

**THE QUESTION OF THE EASTERN  
BOUNDARY OF CALIFORNIA IN  
THE CONVENTION OF 1849,  
PP.227-258**

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By

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## THE QUESTION OF THE EASTERN BOUNDARY OF CALIFORNIA IN THE CONVENTION OF 1849

CARDINAL GOODWIN

### 1. *The Boundary under Spain and Mexico*

California apparently had no established eastern boundary under the Spanish government.<sup>1</sup> The explorations of Garcés through southern Nevada as shown on Padre Font's map of 1777,<sup>2</sup> and of Domínguez and Escalante through Utah and southeastern Nevada<sup>3</sup> had doubtless given the Spanish officials a vague notion of the interior basin of upper California, as it was called, and the decrees of the viceroys, according to Halleck, included that region in the judicial district of the California territory.<sup>4</sup>

Even when Mexico became independent of Spain, the boundaries of her northern provinces, California and New Mexico, were not established with any great degree of precision. There were, for instance, two maps of Upper California published in 1837. Rosa's map, published by order of the Mexican Congress, shows the southern boundary by a line running south of west from the mouth of the Gila river to the vicinity of latitude thirty degrees and thirty

\*Volumes I-XV published as THE QUARTERLY of the Texas State Historical Association.

<sup>1</sup>Bancroft, *History of Arizona and New Mexico*, 345, says: "California, however, while no boundary was ever fixed officially, was not generally considered to extend east of the Rio Colorado."

<sup>2</sup>Bancroft, *History of Nevada, Colorado and Wyoming*, 28 et seq.

<sup>3</sup>*Ibid.*, 38, and *History of Utah*, 7 et seq.

<sup>4</sup>Browne, *Report of the Debates in the Convention of California, 1849*, 451-452.

minutes on the Pacific coast. The eastern boundary begins at the mouth of the Gila river and runs northeast, joining the 42d parallel at the 108th meridian. The Dufour map, of the same year, indicates no boundary between Upper and Lower California. The eastern boundary, beginning near the 33d parallel, runs northward between 112 and 113 degrees of longitude west from Greenwich, to the vicinity of the 36th parallel of latitude, then turns west of north and joins the 42d degree of north latitude on longitude 116 west. The northern boundary of Upper California, according to Rosa's map, extends from longitude 108, west from Greenwich, westward along the 42d parallel to the Pacific, while on Dufour's, the same boundary includes only the territory along the 42d parallel between 116 degrees west longitude and the Pacific ocean.

Tanner's *Map of the United States of Mexico*, published in 1846, and Mitchell's *Map of Mexico including Yucatan and Upper California*, published in the same year, give California similar eastern boundaries but boundaries which differ considerably from the maps published in 1837. The eastern line runs rather irregularly between 30 degrees and 31 degrees 30 minutes of longitude west from Washington from about the 32d to the 42d parallels of latitude. Another map drawn by Charles Preuss from the surveys of John C. Frémont and other authorities (Washington, 1848)—the one which seems to have been used more frequently than any other by the California Convention of 1849,—indicates still different boundaries.<sup>2</sup> The southern line, beginning on the Pacific coast, about one marine league south of San Diego<sup>3</sup>, runs almost directly east and west to the Gila river, and along that stream to the vicinity of the present Tempe, Arizona, near the 112th degree of longitude west from Greenwich. The eastern line extends northward through Utah, just west of Bear Lake, to the 42d parallel north latitude. The map used by the United States and Mexico in establishing the boundaries in 1848 was Disturnell's *Mapa de los Estados Unidos de Mejico* (California, New York, 1847). The edition of this map used by the writer, which seems to have indicated the same boundaries for California as the one just cited, was published in 1850. On it the eastern line begins near latitude

<sup>2</sup>For this map see *California Message and Correspondence* (1850).

<sup>3</sup>*Compilation of Treaties in Force* (Washington, 1904).

32 degrees 30 minutes north, and longitude 31 degrees west from Washington, and extends northward, at one place coming near longitude 33 degrees, finally joining the 42d parallel near longitude 31 degrees west from Washington. The map accompanying the President's *Message to the two Houses of Congress*, December 5, 1848, is very similar to the Disturnell map, except that the former follows the Suanca branch of the Gila river instead of the middle branch, thus including in California more territory in the southeast than the latter. The Disturnell map also extends the northwestern boundary of New Mexico slightly more than does the map accompanying the President's message. These maps published at different periods all agree in making the 42d parallel the northern boundary of California,—the line established by United States and Spain in the treaty of 1819—but that is about all they have in common. As we have seen, they show the eastern boundary at the north touching the 42d parallel anywhere between longitude 116 west from Greenwich as indicated on Dufour's map, and 108 as shown by Rosa.

## 2. *Boundaries proposed in the Convention*

General Riley's proclamation calling a constitutional convention was issued on the third of June, 1849. The eastern boundary of the ten districts into which California was divided by that document was described as formed by the Colorado river and the "Coast" and Sierra Nevada ranges of mountains. Among a majority of the delegates,<sup>1</sup> however, there was a general feeling that the state which they were forming need not be confined to these limits. The Convention, therefore, on September 12, authorized the President to appoint a committee whose duty it should be to propose satisfactory boundaries for the new commonwealth. The members chosen were men supposed to be familiar with the geography of

<sup>1</sup>Historians have generally asserted that the management of the convention was in the hands of the southern minority (see Bancroft, *History of California*, VI, 286; Royce, *California*, 262 et seq.). A recent writer goes a step farther and asserts that "more than half the delegates had originated in States below the Mason and Dixon line." (Coman, *Economic Beginnings of the Far West*, II, 248.) An examination of the table of delegates as given in Browne, *Debates*, 478-79, will show that only 15 out of 48 were from southern states.



California as it existed under Mexico. They were Hastings and Sutter of Sacramento, Rodriguez of Monterey, La Guerra of Santa Barbara, and Reid of Los Angeles.<sup>1</sup>

On Tuesday, September 18, Hastings submitted for the committee the following report:

Your Committee are of the opinion that the present boundary of California comprehends a tract of country entirely too extensive for one state and that there are various other forcible reasons why that boundary should not be adopted by this Convention. The area of the tract of country included within the present boundary is estimated to be four hundred and forty-eight thousand, six hundred and ninety-one (448,691) square miles, which is nearly equal to that of all the non-slaveholding states of the Union, and which, deducting the area of Iowa, is greater than that of the residue of the non-slaveholding states.

Your Committee are of the opinion that a country like this, extending along the coast nearly a thousand miles and more than twelve hundred miles into the interior, cannot be conveniently or fairly represented in a state legislature here, especially as a greater part of the interior is entirely cut off from the country on the coast by the Sierra Nevada, a continuous chain of lofty mountains, which is covered with snow, and is wholly impassable nearly nine months in the year.

Your Committee are also of the opinion that the country included within the boundaries of this territory as now established, must ultimately be divided and sub-divided into several different states, which divisions and sub-divisions (should the present boundary be adopted) would be very likely to divest the state of California of a valuable portion of her sea coast. Your Committee are therefore of the opinion that a boundary should now be fixed upon which will entirely preclude the possibility of such a result in the future. Another important reason which has aided very much in producing the conclusion to which your Committee has arrived, is predicated upon the fact that there is already a vast settlement [the Mormons in Utah] in a remote portion of this territory, the population of which is variously estimated to be from fifteen to thirty thousand human souls, who are not represented in this Convention, and who, perhaps, do not desire to be represented here.

The religious peculiarities of these people, and the very fact of their having selected that remote and isolated region as a permanent home, would seem to warrant a conclusion that they desire no direct political connection with us, and it is possible, and

<sup>1</sup>Browne, *Debates*, 54.

highly probable, in the opinion of your Committee, that measures have been or are now being taken by these people for the establishment of a Territorial Government for themselves.

For the above and foregoing reasons, your Committee are of the opinion that the following should constitute the boundary of the state of California, viz:

Commencing at the northeast corner of the state at the intersection of the parallel of latitude forty-two degrees north with the parallel of longitude one hundred and sixteen west; thence south, upon and along that parallel of longitude to the boundary line between the United States and Mexico, established by the treaty of peace ratified by the said governments at Queretaro, on the thirtieth day of May, 1848; thence west, upon and along said boundary line, to the Pacific ocean; thence in a northerly direction, following the course of the Pacific coast, to the said parallel of forty-two degrees north latitude, extending one marine league into the sea from the southern to the northern boundary, and including all the bays, harbors and islands adjacent to the said coast; and thence, east from the said coast, at latitude forty-two degrees north, upon and along that parallel of latitude to the place of beginning.<sup>1</sup>

Immediately after hearing this report the House adjourned, and although the Convention held daily sessions during the interval, the subject of the boundary did not come up again until four days later, the twenty-second of September.<sup>2</sup> McDougal warned the Convention that numerous proposals would be submitted for the establishment of a satisfactory eastern boundary, and suggested that all who intended to place proposals before the House for consideration should do so at once. He did not himself agree with the Committee, but without attempting to explain the one which he considered the proper boundary he would simply offer his amendment, namely:

That the boundary of the state of California shall include all that tract of country from the 105th degree of longitude west from Greenwich to the Pacific coast, and from the 32d to the 42d degree of north latitude, known as the territory of California; also the harbors, islands and bays adjacent and along the Pacific coast; also, to extend three English miles into said Pacific ocean and along the coast thereof from the 32d to the 42d degrees of latitude north; but if Congress should not grant or adopt the bound-

<sup>1</sup>Browne, *Debates*, 123-124.

<sup>2</sup>*Ibid.*, 167.

ary herein set forth, then the boundary to be as follows, viz: Commencing at the point of intersection of the 42d degree of north latitude, and of the 120th degree of longitude west from Greenwich, and running south on the line of the said 120th degree of west longitude until it intersects the 38th degree of north latitude; thence running in a straight line in a southeasterly direction to the boundary line between the United States and Mexico as established by the treaty of May 30, 1848, and at a point where the 116th degree of west longitude intersects said boundary line; thence running west and along said boundary line to the Pacific ocean, and extending therein three English miles; thence running in a northeasterly direction and following the direction of the Pacific coast to the 42d degree of north latitude, to the place of beginning; also all the islands, harbors, and bays along and adjacent to the Pacific coast.<sup>1</sup>

Samuel of Sonoma said that he considered the problem of establishing a satisfactory eastern boundary, if the line did not extend west of the Sierra Nevada mountains, a subject of secondary importance. He thought, therefore, it would be well for the Convention to fix definite boundaries north and south and leave the eastern line to be determined by Congress. Personally he felt that the only portion of the territory which should be included, within the boundaries of the new state was that part west of the Sierra Nevada mountains, but that if Congress wished to include the whole of Spanish California, he thought it would be better to accept the desire of that body rather than risk having to remain out of the Union for three or four years. It was "highly desirable," he thought, to have a regularly organized government, and this could be obtained more quickly by omitting everything from their constitution which would tend to stir up sectional prejudices in Congress.<sup>2</sup>

Following the suggestion, made by McDougal, of getting the various proposals before the House as soon as possible, so that each member could understand the different eastern boundaries proposed before beginning the discussion, Gwin of San Francisco submitted the following amendment to the amendment:

The boundary of California shall be as follows: beginning at the point on the Pacific ocean south of San Diego, to be estab-

<sup>1</sup>Browne, *Debate*, 168.

<sup>2</sup>*Ibid.*