

terest the safety of the nation. Though the claim of justice may be mistaken by the arbitrator, it is still more to be feared that it will be overpowered in an appeal to the sword."

"In *doubtful cases*, which do not involve essential points, if one of the parties will not accede either to a conference, an accommodation, a compromise, or an arbitration, the other has only the last resource for the defence of himself and his rights—an appeal to the sword; and he has justice on his side in taking up arms against so untractable an adversary. For, in doubtful cases, we can only demand all the reasonable methods of elucidating the question, and of deciding or accommodating the dispute."

Hence it will be seen, Mr. Chairman, that the President, in taking the course he has thought proper to pursue, has arrayed against him not only the former practice of this Government, but the high and unquestionable authority of the law of nations. The correspondence between the Secretary of State and the British Minister, which has been submitted to us by the President, is certainly of a most extraordinary character. Mr. Pakenham, in his letter to Mr. Buchanan of the 27th December, 1845, in submitting the first proposition to arbitrate the question in controversy, says: "Her Majesty's Government think that a resort to arbitration is the most prudent, and perhaps the only feasible step which could be taken, and the best calculated to allay the existing effervescence of popular feeling, which might otherwise greatly embarrass the efforts of both Governments to preserve the friendly understanding between the two nations." Mr. Buchanan, in his reply, rejects the proposition, upon the ground that "the British Government do not propose to refer to arbitration the question of title to the Oregon territory claimed by the two Powers, respectively," but "merely the partition or 'equitable division' of the territory between them;" thus clearly leaving it to be inferred that the President would be willing to submit the question of title to arbitration. It is quite evident that this was Mr. Pakenham's impression; and accordingly, on the 16th January, 1846, he addresses to Mr. Buchanan another communication, in which he proposes to submit the title to the Oregon territory to arbitration, and, waiving his first proposition to submit it to some friendly Sovereign or State, he suggests that "there might be a mixed commission, with an umpire appointed by common consent, or there might be a board, composed of the most distinguished civilians and jurists of the time, appointed in such a manner as should bring all pending questions to the decision of the most enlightened, impartial, and independent minds."

This proposition, sir, which seems to have been evidently invited by Mr. Buchanan's letter of the 3d January, 1846—this proposition, which it was so honorable to make, and, in