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before us. If we pass the notice in any form, the question of boundary must finally be adjusted by negotiation, arbitration, or the sword. I am therefore, sir, opposed to arguing the question of title here, surrounded as it is by difficulties, which must, whatever may be said in this House, be finally arranged in one of the modes I have stated.

The President of the United States, in asserting "that he does not believe the territorial rights of this nation to be a proper subject for arbitration," has assumed that to be a fact which no one will dispute, with respect to what are known and acknowledged to be our territorial limits; but it was for the purpose of ascertaining what those limits are in the territory of Oregon that I proposed to submit them to arbitration.

The President, in his message of December last, informed us that "all attempts at compromise had failed," and called upon Congress "to consider what measures it might be proper to adopt for the maintenance of our just title to the Oregon territory." Now, sir, it would seem to me to be wise, in the first place, to ascertain what our "just rights" are, before we proceed to maintain them in the way indicated in the message. Arbitration seemed to me the only mode which could be resorted to short of war. This, as we have seen, the President has rejected, on the ground that our "territorial rights" are "not a proper subject" for that mode of adjustment. In taking this ground, the Executive has not only departed from the long-tried and well-established custom of civilized nations, but he has taken a ground which has never been before assumed by the United States. This Government has, on three several occasions, submitted questions of territorial rights and limits to the decision of commissioners or arbitrators. By the fifth article of the treaty concluded in 1794, commonly called Jay's treaty, the question whether the river St. Croix should form the eastern boundary of Maine was submitted to commissioners, to be appointed in the following manner, viz:

"One commissioner shall be named by his Majesty, one by the President of the United States, by and with the advice and consent of the Senate thereof, and the said two commissioners shall agree on the choice of a third, or, if they cannot so agree, they shall each propose one person, and, of the two names so proposed, one shall be drawn by lot, in the presence of the original commissioners. And the three commissioners so appointed shall be sworn impartially to examine and decide the said question according to such evidence as shall respectively be laid before them on the part of the British Government and of the United States. And the said commissioners shall meet at Halifax, and shall have power to adjourn to such other places as they shall think fit. They shall have power to appoint a secretary, and to employ surveyors, or such other persons as they shall judge necessary. The said commissioners shall, by a declaration under their hands and seals, decide what river is the river St. Croix intended by the treaty, [the treaty of 1783.] The said declaration shall contain a description of the said river, and shall particularize