

treaties by the constitution. But that the power to make carries with it the power to annul and abrogate, may admit of some doubt. It is true, there are cases in which they may destroy a former treaty, by making a later one, whose provisions conflict with the former; but this is but the consequence of their power to make. But that they may of their own mere motion, by way of notice, proclamation, or otherwise, put an end to a subsisting treaty, when the terms of the treaty confer no such power on either, may well be questioned.

And when reference is had to another clause of the constitution, which gives to treaties, when properly concluded, the force, and power, and name of a law, this view of the case would appear to receive additional strength. This clause would seem to bring treaties, when once made, under the control of the law-making power, which embraces the President and both houses of Congress. If these considerations, which would seem to confer the power on Congress, the President co-operating, are entitled to any weight, and there be likewise any force in the arguments which confine this power to the President and the Senate, these conflicting opinions and arguments but show that the question is involved in doubt. And where there is doubt as to the question, whether any power is properly to be exercised by a part or by the whole of the legislative authority of the government, that construction ought to prevail which refer it to the whole, as being more safe and more in unison with the spirit of our institutions. Regarding it, therefore, as a question of doubt, the President certainly acted with prudence in conceding the power to Congress conjointly with himself, and the people will commend him for his prudence.

Again, the question of terminating the treaty, and the measures by which it is to be followed, are so intimately connected, in the estimation of many, with the peace of the country, that even if the power were clearly with the President and Senate, there would be no manifest impropriety in taking advice of Congress, inasmuch as if war do follow, Congress must declare it—must vote the money necessary to carry it on—and inasmuch as the people we represent will at last have to furnish the pecuniary and physical material for prosecuting it. It is from no desire to shun any just responsibility of his position that he refers the matter to Congress. Whatever of responsibility is to attach to the giving of the notice, he has boldly assumed before the face of the country by recording, under the solemnity of his constitutional obligations, his opinion that the notice should be given, and given at once.

And it is to be feared that many of those who are now most ready to brand the President with a desire to shun the responsibility of his station, would, if the notice had been given by him and war have unfortunately ensued, and proved disastrous in its termination or its progress, be foremost in denouncing him as heedless, reckless, and wanting in respect to the representatives of the people in a matter concerning their peace and their very lives. The passage of this resolution has been branded in advance as an infringement of the powers of the executive. But I must confess that I am at a loss to perceive how, in any possible view of the case, it can be so regarded. What I understand as an infringement of any power, is an arbitrary and unsolicited interference and usurpation of it. In the

case now before us, we are called on to act at the instance of the Executive, and at his request, advising what may be best for the interest of his country. And, Mr. Chairman, it is a little remarkable that the objection that Congress should not interfere in the giving this notice, but that the whole of it should be left with the President, is urged with the greatest pertinacity by those very gentlemen who, for the last four or five years, have been envenoming with the most violent denunciation against the already over-grown and irresistible power of the executive, as they were pleased to term it. It certainly was hardly to have been expected that, in so short a time, they would be found in a case of doubtful right, ready to leave to the Executive the exercise of a power which, according to their own confession, must almost necessarily lead to war.

Before I take my seat, I will make but a remark or so upon the amendment of the honorable gentleman from Alabama, [Mr. HILLIARD.] His amendment proposes to empower the President to give the notice when, in his opinion, the public interest requires it. The President, sir, under the solemn discharge of his duties under the constitution has stated to this House and to the country his belief that the notice should be given now—should be given at once—and that without delay. To authorize him, therefore, to give the notice, when he shall think it best to do so, is to authorize him to do it now; and that is precisely what the original resolution, reported by the Committee on Foreign Relations, proposes to do. And, sir, for us to adopt the amendment of the gentleman from Alabama [Mr. HILLIARD] would look very much like questioning the sincerity of the President or his firmness when he made that declaration. It is very much like saying to him, we know you have told us in your message that, in your opinion, the notice should be given forthwith, but we can hardly think you in earnest, and will therefore empower you to do it, when you really do get in the notion that it ought to be given. The adoption of the amendment will certainly furnish very strong evidence either that we question his sincerity, or that it is the desire of a majority of this House that the notice should be postponed, or that we are unwilling to share with him any responsibility whatever of the consequences which may follow the notice. The first inference would be unjust to that officer; the second would be contrary to the wishes of a majority of this House, and to manifest an unwillingness to share with the Executive the responsibility of the notice and the consequences to which it may lead, is exceedingly unkind in his political friends, and looks very much like turning the "cold shoulder" when one's friend is in a crisis, and that, too, a crisis into which those very friends have been instrumental in bringing him. The democratic friends of the President made the assertion of our title to Oregon one of the cardinal doctrines to which they pledged him before the people; and now, when he comes forward to take the first step necessary to redeem that pledge, these very friends are called upon to turn their backs upon him, and tell him, "Sir, you must take all the responsibility; the business begins to look rather squally, and we had rather have as little to do with it as possible." Call you this supporting your friend? Will it not rather go to some extent to verify the predictions made on this floor that the President, friends and all, will