940, had a population well over 1,500,000, while five other cities had over 100,000.[1] In comparing the California of today with the province while under Mexican rule we find:

> Under Mexican rule California, the Golden West, was anything but golden. It was poor, shiftless and pitiful; unprotected, undeveloped, unenlightened, unconsidered; helpless and almost hopeless. Although the province extended from the Pacific to the Rocky Mountains, only a strip some fifty miles wide was occupied by white men, and but a small part of that fraction consisted of farms regularly owned. The famous missions wrecked by the Mexican government, lay in ruins. In ten degrees of latitude there was but one considerable seaport, Monterey, a village of about one hundred small houses; and the only other sizable town, Los Angeles, contained some 1500 persons, with perhaps an equal number in places depending upon it. The total population in 1845 amounted probably to something like 10,000 whites, 5000 Indians in the stage of civilization represented by the breechclout, and 10,000 other savages.[2]

Today the connection of California with the North Pacific area is overlooked, yet the name California was once applied to the entire coast from the tip of Lower California to Alaska. A little more than a hundred years ago California was a base

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[1] Commercial Atlas (Chicago: Rand McNally & Company, 1947) 78th ed., pp. 68-73.

[2] Justin H. Smith, The War with Mexico (New York: The Macmillan Company, 1919), Vol. I, p. 315. Hereafter cited as J. H. Smith, War with Mexico.

for Spanish voyages to Nootka. It later came within the sphere of Russia's interest. Similarly the British advance across the continent by way of Canada reached the northern edge of the province, and Great Britain undertook plans for the commercial and perhaps political absorption of California.[3]

By the treaty between the United States and Russia concluded April 17, 1824, the northern limit of the claims of the United States was fixed at 54° 40' north lattitude, the southern boundary of Alaska. It was also agreed that the citizens of the United States were not to settle north of that line nor were Russian subjects to settle to the south.[4] Thus Russia left it to Great Britain and the United States to contest the territory south of 54° 40'.

The Indians of California were very weak and primitive. They did not delay white settlement and conquest for a single day, once the white man had overcome the obstacles of nature. This is evidence of their weakness, but that the Spaniards were so successful in coping with them is more a tribute to Spanish colonizing skill than conclusive proof of Indian incapacity.[5] Illustrative of the low opinion in which the Spaniards

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[3]John Walton Caughey, California (New York: Prentice-Hall, Inc., 1946), p. 5. Hereafter cited as John W. Caughey, California.

[4]Hunter Miller (ed.), Treaties and Other International Acts of the United States of America (Washington: Government Printing Office, 1937), Vol. II, pp. 151-155. Hereafter cited as Hunter Miller, Treaties.

[5]Charles E. Chapman, A History of California: The Spanish Period (New York: The Macmillan Company, 1939), p. 20. Hereafter cited as Chas. E. Chapman, California.

held the Indians of California is the fact that the first Spanish colonizers employed no more complimentary adjectives than "peaceful" or "numerous" to describe them.[6]

New Spain, the name given to Mexico by the Spanish settlers rather than Spain itself, was the base for explorations towards, to, and beyond California. California was governed as an offshoot of New Spain, and this relationship was continued until the United States took possession. California stands as an example of a colony that derived much from 16th century New Spain and had much in common with it.

On his famous voyage around the world in the latter part of the sixteenth century Sir Francis Drake spent a month along the northern coast of California repairing and provisioning his vessel and exchanging presents with the Indians. He also took possession of the land in the name of Queen Elizabeth and named the entire province Nova Albion.[7] For nearly 300 years Great Britain used this voyage as a basis for her claim to the west coast of the present United States.

As early as 1542 Spanish explorers had traversed the coast of Alta or Upper California. It was not, however, until the 1760's when the Russian Bear threatened along the northern coast, and the British evinced a lively interest in the area that Spain roused herself to send colonists there. That Alta California was but a fragile outpost for several years after

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[6]John W. Caughey, California, p. 21.

[7]Ibid., p. 67.

the first settlements had been made can be seen when one learns that only two presidios and five missions were built by the end of 1773. During the next half century numerous other settlements were made. The settlements in Alta California remained largely coastal until John A. Sutter and other aliens began to occupy the great valleys in the 1840's.[8]

The mission was not duplicated or even approximated on the Anglo-American frontier, and yet it is the best known institution of Spanish America. The mission was temporary in that it was designed to continue in a given locality only long enough to get the Indians on the road to Christianity and civilization. Then it would be secularized or converted into a parish church and the mission lands distributed among the mission Indians.[9]

Alta California was one of the few regions now a part of the United States which had an active part in the Spanish American wars of independence. Her military participation was limited to one brief naval attack of some insurgent ships. It appeared for awhile that Alta California might free herself from Spain and become an independent republic. She remained loyal to Spain, however, and the people of the province were in the main ignorant of the scope and importance of the series of wars being fought in the Americas. They never doubted the king would win.[10]

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[8] Ibid., p. 182.

[9] Ibid., p. 86.

[10] Chas. E. Chapman, California, p. 438.

Early in 1822 California was informed of the success of the Mexican Revolution. The governor of the province assembled the junta for the purpose of making the announcement, and the province was declared a part of the Mexican Empire.[11]

In Mexico California's congressman urged the establishment of a protective colony against the Russians. In 1834 two hundred and four colonists were recruited in Mexico and sailed for California. They settled in the Sonoma Valley where they were later joined by a few other colonists.[12] On the whole, however, the Mexican government failed to realize the necessity of augmenting the population of California by colonization from Mexico. The white population, as we have seen, remained small.

The demand of New England manufacturers for a leather supply for their boot and shoe industries familiarized New Englanders with California and made them aware of its potentialities. Hide and tallow constituted almost the only California products that were sold to foreign trading ships after 1820. All up and down the coast a hide was known as a "California Banknote". The hide and tallow trade promoted the infiltration of Americans into the province.[13]

Another trade outlet was the Hudson's Bay Company's

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[11] John W. Caughey, California, p. 187.

[12] Ibid., p. 192.

[13] Reuben L. Underhill, From Cowhides to Golden Fleece (Stanford University: Stanford University Press, 1946), p. 22. Hereafter cited as R. L. Underhill, Cowhides to Golden Fleece.

trading post at Yerba Buena (San Francisco). The manager of the post was instructed not only to conduct trade but also to look toward the possible acquisition of the province for the British. In 1839 Alexander Forbes, British vice-consul at Tepic, Mexico, wrote his History of Upper and Lower California. This work was intended primarily as propaganda to bring about British colonization. Whether the British home government was interested or not in the efforts to acquire California for the Empire, British officials in California and Mexico were thoroughly determined to snatch the province out of the grasp of the United States.[14]

President Andrew Jackson made the first open attempts at acquisition in 1835 when he authorized his diplomatic agent in Mexico to offer the sum of $500,000 for San Francisco Bay and the northern half of the province, considered to be the only valuable region so far as the United States was concerned. The offer came to naught, for Mexico refused to sell.[15]

In 1844 Thomas O. Larkin, a merchant of Monterey, was appointed American consul at that port. He was directed by the State Department to exert the greatest vigilance in discovering and defeating any attempts which might be made by any foreign power to acquire control over the province. He was also directed to persuade the Californians to resist any attempts

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[14]John W. Caughey, California, p. 267.

[15]House Executive Document, 25 Cong., 1 sess. (Washington: Government Printing Office, 1836), No. 42, p. 18.

to transfer the province to Great Britain or France. Through Larkin the State Department promised the people of California that the United States government would support them in resisting foreign acquisition.[16]

Shortly after his inauguration in March, 1845, President James K. Polk sent John Slidell to Mexico City to offer the Mexican government up to $40,000,000 for California.[17] Polk had already decided upon annexation and in his first annual message to Congress in December, 1845, he invoked the Monroe Doctrine:

> This principle will apply with greatly increased force should any European power attempt to establish any new colony in North America. In the existing circumstances of the world the present is deemed a proper occasion to reiterate and reaffirm the principle avowed by Mr. Monroe and to state my cordial concurrence in its wisdom and sound policy.[18]

Almost his entire message was devoted to our relations with Mexico. Of these relations Polk stated:

> The state of our relations with Mexico is still in an unsettled condition. The minister of the United States to Mexico at the date of the last advices had not been received by the existing authorities.[19]

A few years later Frémont found some papers among the government archives when he was gathering proof of his proper

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[16] John W. Caughey, California, p. 269.

[17] Allan Nevins (ed.), Polk: The Diary of a President, 1845-1849 (New York: Longmans, Green and Company, 1929), p. 10. Hereafter cited as Allan Nevins, Polk.

[18] James D. Richardson, Messages and Papers, Vol. Iv, p. 399.

[19] Ibid., p. 427.

conduct during the Bear Flag Revolt in California to present to the Senate Military Affairs Committee. This committee was investigating claims against the United States government by those who had supported Frémont's operations. Some of these papers were undated, and Frémont used them in a translated form as a part of his deposition. These documents show that other countries besides the United States had designs on California.[20]

Eugene Macnamara,[21] Catholic priest in California, wrote the president of Mexico that it did not require the gift of prophecy to foresee that within a short time California would cease to be a part of Mexico, unless foreign rapacity should be restrained. The best way to offset this, so Macnamara claimed, would be to colonize the area, and since Mexico had such scant population Europe must furnish the settlers. In his opinion the Irish-Catholics were best suited to the religion, character, and temperament of the inhabitants of Mexico. Consequently, Macnamara proposed to bring 10,000 Irish Catholics from Ireland to California. Macnamara's objectives were embodied in his letter to the president of Mexico:

> For this reason I propose, with the aid and approval of your excellency, to carry forward this project, to place in Upper California a colony of Irish Catholics. I have a triple object in making this proposition. I wish in the first place, to advance the cause of Catholicism. In the second, to contribute to the happiness

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[20] Senate Reports, 29 Cong., 2 sess. (Washington: Government Printing Office, 1847), No. 75, p. 19. Hereafter cited as Sen. Reports, 29 Cong., 2 sess.

[21] Frémont spells the name thus in his deposition, although some historians spell it "MacNamara".

> of my countrymen. Thirdly, I wish to put an obstacle in the way of further usurpations on the part of an irreligious and anti-Catholic nation. I, therefore, propose to your excellency that there be conceded to me, an extent of territory on the coast of Upper California, for the purpose I have indicated.[22]

Macnamara proposed to locate the first colonists on the Bay of San Francisco. This was thought to be a suitable site since the Americans had settled at Bodega, a port abandoned by the Russians, about thirty miles to the north of San Francisco. A second colony would be established at Monterey, and a third at Santa Barbara. By this means the entire coast would be secured and guarded against what Macnamara called the "pillages and ravages of foreigners." Macnamara proposed to grant a square league of land, some 4428 acres, to each family taken to the province. When each child married it would be given 2214 acres as a national gift.[23]

In another paper from Macnamara to the president of Mexico he urged prompt action by Mexico. He emphasized that if the means he proposed were not speedily adopted the Californias would become a part of the American nation within another year, and the Catholic institutions would be a prey of the "Methodist wolves". The number of settlers he intended to bring would be sufficient to repel both the secret intrigues and open attacks of the "American usurpers".[24]

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[22] Sen. Reports, 29 Cong., 2 sess., No. 75, p. 19.

[23] Ibid., pp. 20-21.

[24] Ibid., p. 24.

The Mexican government acted favorably upon Macnamara's proposal. Pio Pico, governor of California, issued grants to Macnamara on July 4, 1846, for one sitio (4428 acres) for each of the 3000 families to be brought to the San Joaquin Valley.[25]

In a series of depositions before the Senate Military Affairs Committee which a few years later investigated Fremont's conduct six American settlers in California at the time of the American acquisition (Risdon A. Moore, R. E. Russell, Thos. E. Breckenridge, Josiah Ferguson, J. C. Davis, and L. D. Vincenthaler) all testified that to the best of their knowledge grants of land and buildings were being made by Mexico to citizens of foreign powers prior to the Bear Flag Revolt. They testified further that Frémont's movements did much to interfere with the grants and sales.[26]

It is readily seen that during the years immediately preceding 1846 California was very loosely attached to the Mexican Republic. The settlers themselves realized that the province would very likely break away from the mother country voluntarily or be torn away by some imperialistic power. This situation was to prepare the way for the acquisition of the province by the United States.

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[25] Ibid., pp. 24-25.

[26] Ibid., pp. 56-59.

FREMONT, THE EMPIRE BUILDER

Chapter III

In May, 1845, John C. Frémont, by this time a captain in the topographical engineering corps, left Washington, D. C., under orders of the War Department to explore the region west of the Rocky mountains. The alleged purposes of this expedition were similar to those of his previous explorations and were of a scientific character with no view whatever of military operations.[1]

His primary object was to discover a new and shorter route from the western base of the Rockies to the mouth of the Columbia River. Not an officer nor a soldier of the United States Army accompanied him. His entire force consisted of sixty-two men employed by himself for security against Indians and for procuring subsistence in the wilderness and desert country through which he must journey.[2]

In the winter of 1845-46 the party descended from the high and rugged mountains to the California frontier one hundred miles from Monterey glad of their escape from the suffering and perils of the long journey, and confident of enjoying the hospitable welcome they had received the year before.[3]

Leaving his men on the frontier Frémont proceeded to

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[1] Cong. Globe, 29 Cong., 2 sess., appendix, p. 16.

[2] Ibid.

[3] John Bigelow, Memoir, p. 133.

Monterey on the third of March, 1846, to inform the Mexican authorities of the condition of his party and to obtain permission to recruit and procure the supplies necessary to proceed with his expedition. On his way he was suddenly intercepted near Monterey by a cavalry troop which delivered him an imperious message from General Jose Castro, commander of the Mexican troops in California. Frémont and his men were ordered to retire instantly from the country. The rudeness and belligerency of the message, along with Frémont's knowledge that his party was in no manner prepared to retire into the desolate regions from which they had only recently emerged, caused Frémont to refuse to obey Castro's command. This refusal, as perhaps Frémont anticipated, was to be interpreted as a challenge to the power of the Mexican government in California.[4]

As soon as Frémont could return to his party, it was decided they should take a position in the rough mountains overlooking the plains of Monterey. This position afforded them protection from the expected attack. During the three days they remained encamped there, they strengthened their position by the erection of a rude fort of felled oak trees. During this time the Mexican forces were visible at the mission of San Juan in the distance preparing for an attack.[5]

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[4]Hubert Howe Bancroft, History of California (San Francisco: The History Company, 1886), Vol. V, p. 11. Hereafter cited as H. H. Bancroft, California.

[5]John Bigelow, Memoir, p. 134.

Frémont erected a staff at Hawks' Peak, the highest point of the elevation, and unfurled from it the flag of his country. In a letter to his parents one of Fremont's men stated:

> We waited for Castro three days; he would not commence the offensive, and we were getting short of provisions and had to retreat. We are now camped at the head nearly of Sacramento valley, on our way to Oregon. I think it very likely that we will return yet, and go down through California; peacefully if we can, forcibly if we must.[6]

Frémont sent a communication to Consul Thomas O. Larkin at Monterey, after the latter had warned him he was about to be attacked. Frémont told Larkin that his party had done no wrong to the people or to the authorities of the province. He also stated that if they were hemmed in and assaulted they would die to the last man, if need be, under the flag of their country.[7]

The Mexicans realized they could not successfully engage the explorers so long as they held their position. On the night of the ninth of March, 1846, the party moved slowly down the San Joaquin Valley and turned up through northern California towards Oregon and the Columbia River.[8]

Senator Benton, father-in-law of Frémont, explained Fremont's motive in hoisting the American flag in this manner:

> It was raised at the approach of danger; it was taken down when danger disappeared. It was well and nobly done, and worthy of our admiration. Sixty of

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[6] Cong. Globe, 29 Cong., 2 sess., appendix, p. 138.

[7] John C. Frémont, Memoirs, p. 463.

[8] John Bigelow, Memoir, p. 213.

> our countrymen, three thousand miles from home, in sight of the Pacific Ocean, appealing to the flag of their country, unfurling it on the mountain top, and determined to die under it, before they would submit to unjust aggression.[9]

As the Frémont party withdrew the settlers in California held two divergent views in regards to the episode. Many of the native Californians actually believed the Mexican army superior to that of the United States. This false sense of security, undoubtedly had an unwholesome influence upon Mexican officials in their dealings with the Americans. Castro was even criticised by some of his subordinates for not attacking the explorers.[10]

Some of the Mexicans claimed horses used by the party. When Frémont unceremoniously ordered the claimants out of his camp, the disgruntled Mexicans reported the affair to the alcalde of San Jose. The latter protested vigorously to Fremont on behalf of the claimants. He also directed the American leader to appear before him to prove ownership of the horses in dispute. Frémont replied to the official's communication in this manner:

> You will readily understand that my duties will not permit me to appear before the magistrates of your towns on the complaint of every straggling vagabond who may chance to visit my camp.[11]

Whatever may have been the merit of the Mexican's claim, it is now evident that Frémont's refusal to obey the summons

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[9] John C. Frémont, Memoirs, p. 464.

[10] H. H. Bancroft, California, Vol. V., p. 15.

[11] Ibid., p. 8.

of the legal authorities was altogether injustifiable, and the tone of his refusal was most insolent.

In contrast to the views of the Mexican settlers and officials, however, the American settlers sent Frémont word that they would come to his aid whenever necessary. As the explorers withdrew toward Oregon, Frémont held the rather dangerous idea firmly in mind that he could raise an army in California equal in numerical strength and superior to any force the Mexicans of that section might bring against them. It is highly probable that Frémont could hardly turn his attention seriously toward exploration after such an experience awakened his ambitions.[12]

Frémont and his men had reached the northern end of Klamath Lake in Oregon and were about to start exploring a new route into the Willamette Valley, when two horsemen from California overtook them. They reported to Fremont that Lieutenant Archibald H. Gillespie of the Marine Corps with dispatches from the United States government had recently left Sutter's Fort and had been searching for Fremont and his party for several days. Frémont and some of his best men retraced their trail and met Gillespie.[13]

In a deposition presented to the Senate Military Affairs Committee some few years later Gillespie stated: "I was bearer

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[12]Allan Nevins, Frémont, Adventurer, Vol. I, p. 268.

[13]John C. Fremont, Memoirs, p. 487.

of the duplicate of a dispatch to Larkin, a packet to Frémont, a letter of introduction to Fremont from Buchanan.[14] The dispatch was destroyed after having been committed to memory."[15]

Frémont's deposition given to the same committee explains Gillespie's communication in this way.

> This officer informed me he had been directed, by the Secretary of State to find me, and to acquaint me with his instructions, which had for their principal objects to ascertain the disposition of the California people, to conciliate their feeling with the United States, and to find out with a design of counteracting the designs of the British government upon that country.
>
> These communications, and the dangers of my position, (three men were killed in our camp the night Lieutenant Gillespie delivered his letters) induced me, after returning to my party at the north end of the lake, to turn back to the valley of the Sacramento.[16]

Gillespie conveyed much exciting news that he had picked up along the way. This included the fact that Commodore John D. Sloat of the United States Navy had sent the sloop Portsmouth to San Francisco to protect the Americans of that area. He expressed the opinion that the United States and Mexico would start fighting at any time.[17]

The letters from Frémont's family were clear upon the need of taking and holding possession of California should an incident happen that would justify it. Frémont was warned of the intention of the British to acquire the province and was

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[14]James Buchanan was Secretary of State during Polk's administration and was later President of the United States.

[15]Sen. Reports, 30 Cong., 1 sess., No. 75, p. 30.

[16]Ibid., pp. 12-13.

[17]Thomas H. Benton, Thirty Years, Vol. II, p. 689.

told that President Polk desired that he should not let them succeed in their designs. Rather, he should use every means at his disposal to prevent the British acquisition of California.[18]

Senator Benton was in close contact with President Polk at this time. In a conversation between them the President stated:

> ...I remarked that Great Britain had her eye on that country and intended to possess it if she could, but that the people of the United States would not willingly permit California to pass into the possession of any new colony planted by Great Britain or any foreign monarchy, and that in reasserting Mr. Monroe's doctrine I had California and the fine bay of San Francisco as much in view as Oregon.[19]

In his diary entry for October 30, 1845, Polk wrote concerning his instructions to Lieutenant Gillespie:

> I held a confidential conversation with Lieut. Gillespie of the Marine Corps, about eight o'clock P. M., on the subject of the secret mission on which he was about to go to California. His secret instructions and the letter to Mr. Larkin, United States consul at Monterey, in the Department of State, will explain the object of his mission.[20]

Therefore, it is seen that President Polk was definitely interested in California, and that he sent secret instructions to officials in that province to assist in bringing about its acquisition. There remains to this day a good deal of uncertainty as to whether or not Frémont himself received any

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[18] George P. Garrison, Westward Expansion, p. 237.

[19] Allan Nevins, Polk, p. 19.

[20] Ibid., p. 22.

instructions from the President concerning California. We do have sworn depositions from the carrier and from the recipient, Gillespie and Fremont respectively, that such instructions were sent and delivered. Also we have Polk's statement that he sent secret instructions to California.[21]

The twenty-fourth of May, 1846, found Frémont and his men on the Sacramento River. It was there that they received the startling news that General Castro had ordered all non-citizens to leave the province. Furthermore, Castro had stated his intentions to prevent any new American immigrants from entering the province.[22]

Fremont realized that his position in California was illegal, but he posed as an explorer who intended to return to St. Louis by a southern route. Years later he described the situation in California in the following words:

> I saw the way opening clear before me. War with Mexico was inevitable; and a grand opportunity now presented itself to realize in their fullest extent the far sighted views of Senator Benton, and make the Pacific Ocean the western boundary of the United States. I resolved to move forward on the opportunity and return forthwith to the Sacramento Valley in order to bring to bear all the influences I could command.... This decision was the first step in the conquest of California.[23]

Conditions in the province began to take on the atmosphere of war. Senator Benton summarized existing conditions thus:

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[21] Ibid.

[22] George L. Rives, The United States and Mexico (New York: Chas. Scribner's Sons, 1913), Vol. II, p. 183. Hereafter cited as Geo. L. Rives, United States and Mexico.

[23] John C. Frémont, Memoirs, p. 490.

> Three movements were then going on and if not halted, likely to lead to serious consequences. The American settlers were being massacred and their settlements along the Sacramento being destroyed, California was being subjected to British protection, and the public domain was being transferred to British subjects. All these were being done with the idea of anticipating war between Mexico and the United States and to keep California from falling into the arms of the United States.[24]

Meanwhile General Castro and Don Pio Pico, newly appointed governor of the province, engaged in a bitter quarrel as to their respective spheres of authority. The American inhabitants of the area were aware of the confusion, and a move for independence gathered momentum. On June 14, 1846, only a short time after Frémont's return from Oregon, the revolt started with a band of the Americans entering the town of Sonoma and taking control. No resistance was given the invaders, the town was declared conquered, and the Bear Flag was raised.[25]

William B. Ide, an American settler in the Sacramento Valley, was chosen captain of the revolutionists. Ide is described as a "shrewd, fussy, dogmatic Jack-of-all-trades", who had wandered West from Vermont, and had been successively farmer, school teacher, carpenter, and rancher. He published a declaration on June 18, 1846, in which he set forth the principles of the revolt. These principles as stated in the declaration were to "overthrow a selfish, incompetent government which had confiscated property and shamefully oppressed

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[24]Thomas H. Benton, Thirty Years, Vol. II, p.68.

[25]H. H. Bancroft, California, Vol. V, p. 117.

the people of California."[26]

It is rather difficult to determine Fremont's part in this Bear Flag revolt. One hostile critic believed that even though Fremont held himself aloof from the masses, that he secretly conspired with a few leaders to bring about the outbreak and promised the full support of himself and his party.[27] Whatever the cause of the uprising, whether a foolhardy revolt by reckless settlers who feared that the natives would burn their crops and homes, or that it was instigated by Fremont in order to precipitate an active campaign against the California forces, will probably never be known.

Upon being informed of the uprising, Frémont rushed an order to the captain of the sloop Portsmouth, which was anchored in the harbor at Monterey. This order included lead, powder, percussion caps, flour, sugar, pork, etc., and could very easily be used for an expedition against some California village as well as to continue the exploration.[28]

Meanwhile, a good deal of excitement was developing among the Americans in northern California. Their number had greatly increased in recent years. Many of these settlers were strongly opposed to a continuation of Mexican control and desired a conflict with Mexico in order to bring about an end to that control.[29]

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[26]Allan Nevins, Frémont, Pathmarker, p. 271.

[27]H. H. Bancroft, California, Vol. V, p. 91.

[28]John C. Frémont, Memoirs, p. 504.

[29]H. H. Bancroft, California, Vol. V, p. 103.

Affairs had now reached the stage whereby Frémont had to decide upon his future course of action. Sutter informed Gillespie on May 30, 1846, that General Castro had incited the Indians to a revolt. The latter were urged to join the Californians in exterminating the American settlers. Sutter also wrote that the Indians had been bribed to burn the large crop of wheat belonging to the Americans, and that it was Castro's intent to attack and cut off Frémont's party.[30]

Frémont used his imagination about the cause of the Indian uprising. This conclusion is borne out by the following statement of Frémont's:

> ...a man named Hensley said that Sutter said that the Cosumne Indian Chief said that Castro said he would give great rewards if the Indians would burn the crops of the settlers.[31]

Calling his men together, Frémont described the situation and informed them that they were released for the time being from the services of the United States government. If they wished, they could volunteer in defense of the American settlers in California. Frémont, making use of his understanding of human nature, also informed his men that he was now doing what all of them had the freedom of doing ----going to the aid of the American settlers. All of the members of the party declared their readiness to do likewise and chose Fremont their commander.[32]

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[30] Sen. Reports, 30 Cong., 1 sess., No. 75, p. 26.

[31] Geo. L. Rives, United States and Mexico, Vol. II, p. 185.

[32] Glenn D. Bradley, Winning the Southwest (Chicago: A. C. McClurg and Company, 1912), p. 213

On July 4, 1846, Fremont's men were organized into the California Battalion along with some of the American settlers. This battalion finally consisted of four companies numbering two hundred and thirty-four men in all. John A. Sutter placed all the supplies he could spare at the disposal of the battalion.[33]

In his message to Congress on May 11, 1846, President Polk had stated that a condition of war existed between Mexico and the United States.[34] Two days later Congress declared a state of existing war and passed an act authorizing the President to prosecute the war.[35] In the battles of Palo Alto and Resace de la Palma General Zachary Taylor had driven the Mexicans across the Rio Grande.[36]

The American squadron left Mazatlin, Mexico, and under Commodore John D. Sloat arrived at the port of Monterey on the second of July, 1846. It held its position there for five days without engaging in any of the activity. Sloat held instructions from Secretary of the Navy George Bancroft which ordered him in the case of war between the United States and

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[33]Julian Dana, Sutter of California (New York: The Macmillan Company, 1936), p. 234.

[34]William McDonald (ed.), Documentary Source Book of American History (New York: The Macmillan Company, 1917), p. 371.

[35]United States Statutes at Large, 29 Cong., 1 sess., Vol. IX, pp. 9-10.

[36]Herbert Ingram Priestley, The Mexican Nation, A History (New York: The Macmillan Company, 1930), p. 306. Hereafter cited as H. I. Priestley, Mexican Nation.

Mexico to employ the forces under his command in such manner that San Francisco should be taken, then the port of Monterey, and then as many other Mexican ports as his forces could hold. With these ports in the possession of the United States, Sloat was to blockade as many other Mexican ports in the Pacific as possible and watch over American interests and citizens on the west coast of Mexico. He was ordered to do all these, if possible, without any strife with the Californians. The great distance between the Navy Department and Sloat's squadron was considered, and the navy commander was ordered to deal at his discretion with any new circumstances which might arise.[37]

Sloat occupied Monterey on the seventh of July and sent a message to Frémont directing the latter to confer with him. When Sloat was told by Frémont that the latter had acted on his own initiative, for it was not yet known that the United States and Mexico were at war, he appeared disappointed. He then remarked that he had acted upon the faith of Fremont's operations in the North.[38]

The frigate Congress arrived at Monterey on the fifteenth of July and Commodore Robert F. Stockton reported to Sloat for duty. Sloat assigned the command of the fleet to Stockton and immediately sailed for the United States.[39]

Frémont claimed that the hoisting of our flag at Monterey

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[37] Cong. Globe, 29 Cong., 2 sess., appendix, p. 20.

[38] Sen. Reports, 30 Cong., 1 sess., No. 75, p. 26.

[39] H. H. Bancroft, California, Vol. V, p. 253.

saved California and the Pacific coast from British intervention. The British fleet, seeing the American flag had no right, as a neutral power, to interfere. Ex-Governor Rodman M. Price of New Jersey, in 1846 a naval officer under Sloat, wrote a statement in defense of Frémont many years later in which he quoted the English admiral a few days after the American squadron had raised the flag at Monterey as saying: "Sloat, if your flag was not [sic] flying on shore I should have hoisted mine there".[40]

Upon the arrival and assumption of command by Stockton the California Battalion was taken into the naval service. Frémont was promoted to the rank of major, and eighty marines were added to the unit for extra strength. This force embarked on the sloop Cyane for San Diego. After landing there they marched to Los Angeles. Stockton had already arrived at the city and on the 12th of August, 1846, they took possession of the City of the Angels without meeting any resistance.[41]

By the seventeenth of that month they had completed and proclaimed the conquest of California, and the Mexican troops under Castro had fled to Sonora. Stockton then took possession of the whole province as a conquest of the United States. He appointed Frémont to assume the functions of governor when

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[40]John C. Frémont, Memoirs, p. 542.

[41]House Executive Document, 29 Cong., 2 sess. (Washington: Government Printing Office, 1846), No. 4, p. 668. Hereafter cited as House Ex. Doc., 29 Cong., 2 sess.

he himself should return to his naval squadron.[42]

Events were moving swiftly. General Taylor had driven the Mexicans across the Rio Grande and was advancing into the northern part of Mexico.[43] On June 15, 1846, Richard Pakenham, the British minister to Washington and James Buchanan, American Secretary of State, had signed at Washington the treaty making the forty-ninth parallel of latitude our northern boundary.[44] Colonel[45] Stephen W. Kearny was preparing to invade New Mexico and California in order to acquire those provinces for the United States,[46] and everywhere eyes were focused on far-off California.

At this time Fremont was acting in full co-operation with Stockton and was taking orders from him. The following quotation is from a letter received by Frémont from the naval commander, dated August 24, 1846, and written from his headquarters at Los Angeles:

> I propose, before I leave the Territory, to appoint you to be the governor, and Captain Gillespie the secretary thereof; and to appoint also the council of state and all the necessary officers.
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> You will, therefore, proceed without delay to do all you can to further my views and intentions thus

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[42] Cong. Globe, 29 Cong., 2 sess., appendix, p. 15.

[43] H. I. Priestley, Mexican Nation, p. 306.

[44] Hunter Miller, Treaties, Vol. V, pp. 3-5.

[45] Kearny was promoted to the rank of brevet brigadier general, effective as soon as he left Ft. Leavenworthfor the West.

[46] House Executive Documents, 31 Cong., 2 sess. (Washington: Government Printing Office, 1850), No. 17, p. 239. Hereafter cited as House Ex. Doc., 31 Cong., 2 sess.

> frankly manifested. Supposing that by the 25th of October you will have accomplished your part of these preparations, I will meet you at San Francisco on that day, to complete the whole arrangement, and to place you, as governor, over California.
>
> You will dispose of your present force in the following manner, which may be hereafter altered as occasion may require.
>
> Captain Gillespie to be stationed at this city, with fifty men and officers in the neighborhood; twenty-five men, with an officer, at Monterey, and fifty at San Francisco.
>
> If this can be done at once, I can, at anytime, safely withdraw my forces as I proceed up the coast to San Francisco, and be ready, after our meeting on the 25th of October, to leave the desk and the camp, and take to the ship and to the sea.[47]

It can be seen from this letter that Commodore Stockton wished to return to his naval operations. On the second of September he issued a general order creating the office of military commandant of the territory who was to act upon directions from the governor. On that same day Frémont was appointed to the newly created position. Due to circumstances which arose whereby his superiors were contesting each other's authority, Fremont was not given the promised post as governor. Later orders from the Secretary of the Navy revoked Stockton's orders to create a civil government.[48] As will be seen, this added much to the confused state of affairs in California.

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[47] House Ex. Doc., 29 Cong., 2 sess., No. 4, p. 675.

[48] John Bigelow, Memoir, p. 199.

FRÉMONT, THE MISUNDERSTOOD

Chapter IV

At the end of June, 1846, General Stephen W. Kearny led the Army of the West out of Fort Leavenworth to take possession of New Mexico and California for the United States. Meeting with only slight resistance, he had completed the conquest of New Mexico by the middle of September and had occupied Santa Fe.[1] On Sept. 25, 1846, he set out for California with a part of his troops, the others being left to occupy New Mexico. His orders from the Secretary of War directed him to take possession of California.[2]

On the way he met Kit Carson, acting as messenger for Fremont and Stockton, with dispatches from Stockton and private letters from Fremont. The dispatches were to be delivered to the Secretary of Navy, and the letters from Frémont were for his wife and Senator Benton. Carson also carried equally important verbal communications to the national government and Frémont's family.[3]

Carson told Kearny that California was virtually conquered and that the United States flag was raised in all parts of the province. Kearny, however, insisted that he himself should proceed to California and establish a civil government.

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[1] Abraham Robinson Johnston, and others, Marching with the Army of the West, 1846-1848 (Glendale, California: The Arthur H. Clark Company, 1935), p. 27.

[2] House Ex. Doc., 31. Cong., 2 sess., No. 17, p. 239.

[3] John C. Fremont, Memoirs, p. 585.

Carson then told him that a civil government was already established and that Frémont was to be appointed governor. Kearny assured Carson that no misunderstanding could arise since he himself was a friend of Frémont's and would make the latter governor. In addition, Kearny insisted that Carson turn back to guide him into California.[4]

Even though Carson protested against turning back from his mission, he reluctantly acquiesced, and the dispatches which he carried were transferred to another bearer to be carried on to Washington. All the troops under Kearny's command except a hundred were ordered back to Santa Fe.[5] A message sent later to Stockton by Kearny merely mentions the meeting and the turning back of Carson in these words: "Your express by Mr. Carson was met on the Del Norte, and your mail must have reached Washington at least ten days since."[6]

In Carson's statement given to Senator Benton, the scout said that Kearny had repeated more than twenty times on the way to California that he was a friend to Frémont and all his family, and that he intended to make Frémont the governor of California. According to Carson, this was told upon Kearny's own

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[4]Congressional Globe, 30 Cong., 1 sess. (Washington: Blair and Rives, 1848), appendix, p. 1031. Hereafter cited as Cong. Globe, 30 Cong., 1 sess.

[5]George Rutledge Gibson, Journal of a Soldier Under Kearny and Doniphan, 1846-1847 (Glendale, California: The Arthur H. Clark Company, 1935), p. 251.

[6]John C. Frémont, Memoirs, p. 581.

accord and without Carson's asking him a word about his intended plans.[7]

During this time the Californians in the southern part of the province suddenly resumed arms. Gillespie, in command at Los Angeles, had dictated such needlessly oppressive measures that the citizens rebelled. Gillespie was forced to surrender on September 29th and was allowed to embark his troops upon a merchant ship at San Pedro. Stockton immediately dispatched a strong force against the rebels. Until the 15th of December Stockton's operations against the city accomplished but little, and his troops were thrown back from the city in early October with considerable losses.[8]

Frémont was highly cautious as a result of the recent disasters and made only a brief gesture toward intervening in the conflict. As a result of his caution he was censored by Stockton in a report to the Secretary of the Navy for his lack of activity.[9]

Meanwhile, General Kearny, reinforced by Gillespie and a small force of mounted riflemen, approached the scene of the fighting. They came in contact with a smaller mounted force of the enemy at San Pasqual, some forty miles from San Diego. This engagement, which took place Dec. 6, 1846, resulted in the Americans being decidedly worsted with seventeen officers

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[7] Cong. Globe, 30 Cong., 1 sess., appendix, p. 1031.

[8] H. H. Bancroft, California, Vol. V, p. 320.

[9] John C. Frémont, Memoirs, p. 580.

and men killed and thirteen wounded.[10] The loss of the Californians was slight. A relief force sent to Kearny's aid frightened the enemy away, and Kearny was enabled to reach San Diego. In January, 1847, Kearny retook Los Angeles following a brief skirmish near the present town of Montebello, known as the Battle of the Mesa.[11]

This conquering party of about six hundred men was led jointly by Kearny and Stockton, but Stockton made it clear that he maintained his rank as commander-in-chief and civil governor of the province.[12] Later developments, however, showed that Kearny failed to concede the rank.

Meanwhile, Frémont had been dispatched southward with about four hundred men to assist in the suppression of the revolt in southern California. Frémont was able to bring about an end to hostilities in the region. He received a message from the commanding officer of the Californians, Don Andres Pico, which intimated they were about to surrender. It would seem as though Frémont, who knew that Stockton was near at hand and had only recently defeated the enemy, should have let his superior officer arrange the terms of the capitulation. It is not clear why Frémont proceeded to arrange the peace terms, unless it was likely that the Californians preferred to deal with him on the belief that they could secure more liberal terms.

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[10] House Ex. Doc., 31 Cong., 1 sess., No. 24, p. 10.

[11] H. H. Bancroft, California, Vol. V, p. 347.

[12] Allan Nevins, Fremont, Pathmarker, p. 298.

On the other hand, it has been suggested that his "motive was simply a desire to make himself prominent and to acquire popularity among the Californians, over whom he expected to rule as governor".[13]

The terms granted by Frémont in this Capitulation of Cahuenga were exceedingly generous. The wisdom of granting such liberal terms cannot be questioned. A rigorous enforcement of military policy would probably have transformed a large part of the population into guerrillas. Stockton never protested about the liberality of the terms and approved them.[14]

The terms agreed upon were signed by Frémont as military commandant, representing the United States, and by Don Andres Pico, commander-in-chief of the Californians. With this treaty hostilities were ended, and California was left in the peaceful possession of the Americans. However, it was not formally secured by our government until the Treaty of Guadalupe Hidalgo which ended the war with Mexico in 1848.[15]

At this point a controversy began between Stockton and Kearny as to which was the supreme authority in the conquered province. Under Stockton's orders Fremont had organized and taken command of the California Battalion. Stockton had taken the necessary steps to institute a civil government for the province and had declared his intention of investing Fremont

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[13] H. H. Bancroft, California, Vol. V, p. 496.

[14] Ibid., pp. 406-407.

[15] Hunter Miller, Treaties, Vol. V, p. 214.

with the title and responsibilities of governor.[16]

Frémont was soon drawn into the controversy between Stockton and Kearny over rank. The first intimation he had of General Kearny's intention to contest the validity of Commodore Stockton's acts was conveyed in a message sent him by Kearny's adjutant from the headquarters of the Army of the West at Los Angeles:

> By direction of Brigadier General Kearny, I send you a copy of a communication to him from the Secretary of War, dated June 18, 1846, in which is the following. 'These troops and such as may be organized in California will be under your command'. The general directs that no change will be made in the organization of your battalion of volunteers or officers appointed in it, without his sanction or approval being first obtained.[17]

Frémont was now between two millstones. He wrote Kearny a letter dated Jan. 17, 1847, in reply to the one sent him two days earlier.

> I found Commodore Stockton in possession of the country, exercising the functions of military commandant and civil governor, as early as July of last year; and shortly thereafter I received from him the commission of military commandant, the duties of which I immediately entered upon, and have continued to exercise to the present moment.
>
> I found also, on my arrival at this place, some three or four days since, Commodore Stockton still exercising the functions of civil and military governor, with the same apparent deference to his rank on the part of all officers (including yourself), as he maintained and required when he assumed them in July last.
>
> I learned, also, in conversation with you, that on the march from San Diego, recently, to this place, you entered upon, and discharged duties implying an acknowledgement on your part of supremacy to Commodore Stockton.
>
> I feel, therefore, with great deference to your

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[16] House Ex. Doc., 29 Cong., 2 sess., No. 4, p. 675.

[17] John Bigelow, Memoir, p. 191.

> professional and personal character, constrained to say that, until you and Commodore Stockton adjust between yourselves, the question of rank, where I respectfully think the difficulty belongs, I shall have to report and receive orders, as heretofore, from the commodore.[18]

The quarrel was now destined to continue between Kearny and Stockton as to which of the two were to have chief command in California. This quarrel was not so significant in itself, but was greatly important in its consequences to Frémont. Throughout the war he was technically in the naval service under Commodore Stockton. He had come to California upon topographical, and not on military duty.[19] He had conducted himself in such a manner that he was commended in a presidential message.[20] It was unfortunate that Fremont was allied upon the side which subsequent orders failed to sustain.

The extreme distance from Washington and the slowness with which messages of those days could be sent was the chief reason for the controversy. Also, the fact that the war and navy departments had both issued similar orders to the different commanders naturally caused a conflict to arise.

The Secretary of the Navy, under whose command Stockton operated, had ordered him to put California under a civil administration. Kearny, acting under orders of the War Department, was to establish a civil government, should he succeed in taking possession of California. Since Stockton's orders

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[18] Ibid., pp. 192-193.

[19] Ibid., p. 191.

[20] James D. Richardson, Messages and Papers, Vol. IV, p. 493.

were issued a month earlier than Kearny's, and since Stockton and Frémont both held that the conquest of California had been substantially completed before Kearny's force had arrived, Frémont felt his orders should come from the naval commander. Then, too, the California Battalion had been organized with the understanding that it should act under Stockton's orders so long as he remained on the coast and needed its services.[21] In addition, the officers under Fremont owed their appointments to Stockton and received their pay by his orders. Frémont felt the Navy Department was more efficient and sympathetic, as well as more alert than the War Department. He sensed that many of the West Point graduates and older officers of the army were jealous of his rapid rise. Doubtless, too, he remembered that Stockton had promised more specifically to make him governor of the province, although Kearny had frequently spoken to other officers of Frémont's fitness for the place.[22]

These were the circumstances under which the army and navy were at loggerheads in California. General William Tecumseh Sherman, then a young army officer only recently sent to the Pacific coast, stated that among many of his fellow officers the question was often asked: "Who the devil is

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[21] Allan Nevins, Frémont, Pathmarker, p. 310.

[22] Ibid., p. 311.

Governor of California?"[23]

On Jan. 22, 1847, Stockton was replaced by Commodore William B. Shubrick as chief naval commander. As a result of a conference between Shubrick and Kearny the latter was recognized by Shubrick as the head of the California troops.[24]

Immediately after this conference Kearny had a proclamation published in which he formally assumed the governorship. Evidence does not exist that Fremont was sent a copy of this announcement, although Kearny claimed to have sent him one. On March 1, 1848, General Kearny addressed a letter to Frémont in which he demanded the surrender of all territorial archives and public documents. Frémont refused to obey, declaring later that he knew nothing of the proclamation. It would appear that Frémont believed that Kearny was bluffing.[25]

From this time on there was no conflict in the Pacific coast command, and Kearny and Shubrick worked together in the best of harmony. When Frémont received, on the 13th of February, a letter from Shubrick to the effect that he and Kearny were acting in accord, he must have realized that he was in an untenable position.[26]

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[23]William Tecumseh Sherman, Memoirs of Gen. W. T. Sherman, Written by Himself (New York: Charles L. Webster and Company, 1891), Vol. I, p. 51. Hereafter cited as W. T. Sherman, Memoirs.

[24]Senate Executive Documents, 30 Cong., 1 sess. (Washington: Government Printing Office, 1847), No. 33, p. 54. Hereafter cited as Sen. Ex. Doc., 30 Cong., 1 sess.

[25]John Bigelow, Memoir, p. 288.

[26]Allan Nevins, Frémont, Pathmarker, p. 315.

All the authority that Frémont had ever possessed was taken from him by new orders from Washington. Shubrick was informed by the Secretary of the Navy that the President had thought it wise to place the control of land operations and civil government under the military commander.[27] The whole dispute could have been avoided if the government had only possessed the foresight to have taken such action a month or so earlier.

In addition to the misunderstanding caused by the delay in the government orders, the contrariness and stubborness of General Kearny were definitely an added incentive to the intensity and prolongation of the quarrel. When asked during the court-martial of Frémont whether or not he had communicated the instructions of the new orders from Washington to Frémont, the general replied in the negative. He attempted to justify his actions on the grounds that he was not in the habit of communicating instructions to his subordinates unless required to do so in the instructions.[28]

It is very likely that this failure of the general's to transmit the orders resulted in Frémont's plunging deeper in seeming disobedience to the government. Although there is no evidence available to substantiate this supposition, it could very easily have had this effect.

Kearny placed Lieutenant Colonel Philip Cooke in command

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[27] Sen. Ex. Doc., 30 Cong., 1 sess., No. 33, p. 55.

[28] Ibid.

of the southern half of California. When Cooke inquired of Frémont how many of the men of the California Battalion had entered the government service he received the information that none had, and that the battalion was not yet disbanded as rumors of insurrections were rife.[29]

Frémont now made a famous ride from Los Angeles to Monterey, four hundred miles away. Frémont claimed that the reason for this ride was to warn Kearny of the danger of an outbreak then threatening among the Californians, though Kearny thought that he made the ride in an attempt to find out his real status. If Frémont desired to improve his relations with the general, the hopes were soon abandoned by the hostile manner in which he was received.[30]

Frémont now offered Kearny his resignation, but it was refused. This was done even though Kearny had received orders from the Secretary of War which stated that Fremont could either remain in California or return to the United States.[31] Instead Kearny asked Frémont whether or not he intended to obey orders of March 1, 1847. Those orders read in part:

> ...I have now to direct that you will bring with as little delay as possible, all the archives and public documents and papers which may be subject to your control, and which appertain to the government of California, that I may receive them from your hands at this place....[32]

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[29] H. H. Bancroft, California, Vol. V, p. 463.

[30] Cong. Globe, 30 Cong., 1 sess., appendix, p. 1000.

[31] John Bigelow, Memoir, p. 199.

[32] Ibid., p. 201.

Upon Frémont's hesitation to answer, Kearny told him to take time to deliberate over the matter as the answer would be very important.

While in conference with General Kearny and his aides, Frémont felt he was being ridiculed. He engaged in a conversation with Colonel R. B. Mason, a member of Kearny's staff, and resented some things Mason said to him. He challenged Mason to a duel which was never fought.[33]

By this time Kearny was determined to place Frémont under arrest for mutiny and insubordination. He refused Frémont's request to take a small body of troops and join General Winfield Scott in Mexico. He also refused Frémont's suggestion that he be allowed to return directly to the United States with his original exploring party at his own expense.[34]

In a letter from Kearny to Frémont dated June 14, 1847, Kearny instructed Fremont as follows:

> I shall leave here [New Helvetia] on Wednesday, the 16th instant, and I require of you to be with your topographical party in my camp (which will probably be fifteen miles from here) on the evening of that day, and to continue with me to Missouri.[35]

Kearny, accompanied by Frémont, reached Fort Leavenworth on the twenty-second of August, 1847. When they arrived there Kearny had one of his lieutenants read Frèmont this paragraph from an order issued that day:

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[33] W. T. Sherman, Memoirs, Vol. I, p. 53.

[34] John Bigelow, Memoir, p. 200.

[35] Ibid., p. 203.

> Lieutenant Colonel[36] Frémont, of the regiment of mounted riflemen, will turn over to the officers of the different departments at this post, the horses, mules, and other public property in the use of the topographical party now under his charge, for which receipts will be given. He will arrange the accounts of these men (nineteen in number) so that they can be paid at the earliest possible date. Lieutenant Colonel Frémont having performed the above duty will consider himself under arrest, and will repair to Washington City and report himself to the Adjutant General of the Army.[37]

There was a good deal of speculation among the army officers as to Frémont's fate. In his Memoirs General Sherman says:

> The younger officers had been discussing what the general would do with Frémont, who was supposed to be in a state of mutiny. Some thought he would be tried and shot; some that he would be carried back in irons; and all agreed that if any one else than Frémont had put on such airs, and had acted as he had done, Kearny would have shown him no mercy, for he was regarded as the strictest sort of a disciplinarian.[38]

Although Frémont might have been early adjudged guilty by some, others were of a different opinion. Among these was his father-in-law, Senator Benton, who eulogized on Frémont in this manner:

> Columbus, the discoverer of the New World was brought home in chains, from the theater of his discoveries, to expiate the crime of his glory; Frémont, the explorer of California and its preserver to the United States, was brought home a prisoner to be tried for an offense, of which the penalty was death; to expiate the offense of having entered the army without passing through the gate of the Military Academy.[39]

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[36] Frémont had been promoted to this rank by the War Department a few months prior to this time.

[37] John Bigelow, Memoir, p. 214.

[38] W. T. Sherman, Memoirs, Vol. I, p. 55.

[39] Thomas H. Benton, Thirty Years, Vol. II, p. 715.

Frémont was tried by a general court-martial held in Washington, D. C. Much attention was directed toward the procedure of the trial. Charged with mutiny, disobedience of orders, and of conduct prejudicial to the public service, Fremont was found guilty on all charges. The sentence of the court was that he be dismissed from the military service. President Polk took up the matter of his trial in several cabinet meetings. A majority of the cabinet agreed that even though he had been found guilty that he should not be dismissed from the service.[40]

This agreement by the cabinet was reached only after much discussion, both favorable and unfavorable to Frémont. The Secretary of State and the Secretary of War almost took exception to statements made by the other. As a result of the decision of the cabinet and the recommendation of a majority of the court, Polk decided to remit the penalty.[41] When notified of this intention, Frémont wrote that he could not accept clemency, for by doing so he would only admit the justice of the decision of the court.[42]

Even though Frémont resigned from the military service, he was to have further difficulties with officers of the army. The certificates given by him and Stockton in payment for property used by them during the conquest of California had

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[40]Allan Nevins, Polk, Diary, pp. 301-302.

[41]Ibid., p. 303.

[42]John Bigelow, Memoir, p. 317.

been criticised by Kearny at the time they were given.[43] Kearny's successor in command in California had written the Adjutant General of the United States Army that Frémont should be required to return some money paid out by the latter at high interest rates.[44]

A board of army officers was appointed by War Department Special Order 136, dated Sept. 6, 1852, to examine and report to Congress on all claims incurred by Frémont while in California during the year 1846.[45] The board examined claims totaling $989,185.29 and recommended that $157,317.65 of this amount be disallowed.[46] It is easy to understand the embarrassment resulting to Frémont, as well as the great financial loss he incurred.

With Frémont's court-martial and his subsequent resignation from the army, a history of his part in the winning of California can be concluded. A summary of his contributions to the winning of that region for the United States will indicate his significance.

In the first instance, Frémont's mapping expeditions and the reports of those expeditions as published by Congressional orders caused the people of the United States to take an

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[43] Cong. Globe, 30 Cong., 1 sess., appendix, p.995.

[44] House Ex. Doc., 31 Cong., 1 sess., No. 17, p. 330.

[45] Senate Executive Documents, 33 Cong., 1 sess. (Washington: Government Printing Office, 1854), No. 8, pp. 4-5.

[46] Senate Executive Documents, 34 Cong., 1 sess. (Washington: Government Printing Office, 1856), No. 63, p. 2.

increasing interest in the West. Frémont was a master of descriptive and narrative writing, and his reports did much to arouse public interest in the West, including California. Truly has it been written that from the "ashes of his campfires cities have sprung forth".

In the second instance, Frémont's decisive action in returning from Oregon to California while in the midst of his third expedition, whether or not under secret instructions to do so, and his prompt assistance to the American settlers at the outset of the Bear Flag Revolt gave that movement its required impetus. Had Frémont's activities not inspired Commodore Sloat to activity, the British flag might be waving over California today.

In the third instance, Frémont's wise handling of the situation in southern California following the outbreak of a rebellion there resulted in the Treaty of Cahuenga. Less propitious activity might have resulted in continued resistance by the Californians, or in a more widespread revolt.

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