

have given mine to the committee.

If, however, Great Britain desires a conflict with the United States, that conflict will come whether we give or withhold the notice. No fair or honorable course we can adopt, under such circumstances, will avoid it. If she fights, it will not be for Oregon, but for something of much more importance in her estimation; Oregon may be the pretext, but not the real cause. I hold that war will not immediately proceed under any circumstances from the action of Congress, and that if it result at all from it, it will be as a remote consequence depending upon contingencies which may or may not happen in the territory of Oregon. It will proceed as an immediate consequence from a collision of the citizens and subjects of the two governments there—from a conflict of laws—of the authorities of the two nations. Suppose we give the notice, extend our laws, and take possession of the country, war need not be inevitable, though it may be probable. If the people who live there conform to our laws, as they may do, we will of course have no war; if, however, a portion of them should be disobedient, and resist the due execution of those laws, a conflict would ensue at once, and then war would follow, unless an adjustment should be had. The same may be said, and with the same reason and force, if we should extend our laws and attempt to take possession of the country without the notice.

I will not so far violate the proper rules of order as to impeach the motives of gentlemen: I have no inclination to act with even *seeming* unfairness towards them. Yet the fear at times presses itself upon me, that much of this talk of war is intended to prejudice the question before us—that it is used as one of the weapons of war against it; and as being appropriate, I will read an extract from a speech delivered by one of my colleagues in the 28th Congress, upon the Oregon bill then pending. Mr. Belser said:

"If anything can produce war between the two governments, it is this: It is a direct and positive declaration of ownership in the soil, and can only be justified on the ground that these conventions of 1818 and 1829 have already been rendered null and void by Great Britain, without fault on the part of the United States. Unless honorable gentlemen could bring their minds to this conclusion, they ought not to sustain the bill in its present shape; but should amend its provisions, and thereby render it sufficiently prospective in its operation for time to be given by this government to Great Britain to terminate the joint agreement of 1827, and let the controversy afterwards rest upon the better title.

"He had observed in the commencement of his argument that the admission of Texas and the occupation of Oregon were great American measures; they were; and he hoped this House would adopt the latter as promptly as it did the former. He that dallies upon such questions is unfit for the high station which has been assigned him. The most insidious form of opposition to Texas is that which denies to Congress the right to increase our territory by legislation, and the most deceptive

against the occupation of Oregon is the *cuckoo* of war. \* \* \* \* \*

"Its passage may lead to collision, to conflict in of jurisdiction, and ultimately to war; but these may be the risks attendant on nations, and which times must be taken. The American people have become tired of fruitless negotiation, of eras of diplomacy. After forty years of this kind of play with the same nation in another celebrated boundary case, we lost a part of Maine. The case then was, if we did not settle by negotiation, we should have to resort to the sword. And the argument now is that we will offend that great power, if we attempt to exercise jurisdiction over Oregon."

The honorable member from Virginia, [Mr. Bayly] contended that if the United States should give the notice, Great Britain might waive it, and commence a war immediately; that the notice—the twelve months' time—being for her benefit, she had a right to waive it if she saw fit to do so. I differ with him in that opinion. I do not so read or understand that article of convention. The notice of twelve months is intended for the benefit of both nations, and not alone for the one notified. The one giving the notice is presumed to do so with reference to the time which must intervene, and has a right to claim it. If the reverse of this be true, the nation notified may give no indications of a wish to waive the notice, may seem to acquiesce in it, and in that way throw the other nation entirely off her guard, until, under pretence of trade and commerce, she has her vessels hovering around our coasts, or until she finds the largest amounts of our commerce afloat, unsuspecting and comparatively defenceless; and all at once, when we had had no right to expect such a thing, she would "pounce down" upon us, and in that way gain a decided advantage. Aside from that, if his doctrine should hold good, the nation giving the notice never could tell when the treaty would probably terminate. If the nation notified had the right to waive the notice the day it was received, she could do it at any other time between that day and the expiration of the twelve months, so that every advantage would be given to her by being notified. The treaty is not abrogated on the day the notice is given, but it runs twelve months thereafter, during which time it is in full force, and quite as sacred and obligatory as it is at this moment; and if Great Britain should act upon any other principle, she would stand condemned by the whole civilized world, as well as by the "God of battles."

Nor does the case put by the gentleman resemble him. His doctrine will not hold good between individuals, where the law requires one to give the other notice for a certain specified length of time before he can proceed in court against him. I admit that the party notified can waive the notice, and proceed immediately to trial, if the other party consent to it, but not otherwise. The party giving the notice is presumed (as in the case of the two nations) to give it with reference to the time which the law specifies, and