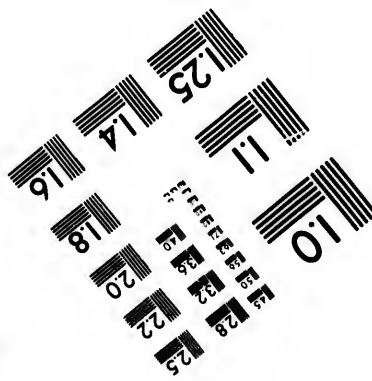
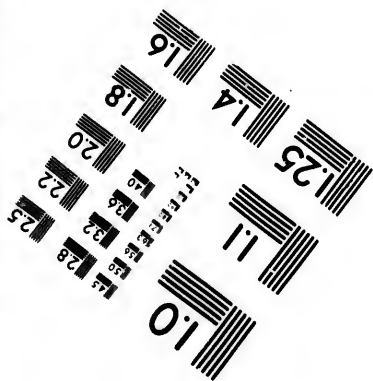
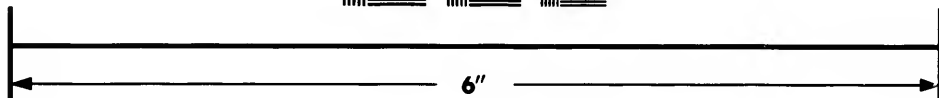
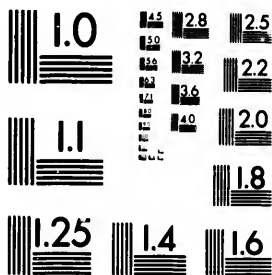


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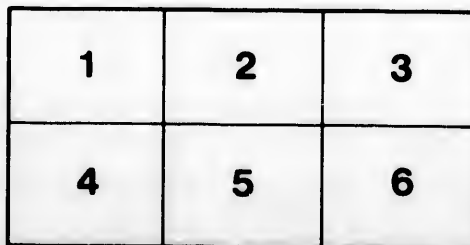
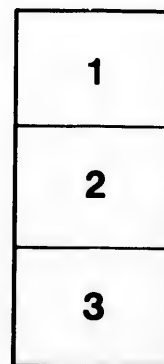
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DELIVERE

S P E E C H

OF

HON. MR. HOUSTON, OF ALABAMA,

ON THE

OREGON QUESTION.

DELIVERED IN COMMITTEE OF THE WHOLE ON THE STATE OF THE UNION,

FEBRUARY 6, 1846.

WASHINGTON:

PRINTED AT THE OFFICE OF THE DAILY TIMES.

1846;

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S P E E C H .

the House of Representatives, February 6, 1846—The House being in Committee of the Whole on the state of the Union, and the resolution reported by the Committee on Foreign Relations, providing for the abrogation of a notice to Great Britain, of the convention of August 6th, 1827, between Great Britain and the United States, being, together with the proposed amendments to said resolution under consideration—

Mr. HOUSTON obtained the floor, and addressed the committee as follows :

Mr. CHAIRMAN : It was my expectation until yesterday or two ago to have voted upon the resolution requesting the President of the United States to give notice to Great Britain to terminate the joint convention between the United States and Great Britain, in relation to the Oregon territory, without remark; my purpose was to participate in the debate, and I would have adhered to that purpose, but for the strange, and I might say embarrassing, circumstances with which I am surrounded.

I find myself differing, widely differing from many of my southern friends, as well as a portion of my own colleagues. Under these circumstances, I feel it due alike to them, to myself, and more than all, to my constituents, to stand before the country some of the reasons which will influence and direct my course upon this occasion.

I do not intend to contribute to the feeling which seems to prevail to some extent, to make a party or a sectional question. And while I fully disapprove of the remarks made at an early stage of this debate, by an honorable member from New York, [Mr. P. KING,] in the same candid and friendly spirit, I must be allowed to express my deep regret at the observations in reference to the gentleman from South Carolina, [Mr. RHETT,] as well as those of my colleague, [Mr. YANCV.]

This is a question which soars above all sectional views and considerations; and it is with a painful sentiment and pain that I hear gentlemen from every division of the Union speak of it in any respect lighter than as a high national question—involved the interest and the honor of the whole nation. Why is it called a western question? Can it be because the controversy has

grown out of western territory? I will not do honorable members the injustice to suppose such a thing; they would spurn the idea if directly presented to them. Are our western friends the peculiar guardians and defenders of national honor? I dispute it for my constituents; they will yield to no one in their faithful adherence to, and unflinching defence of their country and its honor. I throw back upon members who have "set up" an exclusive claim to this question, the imputation which should arise from such claim if acquiesced in by others. This is the country's, the people's question, and all of their representatives have the same interest in it.

Mr. Chairman, every great measure has indiscreet friends, who wish to control and direct it; who, in the abundance of their zeal to advance, actually obstruct and retard it. Texas had such friends—Oregon has such now upon this floor—who either will not or cannot act with proper discretion, with proper discrimination. Hence we hear gentlemen taking to task the entire South, indirectly censuring the representatives and their constituents because some of the representatives from that division of the Union, in the discharge of their duty, as they doubtless believe, think proper to oppose the giving of this notice—who censure a whole State because a part of her members do not act to suit them. Such proscription is intolerable, and I regret to see it; it is unfair and unbecoming a representative of intelligent people. If I act improperly upon this or any other subject, arraign or assail me for it if you will; but let me ask that you have the boldness to name me; point out my dereliction; do not content yourself with such generalities as that all are implicated, and thereby evade responsibility, as no one would be justified in repelling it, without subjecting himself to the charge of feeling his own guilt by repelling an accusation which may not have been intended for him. Oregon would have been stronger to-day had it not been for the rash and indiscreet course pursued by some of its friends.

I have not the power, and certainly not the disposition, to read any one out of the democratic ranks; every member of that great party who is honest in his professions stands upon the same great principle of equality—upon the basis of

democratic republicanism—and can claim fellowship until he fails to square his political action by the republican creed as expounded by the fathers of the constitution. If he should be dire-
 licit, it is not for me to read him out, nor for this House, but it is a matter which belongs to the people; they are the "church members" (if I may be allowed the use of the expression) who have the power to pass upon him; and if, in their opinion, he is unworthy, they will excommunicate him. While I would not consent, therefore, for any other member to speak for my constituents, I would not presume to speak for others. I hold it to be the duty of the representative to exercise his own judgment upon measures as they are presented to him, and act as he may think the interest of the people requires. If they express to him their will, that should be his guide upon questions where the constitution does not interpose an obstacle.

I am well aware that jealousies and ill feelings, at times, exist in all parties. We had a striking example of this in our efforts, at the last Congress, to annex Texas to this Union. On that occasion, unfortunately as I believe for them and the country, some of the prominent members of the democratic party differed with the majority. They said they were for Texas, but not at that time. "Wait awhile," "bide your time." They were for "masterly inactivity," which, in my judgment, seldom accomplishes any great good. They avowed themselves for Texas, but not in the precise mode selected by their friends. The consequence was, upon the wise principle that those who are not for us are against us, they were "set down" as unfriendly to the annexation of Texas, and condemned by the party over the whole country. I do not speak of it now for the purpose of justifying or censuring their course. I disagreed with them then, and have not changed that opinion. I did not, however, denounce and abuse them. Such has never been my course of action. I was willing to condemn and treat them as opponents on that question; but I was disinclined to the policy of treating with extreme harshness those of our friends who had served us long and faithfully upon every other question except the one then before the country, notwithstanding it was one of vast, almost vital importance. These reminiscences are doubtless disagreeable to all of us, and I only allude to them for the purpose of justifying my position on this occasion. I stand now where I did then. We are again differing upon a great national question. Some of our friends are found in opposition to the resolution under discussion, and it so happens that many of them were of that number who were "loudest" and most harsh in their denunciations of, and invectives against, the dissenting members on the Texas question. They can, and doubtless do, feel the force of their own censures upon others, and can apply to themselves such strictures as they then applied

to their friends. They tell us they are for one thing, but not now; they tell us we must wait our time "wait awhile," bring into full view the "American multiplication table;" they intend to be for Oregon, but not in the mode understood and agreed upon (if indications are worth depending upon) by our friends; they should not, they should complain too much if the true friends have measure should say to them that they have no objection, if not well-founded fears, that they should oppose the notice are not in truth friends of Oregon at all. And, although I do not object to it, yet I am by no means astonished to see those who were censured by them then, turning upon their own "artillery upon them" on this occasion. Such is the fate of war, and cannot always be avoided, especially when our lot is cast among those who lose sight of, and disregard the sacred injunction which admonishes us to regard others as we would have them, under the same circumstances, to do unto us.

I cannot say that party feeling has done anything to do with the subject before us. Vermont gentleman from Tennessee, [Mr. GENTRY,] who calls to labor to show that this was an administrative measure, and to draw the party lines upon this will not say his opposition to it was of a personal character. I leave that to the judgment of the country; but from the fierce and unprovoked assaults made by him, I am left to draw such inferences as the facts justify.

That honorable member, [Mr. GENTRY,] who unnecessarily severe in his strictures, calling attention upon the call which the House responded to, and upon the Executive order, and upon the correspondence sent or two since, for such additional correspondence as may have taken place between the two governments, since the "opening" of the present Congress, relative to the Oregon difficulty, in objecting it with a resolution subsequently adopted by the House to close the present did not, on the 9th of this month. The great object of the resolution with which he spoke of additional "channels" in evidence between the two governments since independence which was presented to us, accompanied the President's annual message, as well having done seeming knowledge of the state and course to do the negotiation, might create a suspicious in the minds of those who may not know him. Sixty as I do, that he has means of information as a single channel through which he receives information on this subject, not "free and open" to the members of this committee. How can anything else anything about a correspondence not so much of public? or that such as one has taken notice of all? He certainly cannot get it from the government of the United States, for, as I said before, the fact that the President keeps such so still from the "public ear," as he should do, would not readily would refuse to communicate, or upon a vowed political opponent, even were he want of a to violate the profound secrecy usual possession of correspondence. There is but one channel from which it could emanate. I do not

that the honorable member obtains his information either directly or indirectly from one other source;" to say so would be untrue. I know him well enough to believe that he intended to be understood as giving an opinion, instead of asserting a knowledge (as he is understood by some) of the existence of the communications to which he alluded.

They should not, therefore, have opposed the call upon the Executive, to the true friends of the country, as I have just referred, and I am happy to hear that they have this opportunity of giving some of the reasons, that they have for my opposition.

It is in truth a fact, that the Senate had but a short time, or two before made a call for the same information—correspondence. Sufficient time had then, turned out, to enable the President to respond upon this point. It is known that if the information should be brought to the Senate, it will also come into this country without a call. These facts will not be disregarded or questioned; but instead of waiting and admonishing us to give the President a reasonable time to reply, we in "hot haste" bring into the House a literal copy of the Senate's resolution, under the lead of a distinguished whig from Vermont [Mr. COLLAMER.] I do not deny that the whigs have the same right to propose as the democrats. I will not dispute the right of either party lines upon this question, or to it was of the honor of the honorable mover of this resolution. But I have a right to draw my own inferences from the facts presented; and as the call was made by the Senate—and as not one member of either House of Congress would say that the President would disregard his strictures, call—and as it was known, if responded to, which the House of Representatives would also necessarily be sent to the House, I am left without an additional reason for its introduction into the House, unless it was intended as a measure to create the Oregon difficulty, or that a majority of the House believed he should not, respond to the call of the Senate;

The great object that the House had to join in and "dog at" was, to obtain from him the desired correspondence. Under these circumstances I feel a conscientious conviction, as well as a duty, to do. I also voted for the resolution creating a suspending committee, because I thought it time to give the people a single proposition; if we bestow but a moment's time upon each of the other measures, and open to be voted with Oregon, we will have no time to do anything else. The people have grown tired of much debate; they want a vote of the Executive; they want to see what we intend to do. I do not doubt, however, but that the call should be responded to before the 9th instant. I do not believe that the President should have suffered this House to communicate upon an important question like this for the want of a correspondence or information in his possession—that he would quietly stand by

and see us involve the country in a war, upon a point of *etiquette* between him and the legislature—withhold information which we ought to have, and which he desired we should have, merely because we had not made a formal call upon him for it. Such an idea is ridiculous; but as we have made the call, I am in favor of waiting for the response; and if not made by the 9th, extend the time.

You and I, Mr. Chairman, as well as the present Governor of the State of Tennessee, should feel ourselves arraigned before this committee and the country by a member from that State [Mr. COCKE] for inconsistency. That honorable member has thought fit to read a paragraph from a report made by the Hon. A. V. BROWN at the last Congress as chairman of the Committee on Territories, of which we were then members, in which paragraph, he says, the committee declare this to be an executive, and not a legislative question. I regret that the gentleman is not now in his seat, as I have a few words to say in reply and explanation, which I desired he should hear. He does not show a perfect knowledge of the practice of this House, when he takes it as granted that each member who fails to make a minority report thereby subscribes to all the doctrines, much less the reasoning, of the majority report. He forgets that there is, in truth, no such thing known to the rules of the House as a "minority report." A committee can make but one report; and that is to be done by direction of a majority. I admit that "minority reports," as we are pleased to call them, have grown into use by permission of the House; and, under that permission, the minority of that committee might have presented their views. It was not necessary, however, for them to do so in order to shield themselves from a commitment to the report of the majority. Their failure to report implies no such commitment. It would be a strange state of things if the reverse of what I say were true. You could, by searching the records, involve every man who has ever been on a committee in Congress in the same character of inconsistency if his position should hold. I wished the honorable member [Mr. COCKE] to account to this committee, if he could do so, (and I, of course, presume he could,) for some very strange omissions on his part.

He is mistaken in saying that the report to which he referred makes a positive declaration as to the true character of this immediate question. If he had paid the same attention to the facts and arguments of that report which he seems to have done in hunting out an inconsistency on the part of the Governor of his State, he could but have seen and understood that, as far as the report itself goes, the question is left in doubt, and, as such, the chairman declined to enter into a premature investigation and use a less decision of it. The committee, it seems for reasons not given, had determined to report a bill without the notice; possibly because they

is but one other separate. I do not

thought that branch of the subject belonged to the Committee on Foreign Affairs, as it in truth does, and as the notice was then pending in the House, or Committee of the Whole on the state of the Union, in a separate resolution, and as negotiations were also in progress between the two governments, the chairman very properly passed on with but little more than a bare allusion to it. And if my honorable friend had read even the beginning of the very next paragraph to the one quoted by him, he would have seen that the report proceeded to say, "in connection with this branch of the subject, &c.," and states that it was then understood that negotiations were in progress between the governments, and connected that fact as a reason, if not the principal reason, with the doubt expressed as to the nature of the question why he declined its investigation. There is another fact to which he should have referred, and which he should have stated in justice to Governor Brown, if his object was to act fairly towards his political opponent, (and I will not question his fairness.) By reference to the journals he would have learned that Governor Brown, when brought to a vote at that very Congress, upon his bill, (as it was called,) with the notice in it, voted for it; thereby voting for the notice at the same time; and also in the most conclusive manner giving his own unequivocal construction of the phraseology of his report: if he had been satisfied that Congress could not direct or advise the President of the United States as to the giving of the notice, why did he vote for the bill with the notice in it? It will not do to tell me it was his anxiety to have his bill passed; however much he might have estimated the bill, he could find no justification in voting for it, if, in his opinion, it contained a provision upon which Congress had no power to legislate.

Another omission occurs in his speech, to which I will for a moment allude. He enumerates, as we are authorized to conclude, all of the then members of the Committee on Territories, (six in number,) and all democrats, you and myself of that number. I do not feel that it is necessary to disavow any one of the results or conclusions of that report. I have not read it to this day, and am not, therefore, prepared to condemn it; though if I had, as I have before attempted to show, I do not stand committed necessarily to any part of it. I was, at that session, a member of the Committee on public Lands, and had very heavy labor to perform on it; and, as a consequence, could not attend often the meetings of the territorial committee. I will not say, for I do not remember, whether that report was ever read in committee. I was so often absent that it might have been read when I was not present. I can say this, however, for myself, that if I ever heard it read at all, in or out of committee, it has escaped my recollection. I remember no such thing, and am of the belief that I never heard it. That Governor Brown

had authority from the committee to make of Congress report I have no doubt; and that he may (sky, I read it to the committee I think quite profligate. However, being wholly unimportant, I will else pass it over. Let me return for a moment from this democratic committee of six, and trace, as we one step further. I find upon the journals of Congress there were nine members of the Committee of the Territories, and that the three which the gentleman omitted to name were whigs, and one I have numbered his colleague, now in my eye, [Mr. SMITH BROWN,] was one. Why this omission? Congress will not venture to say he did not know our late were members of the committee. It is hardly reasonable to suppose he found the names to give part on the journals and not the whole; so much more unreasonable would it be to suppose a charge that he found the names of the six democratic and could not find the whigs. Where I have a view their names on the journals they are all hostile together, and mixed up at that; so that if I attempted to take the one and not the other, would have been compelled to look over all. Can the names to get them. I do not charge this as an intentional omission of that honorable member if we he may be able to show that it was accidental. If I, however, had done so, I assure this committee it would necessarily have been intended—a warning. I cannot well see how I could have done so through mistake. Then, sir, if the demerit. How on that committee subscribed to the *argument* justly and *conclusions* of that report, so did the whigs, a vote they made no counter or minority report; and I am inconsistent, so is the gentleman's; himself league [Mr. Brown]—for if the argument advanced be correct, that we are all bound as to have being virtually subscribed to that report, you would but to look a little further into the journals of that same Congress, and you will find that, for directly in the face of this *fancied* committal question, colleague voted to insert a provision into their directing the President to give the notice, may demand such was the vote of every whig member at all proper in his seat from the State of Tennessee. It is very natural that I should ask how it is this but will What sort of consistency does the gentleman believe himself present? Why did he fail to state name. what appeared of record, implicating alike against myself as well as democrats?

Mr. M. BROWN rose to make an explanation and was proceeding, when Mr. HOUSTON, rising from the chair, said that this interruption would be counted in his time, said, "I hold

Mr. Chairman, I cannot yield the floor to am to lose the time. I would gladly accommodate gentlemen by yielding for explanation if my time would allow me to do so. I wish to with the one injustice, and if the time were not reckoned against me, I would much prefer to hear their own explanations as I proceed. They must explain me, however, and take their chances for gently, in floor as I have done.

Sir, a minority report has been made on the Committee on Foreign Relations at this time wi

Committee to make of Congress, signed by my friend from
and that he may [Mr. G. DAVIS,] by a gentleman
think quite [Mr. C. B. SMITH,] and, I think,
unimportant, I one else. The report is not before me, and
teru for a moment from memory. As I understand the con-
e of six, and [Mr. C. B. SMITH,] as well as the reasonings of that report,
upon the journals to Congress the power to act upon the
of the Committee of the notice contemplated by the resolu-
three which the on your table.* Yet the two gentlemen to
ere whigs, and of [Mr. G. DAVIS and Mr. C. B. SMITH,] voted at the last session of the
in my eye, [Mr. C. B. SMITH,] Congress to incorporate into the bill ex-
e did not know our laws over the territory of Oregon, a
Committee. It is [Mr. G. DAVIS and Mr. C. B. SMITH,] directing the President of the United
ound the names to give the notice substantially as we
not the whole now to do it. How can they account
would it be to such a change of opinion? Will they at-
of the six demo an explanation? I may be told they did
whigs. Where I have a view of destroying the bill; that they
uals they are all hostile to it, and believed, if the notice
that; so that if inserted, the bill would be defeated. Can
and not the others avoid the difficulty by such explana-
d to look over all. Can they reconcile such a course to their
not charge this sense of propriety and right? We are
at honorable men if we give the notice that war will be
that it was an inevitable result—a war which will be de-
so, I assure this ve of all the important interests of the
have been inteny—a war in which our honor will be im-
w I could have to an unnecessary extent, if not tar-
t, sir, if the demel. How can any one who believes these
ed to the argum justly before the world, or his own con-
ort, so did the we, a vote for the notice? It will not do to
minority report; as wanted to defeat another bill, and thus
the gentleman's; himself. Better, far better, would it
if the argument been to let the other bill pass into a law,
are all bound as to have placed so large and important a
that report, you upon the hazard of a "single die." Such
into the journals would, in my conception, be totally in-
you will find thanible, for our true true policy is to meet
anced committal questions fairly, and to advocate or resist
provision into that their merits or demerits in our judg-
p give the notice, may demand. It is my intention to vote
whig member it all propositions on this subject which fail
of Tennessee. et the question fairly. I will not shrink
ask how is this but will meet the responsibility. In that
does the gentle I believe the great body of the people will
d he fail to state me. If, however, I should be unable
plicating alike wstain myself, I will have the consolation
proceeds from an honest intention to pro-
make an explanand defend my country.

Mr. Housron, limit, if you please, that this is not a question
at this interru, which this House can speak authoritatively-
e, said, t, I hold that the executive, in discharging
t yield the floodcate and important duties growing out of
uld gladly accompecially under the circumstances of this
for explanation i may, with great propriety consult and ad-
so. I wish to with the representatives of the people. In
he were not reckpect of the case, we might not be bound to
prefer to hear him our opinions or advice; yet, if we
They must ex refuse it, our people would condemn us,
eir charces for ghly, in my judgment. Look if you will,
or a moment, into the true state of the
as been made on. No president has ever offered to give
Relations at thisnce without submitting it to Congress.—

The House of Representatives of the last Congress, and prior to the installation of the present President, assumed to have jurisdiction of this subject, and passed a provision which was sent to the Senate, directing the President of the United States to give the notice; and the Senate have had before them, of their own accord, similar propositions—have entertained and debated them—thereby recognising the question of notice as a legislative matter, and as within their jurisdiction. These things are all of record, and are spread out upon your journals and known to the President and the country: Now it is gravely insisted that the present Executive shall take the whole responsibility upon himself. Even supposing the President felt that he had the power under the constitution to give the notice: is it fair or reasonable to expect, in the face of all these facts, that he should have given it without saying a word to, or consulting Congress? Do you not ask of him too much? If he has erred, it is on the side of safety. Suppose he had given the notice and involved the country in war: he would have been censured and abused throughout the length and breadth of this country; and by those of both parties who are attempting to rest the entire responsibility upon him. He would have been denounced as arrogating to himself power "not conferred upon him by the constitution and laws, but in derogation of both," for thus attempting to grasp and concentrate in his own hands the power of peace and war. He did not pursue that course, and I am glad that he did not; nor does he now propose to avoid responsibility. He tells you the notice should be given. What more could he say? It is a fatal mistake to suppose that we can avoid this question. The people will listen to no special pleading upon a measure like this. They sent us here to act for our country. Then let us do it. They expect us to meet responsibility; and for one, though I do not court it, I am ready and willing to meet it.

It has been stated in this debate that a large portion of the democrats of the House of Representatives, at its last session, voted against inserting in the bill then before them a provision directing the notice to be given; and the inquiry is made, why it was not, at that time, a party question—and why were not those who voted against it "read out of the ranks of democracy?" As I have already said, I am opposed to making this a party question, because it is wrong, and should not be done. Yet gentlemen should remember that the case then presented bears no analogy to the one now before the committee.— At that time, negotiations were in progress between the two governments; and at this time, as far as we know, or even believe, negotiations are not in progress. Then the President wished to continue his negotiations, and did not solicit the interposition of Congress; but now the President has informed Congress that he has failed to adjust the difficulty by negotiation, and our

action is, by him, invited and recommended.

These considerations had great influence upon that vote. It will also be remembered that, at the time of that vote, there was a joint resolution pending in Committee of the Whole on the state of the Union, directing the notice to be given; and it was the wish of many of the friends of Oregon that the two measures—the bill and the notice—should be kept separate; and I am assured that many who were then for the notice voted against putting it in the bill, because they feared that both measures would be thereby endangered. They wished each to stand separate from the other, and upon its own merits, so that the one should not jeopard or prejudice the other.

In connexion with this point of the case, I hope I may be allowed to refer to a speech made by the President in 1829, when a member of the House of Representatives, on the subject of Oregon. It might be wise in the friends of Oregon to look to that speech; they may possibly find enough in it to make them doubt, at least, the fate of such a territorial bill as we might prefer. I greatly desire to see some efficient, beneficial legislation on this subject. I want to see our citizens there enjoying the full protection of our laws. How shall we accomplish that purpose? I know of but one sure way, and that is the notice as a first step. Let us divest ourselves of the shackles of the treaty, and then we can legislate without the fear of violating treaties. We never can organize a *complete* government there, until the treaty is abrogated.— You may pass bills which will do some good; you can now extend our laws over the citizens of the territory, saving and excepting British subjects; and you may afford protection to the emigrant on his way to Oregon. But it is thought by many able statesmen that you cannot give him a home after he gets there while the treaty exists, though I believe we can give him lands prospectively, to vest absolutely, after the line shall have been run between the two governments, or the one yields all to the other, in which event no new line will be necessary. But if there is a serious doubt about it, let us solve that doubt by abrogating the treaty. It must finally come to that in any reasonable contingency.

If we should pass a *complete* territorial bill, our chances for war, I apprehend, would be increased. Lord Palmerston and Sir Robert Peel have both declared that such a bill would violate the treaty. In debating that question in the British Parliament Lord Palmerston said:

“What has happened lately about that (Oregon) question? Why, the Senate have actually passed a bill for immediately taking forcible possession of the whole of that territory; and the senator who brought in that bill expressed his conviction that the American claim on this territory would immediately be acquiesced in by Great Britain, if it was only urged in what he was pleased to call a proper manner. It is impossible, I conceive, that

this bill should pass the other branch of the legislature; but if it were to pass, and to be binding upon, it would be a declaration of war. It would be the invasion and seizure of a territory, of our parties in its own favor.”

To which Sir Robert Peel replied:

“The noble lord says the adoption of the bill would be a case of war. I will not discuss the hypothetical cases of war, when, as I have said, the executive government has signified to us its intention, or to maintain peace, and to effect a satisfactory adjustment of the question of the Oregon territory; and I will not believe that it will consent to a legislative measure at variance with these assurances.”

They are not alone in the opinions thus advanced; many of our own statesmen entertain similar views. In the discussion in the Senate of the United States in 1843, on a bill known as Linn's bill, Mr. Calhoun said:

“Even I, who believe that the present course is disposed to peace, that the recent mistake of this country originated in the spirit of peace, and that Sir Robert Peel has exhibited great wisdom and moderation—moderation in the midst of splendid success, and therefore more to be commended—do not doubt she would resist if we should attempt this measure.”

In that same speech Mr. Calhoun further said:

“I am not however of opinion that Great Britain would declare war against us. If she were to do so, she is under the direction at this time of those who are too sagacious and prudent to take such a course. She would probably consider the acquisition at an end, and take possession adverse to us of the whole territory, at least of the Columbia river. She would, at the same time, take command that river by a strong fortified garrison, and leave us to decide whether we shall acquiesce, or attempt to dislodge her. To acquiesce under such circumstances, would be a virtual surrender of the territory. To negotiate for a reverse and forcible possession against us, would be almost as hopeless; and to dislodge her at all, would, as has been shown, be impracticable. Such, in my opinion, would be the probable result, should this bill be passed.”

I do not intend to be understood as assenting to these opinions. I voted for the bill in Congress, under the belief that it did not violate our treaty with Great Britain, nor do I intend to retract that opinion. I am endeavoring to show, that some of the ablest statesmen in England, as well as in the United States, entertain the opinion that a territorial bill would violate the treaty, and that war would be the consequence of a war which would, in the minds of some, at least, carry with it the odium of bad faith on the part of this government—of a violation of existing treaties. I wish to avoid that imputation; I wish to avoid, if possible, even the suspicion of a breach of faith. If we have to fight, let us do it in a clear case;

other branch of the loose from the restrictions of the treaty, by to pass, and to being the notice conformably to its second ar- aration of war. Its, and then we can legislate for the protec- ture of a territory) of our people, and the advancement of the crece made by one

Peel replied :

the adoption of the House of Representatives of the 28th Con- I will not discuss—while I totally repudiate the idea of com- when, as I have said, my opinions to the opinions of the Pre- as signified to us, or any one else—yet, sir, in the fear that, to effect a satisfactory, persisting, we might fail to accomplish any- of the Oregon ter- gans, and with a view to concentrate the op- of the executive gans, and joint harmonious action of our own believe that it will gesmen and people, and, if possible, to avoid measure at variance

in the opinions the useful features of the territorial bill, until we own statesmen en- to abrogate the treaty entirely. Let us then discussion in the Se- ve the notice, and pass the best bill we can for \$43, on a bill kno- efficient protection of our citizens; one in n said: high all reasonable men can unite as being in

that the present not conform to the treaty; and when the at the recent mis- veolve months expire, we can do the rest. n the spirit of peace, I have another extract from Mr. Calhoun's n exhibited great each in support of these views, which I had tation in the mig- gotten to read at an earlier stage of my re- ference more to be marks, but which I beg the indulgence of the resist if we should committee for permission to read at this time :

“Mr. Calhoun said: But if our finances were in or so flourishing a state; if the political condi- Mr. Calhoun further- or of the country were as strong as it could be opinion that Great- ade by an administration standing at the head- against us. If I be a powerful dominant party; and if our popula- tion at this time on- had reached the point where we could suc- cessfully assert and maintain our claim against the- and prudent to take- cessful claim of Great Britain, there would still- sibly consider the- main a decisive objection to this bill. The mode- sion adverse to us- in which it proposes to do it is indefensible. If- at least of the Co- ve are displeased with the existing arrangement- e same time, take- ch leaves the territory free and open to the- y a strong fortifi- izens and subjects of the two countries; if we- garrison, and leav- advantage, or that the time has arrived when- shall acquiesce, or the ought to assert and carry into effect our claims- ge her. To acqui- exclusive sovereignty over the territory, the- s, would be a virtu- treaty provides expressly for the case. I author- To negotiate with- zed either party, by giving a year's notice, to ter- minate its existence whenever it pleases, and- sion against us. we- without giving reasons. Why has not this bill- could be the probab- conformed to this express and plain provision?—- ssed.” Why should it undertake to assert our exclusive

understood as as- ownership to the whole territory, in direct- of for the bill- violation of the treaty? Why should it, with what- ef that it did not- we all believe to be a good title on our part, in- ritain, nor do I- volve the country in a controversy about the vio- ling to show, holl- lation of the treaty in which a large portion, if- atesmen in Englan- a majority, of the body believe that we would- ates, entertain the- in the wrong, when the treaty itself might so- easily and in so short a time be terminated by our- would violate the- own act, and the charge of its violation be avoid- be the consequen- ed. Can any satisfactory reason be given to these- of the minds of son- questions? I ask the author of the measure and- odium of bad fa- its advocates for an answer. None has been- ernment—of a pe- given yet, and none, I venture to assert, will be- nities. I wish to- attempted. I can imagine but one answer that- a to avoid, if pos- can be given—that there are those who will vote- breach of faith. for the bill that would not vote to give the notice,- t in a clear case; under the delusive hope that we may assert our

exclusive ownership, and take possession, without violating the treaty or endangering the peace of the country. Their aim is to have all the benefit of the treaty without being subject to its restrictions—an aim in direct conflict with the only object of the treaty—to prevent conflict between the two countries, by keeping the question of ownership or sovereignty in abeyance till the question of boundary can be settled.”

We are now told, if we give the notice, we will involve the country in war; and some have gone so far as to call the notice a war measure, and its friends the war party. We have heard much in this debate about a peace and a war party. I presume, Mr. Chairman, no one believes there is a party in Congress in favor of war “for war's sake,” merely for the purpose of having a fight. There is no such party here.— If gentlemen mean by the “war party” to designate those who prefer war to an inglorious peace, they are correct; there is such a party in Congress, and a much larger one in the country.

The country has grown tired of this frequent cry of war; it fails to alarm or excite the people; even the timid have become familiar with it, as a sort of “household word,” and are unmoved by it. If, therefore, it is in any way intended to frighten them from their course, to force them into a false position, to induce them to oppose the giving of the notice, it is wholly unavailing, and had better be abandoned. If gentlemen want to keep the country out of a war, they must satisfy the people that it would be for some cause, in the particular case, dishonorable or unnecessary; but never appeal to their fears. Don't underrate the strength of your own country, and overrate that of our adversary. Do not tell them that they would be whipped, for they will not be made to realize it. By such arguments you but inflame their passions; they know they cannot be vanquished by any nation on earth; and if they but believe their cause is just, they feel doubly armed. I have the charity to believe that no respectable member of this committee would intentionally and without cause, involve the country in an unnecessary or dishonorable war; we are all for peace, but differ as to the best means of preserving it.

In the extract I have just read, Mr. Calhoun did not consider the notice a war measure, but the reverse. He urged it upon the consideration of the Senate as a first step for our government, a sort of preliminary to the further action of Congress upon the subject; not as a war, but as a peace policy. He said, and said truly, that the treaty provided expressly for it, and that we had a right to give it without assigning our reasons. He characterized the hope, as vain and delusive, that we could avail ourselves of the benefits of that treaty without subjecting ourselves to its restrictions. I endorse and adopt his opinions as then expressed, as to the peaceful character of the notice. None of us know, or can know in advance, whether it will or will not produce war. We have our opinions, and I

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. * * * * * id not be

“Its passage may lead to collision, to conflict in of jurisdiction, and ultimately to war; but these are 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 gentlemenly with the same nation in another celebrated boundary case, we lost a part of Maine. The 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 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 notice—the twelve months' time—being for her benefit, she had a right to waive it if she saw 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 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 amount 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 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 persuade me to believe 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

regon is the *cuckoo* * * * * *
 collision, to conflict is in this case. England and the United States are not to be forced into trial before its expiration. England and the United States may waive the notice, and commencement of the negotiations, and which may be done by consent, if they please, but it cannot be done unilaterally. American people have no objection to the negotiation, of course, and in accordance with the provisions of the treaty.

gentlemen tell us they consider our title good to the parallel of latitude 49°, but not farther; if we will insert into the notice, or append to it, an assertion of title to that line, they will not object for it. My honorable colleague [Mr. DANFORTH] has fallen into that error, as I will endeavor to show it to be before I get through with my remarks. His second resolution is in these terms:—

Resolved, That the line separating the British provinces of Canada from the United States should be extended due west to the coast south of Fraser's river, and from thence through the centre of the Straits of Fuca to the Pacific ocean, giving to the United States that portion of the territory south, and to the Government of Great Britain that portion of the territory north, of said line."

I cannot, consistently with my notions on this subject, vote for it. I consider both of his resolutions objectionable, and will proceed to give reasons for that opinion. I object to his first resolution, because it, in effect, directs the President of the United States to reopen the negotiations. I am willing and desirous that the question should be settled amicably and honorably by negotiations; but I am unwilling to force the President to reopen them. I leave that with him, in the belief that, if it is proper for him to do so, he will take that course.

His second resolution—the one which I have read—is objectionable, because it blends the two titles with the notice, which it should not do.—They are separate and distinct propositions, and should be kept so. And I care not what my opinion about our title may be. I could not vote for connecting it with the notice. Let us first give the notice, and throw ourselves back upon our title; and if, in the mean time, while the notice is running to its termination, the government think proper to negotiate, let them do so. I hope they may; but if they do not, and the twelve months elapse without a settlement of the difficulty, then the title becomes a legitimate subject for debate and investigation. When we propose to take *exclusive possession* of the territory, the question very properly presents itself, how far the title of the United States extends? If to 49°, there let us stop; if to 54°, there let us go. I will go to what I honorably consider the extent of our title, but not beyond it.

I believe the resolution of my colleague will prevent an amicable adjustment; that it will prevent farther negotiations. In his notice he proposes to mark the boundary line, and to say to Great Britain that she must come to the line, or fight. Such I understand to be the

effect of it, and she will doubtless so construe it. What, then, will Great Britain do? What can she do? She has often refused to yield to 49°, and we tell her she shall yield to it. I am sure we will not differ about a refusal on our part to fall lower down than that. The difficulty with us is, Will we, can we agree to 49°? My object now is, not to show that 49° is, or is not, the true line, but to show that the effect of such an action would be a fight beyond all doubt. Can Great Britain negotiate any farther with such a threat hanging over her? Does any member of this committee believe she would? Under this state of the case, would she not tell us, and very properly tell us, that she could not treat or negotiate farther, while the threat remained unrescinded? I am satisfied that such would be the course of our government under like circumstances; and I therefore think that war must be the consequence.

View it with reference to our own Executive, and it is no better. We say to him, in the first resolution, that the Oregon difficulty is a "subject of honorable negotiation and compromise, and should be so adjusted," and in the succeeding resolution of the same series we shut the door against all negotiations—we take it out of his hands. How can he negotiate when thus compromised? What is left for him to do? I grant he could cause a note to be written to Mr. Pakenham, covering a copy of the resolutions of Congress disclosing the *ultimatum* of this government. Great Britain would say "I cannot accede to that proposition;" and these negotiations must terminate, as the President can do no more. England might propose to give us more of the territory, even than 49°, if we would connect other things with it. She might want the use of some of the harbors in certain contingencies south of 49°; and she might agree to yield more, if we would give her some specified commercial privileges. Indeed there are many other matters which might be connected with the Oregon controversy to induce a more favorable termination of it for us. I do not name these, because I think they should be used by the President.—My object now is, to show that the resolution to which I refer would cut off all negotiation; yet gentlemen who advocate it say they are for adjusting the question by negotiation and compromise. We had quite as well relieve our Executive entirely of this whole subject, as to go the length proposed. Why not direct the clerk of the House to deliver to the British minister a certified copy of the resolutions? It would amount to the same thing in the end, as though it were done by the President, or Secretary of State. I have before remarked that I could see no connection between this question of notice and the title. It is necessary to give the notice whether we have title to all or to only a part of Oregon. This controversy should be settled, that the governments may know the extent of their rights.

If our title is good to only a part of the territory, it is even more important that an adjustment should be had than if it were known to be good to all; for if our people go beyond the true line to which our title extends and make settlements, we will never give them up, title or no title.— In such a case, the people would not listen to special pleading. The time has passed when this government, under any administration, will venture to surrender up or transfer its citizens to any other nation.

Although it is not my intention to discuss the title, I will, however, make a brief allusion to an argument of my colleague [Mr. DARGAN] upon the Nootka Sound convention between Great Britain of 1790, and the effect of the war of 1796 between those nations upon the provisions of that treaty. He contended that, by the treaty of 1790 at Nootka, Great Britain obtained the right of settlement, which gave her an interest in the soil, and therefore could not be abrogated or annulled, unless with her consent. He referred, in illustration and support of his position, to the treaties by which this government acquired Louisiana and Florida, and demanded to know whether a war between the United States and France or Spain would abrogate the treaties of 1803 and 1819, and retransfer to those nations the territory which the United States obtained from them. No one could hesitate to answer his question in the negative. I do not, however, consider the cases as at all analogous. Treaties are contracts between nations; and yet it does not follow that they are all of the same precise character. They are widely different—some executed, giving a permanent, a vested right, as in the purchase of Louisiana and Florida; and others executory; others, again, in the process of being performed, but never completed, and from their very nature cannot be, because they are *continuing*—such as all reciprocal commercial treaties, where the consideration is a *permission* on the part of each nation that the other may do particular things, the permission of the one being the consideration for the permission of the other. In the cases of the purchase of Louisiana and Florida, the contract is executed; the consideration has passed entire into the hands of the vendor, and it is beyond our reach. We have possession of the territory, and have organized our federal and State governments in it. War cannot, therefore, abrogate or rescind them so as to affect our rights under them. We now have commercial treaties with Great Britain—treaties of trade. The vessels of each nation enter the ports of the other in pursuance of treaty stipulations. But if we should declare war against her, all of these stipulations would be abrogated, and the vessels of neither could enter the ports of the other.

I come now to the treaty of Nootka Sound, under which these rights are claimed; and in order to obtain a proper understanding of its provisions as far as they bear upon this point, so as

to enable us to determine to which class of titles it belongs, it will be necessary for me to state its third article:

"ART. 3. In order to strengthen the bonds of friendship, and to preserve in future a perfect harmony and good understanding between the contracting parties, it is agreed that their respective subjects shall not be disturbed or molested either in navigating or carrying on their fisheries in the Pacific ocean or in the South seas, or in landing on the coasts of those seas in places not already occupied, for the purpose of carrying on their commerce with the natives of the country, or of making settlements there—the whole subject, nevertheless, to the restrictions specified in the three following articles."

There can arise but one point of difficulty about this article. We will doubtless all agree that the rights of navigating, fishing, and carrying on the coast, for the purpose of carrying on commerce with the natives of the country, and of making settlements, or falling within that and as such would be abrogated and annulled only by a war between England and Spain. But we are connected with the right of landing on the coasts, and also the right of making settlements, about which so much has been said. And my purpose is to show, if I can, that the right of settlement given in that treaty, is of a character identical with those which precede it in the same article.

Under the third article, as read, British subjects have the privilege of navigation, fishing, and landing on the coast not already occupied, for the purpose of carrying on their commerce with the natives, or of making settlements there. It is contended that the right of settlement carries with it the right of soil; and that, therefore, Great Britain under it had a right even to plant a colony there if she chose to do so.

I beg to differ with those who hold that the article of the treaty relate to the one grand leading object which Great Britain had in view at that time—*fishing and carrying on commerce with the natives of the country*. She did not want to make settlements for any other purpose than to have wanted no colony there. And if you look to the history of that transaction, you will find that the difficulties which led to, and were settled by, the Nootka Sound convention, originated entirely from an effort on the part of British subjects to exercise the very privileges afterwards secured to them by that treaty. They wanted the right to fish and trade; but to exercise those rights usefully they must also have the right to navigate. How could they fish successfully without the right to navigate the coast? Indeed, the article itself says, "*navigating or carrying on their fisheries in the Pacific ocean*." The rights to land on the coast to make settlements were indispensable to *fishing and trading with the natives*. For if they were not permitted to land, how could they carry on commerce with the natives? And if they had no right of settlement, no right to erect to

to which class of necessary for me to strengthen the bond in future a perfect understanding between the agreed that their res- disturbed or mole- carrying on their fish- the South seas, or those seas in places purpose of carrying natives of the coun- there—the whole leges which were granted: for the right of restrictions specific- ed the settler to navigate, fish, and land on the coast, and trade with the natives, without will doubtless all an express grant for that purpose. Then why fishing, and here they inserted? Fishing and carrying on purpose of carrying commerce with the natives of that country. were es of the country, able employments. England knew that; falling within that and in order to secure them to her subjects, she ogated and annulled only specified them in the third article of her and Spain. But only with Spain, but also enumerated other landing on the coast, which were necessary to enable her sub- settlements, about which to enjoy and use profitably the privileges And my purpose in- They wanted to establish trading points right of settlement ere the natives could find them that they a character ident- carry on commerce—where they could it in the same art- cure and prepare their fish for market.— as read, British settlement was necessary for that purpose. Tak- of navigation, fishing these views of the treaty of 1790 between already occupied, for Great Britain and Spain—construing the term ber commerce with settlement used in it as I do—distinguishing be- settlements there, tween the extent of its meaning there, and the of settlement can meaning we ordinarily give to it—I am led to ; and that, theref- the conclusion that it was intended as a mere a right even to p- sident to the right of *fishing and trading*; and as such was abrogated with the rest of the priv- e to do so. leges granted in that article by the war of 1796 use who hold that between Spain and Great Britain. e the entire grants of Mr. Chairman, peace is desirable, and should e to the one grand preserved if it can be done in an honorable e at Britain had in the way. But I tell gentlemen now, and hope they carrying on comm- way. She did will look to it, if they suffer the present Con- ntry. And if you gress to adjourn without action on this question ere. And if you they will regret it. The people have been ha- transaction, you raged long enough with it; they demand its set- which led to, and w- tlement, and will be disappointed and much dis- act convention, or- satisfied if we adjourn without doing all we can ct on the part of towards it. If this controversy should remain ne very privileges open and unadjusted, so as to constitute the prin- y that treaty. Ti- cipal element (as it will do) in our next popular and trade; but to elect ions, there will be no half-way house left. nd they must also The next Congress will be forced on by public w could they fish opinion arising from a feverish state of the pub- to navigate the lic mind caused by our failure or refusal to act at rself says, "navi- this Congress. heries in the Pac- The President of the United States has taken nd on the coast high ground upon this subject. His message has s- pensible to fish- been endorsed and eulogized throughout the s. For if they length and breadth of this Union. The people could they carry have responded to his positions in tones of the ? And if they highest approval, and it now becomes our duty right to erect te to act. Shall we do so? Must we stand still, recede, or go forward? These questions are presented to us and to the country. Let us meet

the crisis; and, in so doing, act with manly firmness. If we recede, or fail to move onward, we leave the administration in its high and patriotic position "solitary and alone."

The President of the United States has taken a bold but judicious and wise step; he has gone beyond any previous administration; and if we refuse to sustain him, we not only destroy the influence of his administration at home and abroad, but we effectually block up the avenue to a settlement of our Oregon controversy. England will view it as a rebuke of the President by the people—that they condemn his recommendations in regard to Oregon. She will then rest at ease and cease her efforts to adjust it by negotiation. As matters now stand under the treaty she has all she wants, and if we refuse to give the notice, the question will not be settled. If, however, we present a bold and undivided front, give the notice, and show that a settlement is determined upon, and that it must come, then, sir, in my opinion, you will bring about an adjustment.

I do not present these views in a party sense. I speak not as a partisan, but as an American—and I hope to be so understood. Party feelings may arise among, and divide us upon questions of domestic policy; but on a question between the United States and a foreign nation, there should be but one party in this country—the American party.

I do not mean that our duty calls upon us to sustain the President in his position, merely because he is the President, irrespective of right. If he had taken wrong ground, it would be our highest duty to check and restrain him. We should throw ourselves into the breach, and protect the country and its honor. Under all of the circumstances, however, as they exist, I consider that to give the notice will be the best for the country; and believing so, whether the President were a whig or a democrat, I would promptly rally to his support. In a crisis like this, it will not do for us to *falter or turn pale*.—If we begin with improper or unnecessary hesitation—if we stop to plead our own weakness, and the strength of our adversary—if we exhibit timidity or a want of firmness, war *will* come upon us. If, therefore, we would avoid war, we must not evince too great an anxiety to do so.

I am not prepared to say to my constituents that we will have no war. They have all of the information which is in my possession, and are as competent to determine that as I am. I have given them my opinion, which remains unchanged.

Sir, gentlemen tell us that we are weak and defenceless as a nation; that we are unprepared for war; that our navy is hardly a nest-egg, our army a mere skeleton; that we lack guns and ammunition, fortifications and harbors. Indeed, if we but listen to speeches of the opposition on this question, we would suppose we had nothing to fight with. They mistake—they under-

rate our means. We have implements of war in great profusion; and more than that, we have the people, the independent freemen who know nothing of fear when their country is assailed, and their rights or their liberties endangered.— We have *firm hearts and strong arms*, whose prowess will *repulse the world in arms*. We can never be conquered by a foreign foe—the thing is impracticable; and no nation knows that fact better than Great Britain.

NOTE.—The following resolution was adopted by the general assembly of the State of Alabama at its session of 1844 and 1845, and was presented to the House of Representatives at the 28th Congress on the 15th February, 1845.
 “Resolved, That the true policy of the United States requires that the joint occupancy of Oregon by the United States and England should cease; and resolved, that the title of the United States to the territory of Oregon is clear and disputable.”

Extract from the report of the minority of the committee referred to on 7th page:

“The House by its resolution, might declare that it was expedient or inexpedient to give notice; and if in the one form or the other, the President might or might not give heed to it. *But it has no power to originate, or to concur in a legislative proceeding, whether in the form of joint resolution or bill, to authorize this notice to be given. It can neither give nor withhold power to that end.*”

“It is conceded that the concurrence of the House in a resolution, or bill, authorizing the President to give notice, would not in any degree affect its validity. *But its adoption by the two departments of government, in the form of a legislative proceeding, would transfer from the treaty-making power, and in this mode the incidental, but important question, whether the assent of two-thirds of the Senate would be necessary, might be evaded. It would also tend to break down the partition of our government among various branches, by mixing up the House with the operation which the constitution had entrusted to other functionaries. And why should the House be a party to this proceeding? If the notice be expedient and proper, it has become so by a violation of all propriety in form, and without any effective authority over the subject, on the part of the House. It is rendered so by the refusal of the President to arbitrate the controversy, and by his closing further negotiation.*”

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