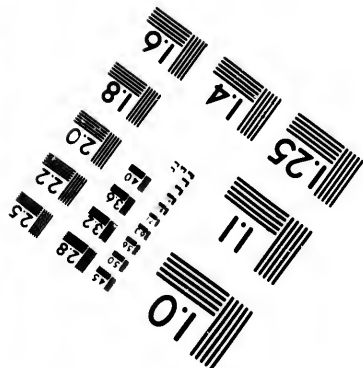
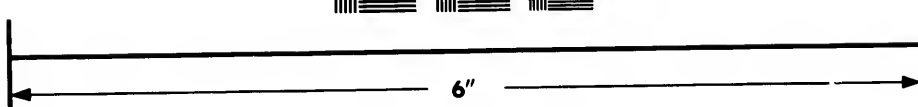
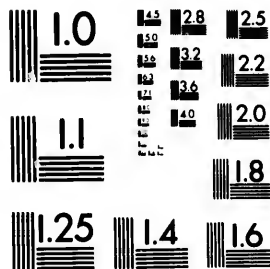


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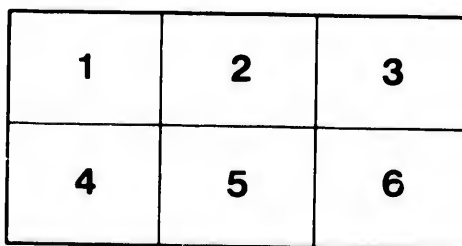
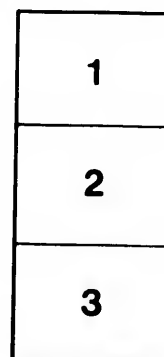
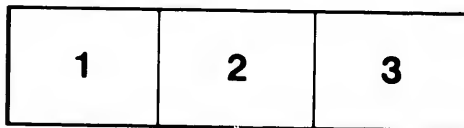
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S P E E C H
OF
MR. EWING, OF TENNESSEE,
ON
THE OREGON QUESTION.

Delivered in the House of Representatives, U. S., January 29, 1846.

The House having under consideration the joint resolution reported by the Committee on Foreign Affairs, directing the President to give notice to Great Britain that the United States will terminate the convention between the two Governments, providing for the joint occupation of the Oregon territory, at the expiration of twelve months—

Mr. EWING, of Tennessee, obtained the floor, and said—

Mr. CHAIRMAN: This is a glorious consult of a great nation, where the hour rule operates like a shackle-bolt on a man's lips; where, upon a question of peace or war, time is doled out to one by drachms and scruples; where, if a speaker attempt to read an authority, he must close his book at the first sentence for fear that he will diminish his little span. But, sir, I am losing my time while I am even thus talking about it. I must proceed.

If any one expects from me rhetorical flourishes, or splendid declamation, or soul-stirring oratory, he will assuredly be mistaken, (if perchance any one expect any thing from me.) These things I could not give if I would, (be this my apology,) and, with all due deference to others, I would not if I could. From those, however, who are willing to hear what a plain man may say, in a plain way, on the serious question before the House, I shall be gratified by attention. The question, indeed, I apprehend, is one rather of logic, at least of speculation, than of rhetoric; one for argument rather than declamation. What, then, is the question? It arises upon the resolution reported by the chairman of the Committee on Foreign Relations, requiring the President to give the notice stipulated for in the convention between our Government and Great Britain in regard to the Oregon territory of 1826-'7; the effect of which would be to put an end to the agreement for the joint occupation of that territory. I say, sir, joint occupation, notwithstanding the authority of the gentleman from Pennsylvania, (Mr. C. J. INGERSOLL,) and the authority of the venerable gentleman from Massachusetts, (Mr. ADAMS,) to the contrary. I say this, however, not in a spirit of defiance, nor yet in a spirit of hypercriticism, but because I believe there is some substance hidden under these conventional terms, and that they are not, as Thomas Carlyle would say, a mere formula. To show this will be part of my business hereafter.

The propriety of this notice, then, depends upon its effects; and its effects depend upon the present state of the relations between this country and Great Britain in regard to this Oregon territory. To determine whether the giving of this notice is to produce war or to leave us peace, it is necessary to know what these relations are. I should have been glad, before ad-

dressing the House on this matter, to have heard from the British Ministry; for nothing really in point is to be derived on the subject from the tone of the British newspapers. I care little, however, for this, if we have been dealt fairly with by the President in his annual message. If we have not the truth in the message—if any thing is concealed, so that a false impression is conveyed, let the ignominy lie with the President and his advisers, of having played a fraudulent game with the People and their Representatives. The President, it is true, is not bound, under all circumstances, to make full developments on our foreign relations in his communication to Congress; but he is bound, under all circumstances, not to communicate false information, either expressly or impliedly. I will do the President the justice to say that, in the present case, I believe he has not suppressed any thing material to a fair understanding of the position in which we stand, now that we are called on to give this notice.

The effect of this notice, then, under the circumstances developed, and the pre-existing circumstances in this case, will, in my opinion, be war. The notice I mean is that required by this resolution—this brief, curt, *brusque*, unmitigated resolution, without preamble and without proviso. I have no reference now to the various diluting propositions and honied addenda which have been offered by way of amendment to the original report. The direct tendency of this measure, I repeat, is to produce war; nor am I to be deterred from asserting this position by any open sneers or affected scorn towards those who are charged with attempting to snare a war-cry or create a panic. Suppose, though, I should prove that such is the tendency of the measure; that it would be likely to produce war, and a war in its character immitigable and internecine, I should then have done little in the eyes of the young, the enthusiastic, the impetuous; but there are in this House men of gray heads, and calculating minds, and sober hearts, who have seen war, and have experienced its effects, and with them I think I should have done much. What is war?—this small word of three letters, which is taken into and thrown out of the mouths of gentlemen as glibly, and with as much indifference, as if it were a cherry or a plum? It is a state in which the parties to it, whether individuals or communities, seek to inflict on each other, to the utmost extent of their power, pain, injury, insult, disaster, shame, ruin. Yet this war is regarded by some of the more generous and magnanimous spirits of this House as a mere splendid pageant. I know myself, sir, that it is a gay and gallant sight to witness the muster of soldiers, the waving of banners, the mingling of embattled squadrons—to see the glittering sword and the flashing bayonet; that it is soul-stirring to hear the loud *blare* of the trumpet, and the louder roar of artillery; and that, in the midst of all this, it is easy to forget the groans and the agonies of the down-trodden thousands, the melancholy relics of a disastrous fight, the feeble moan of the wounded, despondent, and deserted soldier, the cold damps of the wintry camp, the long starving of the siege, the helpless despair of the fetid hospital.

And, if war does come, who are they that are to wage it? The United States of America and the United Kingdom of Great Britain and Ireland. It will be no child's play; it will be no holyday conflict. It will be a war of giants. It will be fought with arms of iron and nerves of steel. It will be a brave passage of arms. Who shall enclose the lists? who shall build the barriers? The world will be too small to afford space for the combatants; the heavens too low to confine the roar of the dread encounter.

And, if this war does come, neither braggadocio or gasconade, nor affected contempt, nor loud and enthusiastic declamation, can affect, in the slight-

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est degree; the deep-rooted strength of Britain. They will not slay one soldier, nor sink one ship, nor spike one gun; but Britain will still stand there, looming up in the North ocean, stern and grim, lowering on all her foes, and ready for the shock with all her formidable, organized, and concentrated energies.

But, sir, I have been led away from the point, and I will not stop now to speak of our want of preparation, and of the probable result at first, at least between the organized force of Britain and our own inorganic means. I know that republics can never be fully prepared for war when it comes; they can keep no standing armies nor full military equipments. So much the stronger, then, the reason why they should deliberate long and well before they appeal to this *ultima ratio regum*. Republics may have wars, and they must sometimes, but certainly they should be a dernier resort, and never be commenced for mere purposes of aggrandizement. The safety and happiness of a republic do not depend upon its power, or its wealth, or its renown. Some preparation, however, we might have made. A navy might have been prepared somewhat proportioned to the magnitude of the emergency; cannon and muskets, and powder and camp equipage, fortifications, and at least a complete skeleton of an army. We have none of this preparation.

These things by the way; now to the question. Is it the tendency of this notice to produce war. How stands the case? There lies up here away towards the arctic circle, a region which has in these latter days come to be called Oregon. For three hundred years after the discovery of America it did not attract the attention of civilized nations. Spain owned a rich American territory in a more genial clime, and neglected at least its occupation; England had not yet subdued or colonized its Indian empire; and we, as an independent people, were still in the womb of time. Time, however, with its ever-varying interests, at last suggested the value of the country, and in 1789 a collision first takes place between England and Spain as to its dominion. Since that time, now nearly fifty years ago, England has kept up a continued claim, and has ever urged that she possessed rights in Oregon. These rights have been urged not by diplomatists alone, but by ministers of state, by historians, by philosophers, by the public newspapers, by their great periodical journals, which form all but a fourth estate in that nation. This has been done, too, in the face of all Europe, with the utmost solemnity and deliberation, and at the imminent hazard even of a war with Spain. It is not material now to inquire what has been the extent of her claim, nor what may be its validity; it is sufficient for my present object that it is a claim, and that that claim, whether of a right of settlement, joint occupation, fishery, free navigation, or whatever else, is one inconsistent with our exclusive right to the whole territory, and that it is one deemed of substantial interest to Great Britain. This claim has been followed up by a partial settlement of the country, by the establishment of a system of licenses to trade with the natives, and by an extensive grant of privileges to the Hudson Bay Fur Company. The country itself, or a portion of it, has been also looked to now for a great length of time as the connecting link between the Canadas and Indies, both in a commercial and a military point of view, and it is (if gentlemen please who charge England with so much rapacity and grasping ambition) part of that line upon which she is girdling the earth with her fortresses. All these considerations tend only to enhance the value of the territory in the eyes of Great Britain. This territory, the whole of this territory, and all right issuing out of it, she is expected to yield upon our putting an end to the convention of 1826, and the declaration that

The United Kingdom and Ireland will be at war. It will be to build the combatant, nor affect in the slight

the American title is clear and unquestionable. To see, then, how far this is probable, let us examine what dispositions she has shown upon this subject heretofore, and into what position we have brought our relations with her on it now. In 1818, then, by the convention between the United States and Great Britain of that date, it was agreed that the territory should remain open to the citizens and subjects of either country for the space of ten years: the words used are, "the country," "its harbors, bays," &c., "shall be free and open" "to the vessels, citizens, and subjects of the two Powers," giving to either party the right, as I apprehend, to *occupy* any portion of the region not in the actual possession of the other. This, as I believe, justifies the use of the terms joint occupancy and joint occupation in reference to this treaty. At the time referred to so earnest and solemn was the claim of Great Britain to the existence of rights in the territory, that it was thought expedient by our Government (then represented by one of her ablest negotiators, Mr. Gallatin,) not to press a sudden determination of the question of title, but on the contrary to agree to a suspension of that question, and to a suspension of any exclusive rights for the term of ten years, with the consequences and dangers attached to the right of joint occupation for that time. Among these consequences were a strong probability that England would get possession of favored portions of the territory, and that her trading interests, especially that of the Hudson Bay Company, would become so far identified with the country as to make it still more difficult to settle the question at a future day. Yet so determined was the assertion of the English claim, that these hazards were incurred in preference to those of a precipitate disregard of what England called her rights. I will not say that this convention was a substitute for war then, but it was the highest evidence of the difficulties that surrounded the case, and of the apprehension of greater dangers, unless the questions in debate should be adjourned upon some definite understanding.

Again, in 1826, shortly before the expiration of the time limited in this first convention, this matter is agitated anew between the two countries, (Mr. Gallatin being again our negotiator,) and the result was a renewal of the convention of 1818 for an indefinite period thereafter. And why was this? Had England abated in her demands? Was she less confident of her rights? Was she less resolute in their maintenance? Was there any better hope from an abrupt termination of the treaty? At all events, our Government then thought England sufficiently earnest in her claims not to disregard them, and not to urge a prompt or speedy settlement of the questions at issue. These were days too, sir, of comparative calm and quiet, when there were no other disturbing influences operating upon the two countries—when there were no wars, nor rumors of wars, in the surrounding countries—when there had been no angry declarations, no proud assumptions, no presumptuous or dictatorial conduct, thrown out or exercised towards our opponent; when she was not so deeply pledged, so solemnly implicated before Europe and the world as she is at present, for the sustentation of her claim.

Matters remained thus until 1843, (a bill having, in the mean time, in 1829, been rejected in Congress to extend our jurisdiction over the territory,) when a bill was brought forward in the Senate of the United States, proposing, among other things, to guaranty to American occupants in the territory a right to the lands upon which they might have settled. This measure failed, it is true. But how was it met in the British Parliament? By the most angry denunciation, and by the most solemn protests from all the leading men in the House of Lords; and it was met by Sir Robert Peel

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alone with his usual quiet equanimity, because, as he said, negotiations were about to be instituted on the subject at the instance of the President of the United States, and that he would veto the bill, even if it should pass both Houses of the Legislature. Is there yet any flinching on the part of Great Britain, or any evidence of abandonment, or of a disposition to abandon any part of her claim? If there be, I am unable to perceive it.

This brings us to the point where the subject of Oregon was taken up by the present Chief Magistrate of the United States. And in regard to his conduct I have nothing to say in a party point of view; the question in debate rises far above all party considerations. How far his conduct and his declarations in regard to the Oregon territory may have been the effect of a party committal by the Baltimore Convention, I shall certainly not stop to inquire. But, sir, it is certain that he no sooner occupies the Presidential chair than he makes that celebrated declaration, that our title to the country in dispute is clear and unquestionable—the prolific parent of all our present difficulties.

This declaration, made in so solemn a manner, coming from such high authority, taking such high ground, is no sooner wafted across the ocean, than it is met by all parties, Government, Opposition, Newspapers, and People, in the same spirit of prompt and settled indignation. Even the deliberate Premier, roused from his usual caution, is heard to declare, that "England has rights in Oregon, and that they must be maintained." This was much from Sir Robert Peel. It is seen now that the danger of collision on this point has become imminent, and another effort is to be made for its settlement. A diplomatic special mission is the consequence. This is known to the world, and the world is looking on for result. A proposition was made by the British negotiator as a project of compromise. This proposition, we are told by the President, (and I must think with a tone of exultation, if not of scorn,) "was rejected on the day it was made." A counter-proposition is made by the American negotiator, and, not being accepted, was, by the President's direction, promptly withdrawn. In the mean time a long argument takes place between the British and American diplomatists in regard to the title, which results in nothing, except the firm adherence of each party to the full claim of his nation in the disputed country.

Now, I would ask gentlemen who seem so confident that no evil consequences are to result from such extreme measures on our part in the assertion of title, what there is in all these circumstances to justify a belief in non-resistance on the part of Great Britain? Has she at last been convinced by the arguments of our Secretary of State? Are her eyes now opened to the iniquity of all her previous claims?

But the case does not end here. The time for the meeting of the present Congress rolls round, and the President gives to Congress and to the world a history of these diplomatic transactions, and, in the face of Great Britain and the world, he declares "that, in his opinion, no compromise which the United States ought to accept can be effected. He recommends that the notice be given, and says that, "at the end of the year's notice, we shall have reached a period when the national rights in Oregon must either be abandoned or firmly maintained. That they cannot be abandoned without a sacrifice of both national honor and interest, is too clear to admit of a doubt." He further recommends that our jurisdiction be extended over the territory, so far as our own citizens are concerned, previously to the end of the year's notice, and at the end of the year that lands be granted to our settlers.

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These diplomatic transactions, and these declarations and recommendations of the President, are now before the British Ministry and the British Parliament. From them we have as yet heard nothing. From the public press of Great Britain we have heard; but we have heard nothing upon which to found an opinion. Deductions, it is true, have been attempted; but they are as variant as the wishes, or the fears, or preconceived opinions of the parties who have attempted to draw them.

The British Ministry and the British Parliament will soon have before them, too, the debates, the assertions, the propositions, and the defiances of this and the other branch of Congress.

All negotiation is now closed, and on our side it will certainly not be renewed. If the notice, then, be given, there are only two supposable cases in which war will not be the consequence. The one is, that Great Britain shall offer to renew negotiations with a more favorable proposition on her part; and the other, that she shall quietly and tamely recede from all her previous positions, and abandon the disputed territory to our discretion. There is no other alternative. But the President has told us that our opponent will not make any proposition which we ought to accept; and, if he be right in this, then there is no alternative, and to preserve peace Great Britain must abandon her claim. Leaving out of view, however, the opinion of the President, I ask gentlemen, will Great Britain, under the circumstances, volunteer another offer? If she do, then must all our knowledge of the previous history of her Government and her people go for nothing. Let us review a little: we tell them that our title to all Oregon is clear; that we will no longer hold jointly with them; that we will, at the year's end, assume plenary jurisdiction; that we will grant lands; that we will raise our flag, and allow no divided empire, and that we will firmly maintain our claims. What are we to expect? Peace, nothing but peace. We will have no war, says the chairman of the Committee on Foreign Relations, (Mr. C. J. INGERSOLL;) we will have no war, says the venerable gentleman from Massachusetts, (Mr. ADAMS.) And why? Have they a bit in the mouth of Britain? Have they a hook in the nose of this leviathan? Have they secret information of her feelings and designs? Sir, when this notice shall be given, it would be well, in my opinion, to take out a peace warrant against her Majesty, if perchance we may find any jurisdiction high enough and strong enough to hold her to bail, or to commit her for the want of it. What will the "Iron Duke" say? What will the fiery Palmerston say? What will the dignified but resolute Russell say? What will all the congregated nobility and wealth and pride of England say, with their ancient renown in arms, and their obdurate and inflexible arrogance? What will even the sturdy middling class, who are proud of their country, say? Are not these people the sons of our fathers? Have they no dignity? Have they no passions? Have they no sense of honor and of its requisitions? Do these all rest with us? And are we the people, and will wisdom die with us? England dare not, if she would, hesitate, or vacillate, or retract. Her empire stands upon the prestige of her infallibility. Her late Afghan war was undertaken at millions of expense to assert this, and this alone. France knows the history of this transaction; Russia is no uninterested spectator of the scene. Will England dare, in the face of collected Europe, to yield to the threats of her youthful rival? Her first tremors might be the signal of her final overthrow. Her interest, properly viewed even demands from her inflexibility. Would England submit to this treatment at the hands of France, an enemy whom she has often beaten, and to whom she might yield something, without the suspi-

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cion of fear? Look at her past history. To none has she ever yielded while contest was possible. From us alone has disgrace attached to her arms. By us alone has her banner been stained. New Orleans, our naval victories, are not forgotten; nor will they ever be forgotten or forgiven, till they are washed out in our blood. Her feeling towards us is that of inex-tinguishable hate. If she were left to indulge these feelings alone, she would rush upon us as readily as the Murcian bull upon the tauridor, or the starved lion of the amphitheatre upon the naked gladiator. Britain is no coward, whatever else may be said of her.

England, though, cannot afford to indulge her temper; her interests demand that she shall submit to whatever indignity we may choose to impose upon her. She may forget her interest in her passions. Has she not ex-ample for it? Do our interests demand the war that we are so rashly tempt-ing? She buys our cotton, and cannot spare our market? Can we spare her custom? Is not the interest, the dependance, mutual? But England has a higher interest in this question than her cotton market—her standing before the civilized world.

It is said, however, that the giving of this notice can be no cause for war; that it is merely the exercise of a right reserved in the convention under which it is given, and that England will have no just cause to take offence at it. Now, the question is not, as I think, whether England will have just cause to take offence, but it is, will she take offence? It is the manner in which she will view this notice that determines whether it is a peace measure or a war measure. Our view of the measure is not at all material to the question of peace or war. Certainly we have the *right*, under the convention, by which I mean the legal power, to give the notice. But is it *right* to give it irrespective of its consequences? It is not a duty, and, therefore, is not, at all hazards, required at our hands. It is a thing which may be done now or hereafter, according to the demand of circumstances; but whether it be a right or a duty, is not material to the present point, and that is, has it a war tendency? Simply to give the notice, and do nothing more, might not produce war; it would be an affront, but that might be pocketed. Can we, though, give the notice, and do nothing more? Do not the other recommendations of the President follow as legitimate, and necessary, and proper—nay, as inevitable? If no compromise can be effected, and the notice is to be given, what will then be our position? Far worse than it was in 1818, when the convention was first entered into. Then we had no citizens settled in Oregon, clamorous for a government, for protection, and for grants of land. The territory might have rested in its ancient solitude, and no further action have been demanded. But now there are those who will make demands of us, and demands, too, which cannot be evited nor disregarded. What will be our position at the end of the year's notice? There will then be no convention to bar our action. The world has heard our claim: it is that of the eminent domain, the exclusive right in all of Oregon. Shall we not grant lands? Who is there to gainsay our right? How can we stop our ears to the settlers? Shall we not extend our laws? What is there to withhold us? Shall we not erect our flag, and take military possession if necessary? Shall our laws except British subjects? Who will counsel this upon our own territory? These things will all have to be done; they are *inevitable*. The President is, at least, consistent in all his recommendations. You cannot endorse one without endorsing all.

What, then, are to be the consequences of all these measures? Let us pursue them a little in detail. Your laws are extended, courts are established, lands are granted, your flag is erected, and you seem to be in full

possession. What next? A murder is committed by a British subject within your territories. Shall the crime pass with impunity? No: he is arraigned; he pleads to your jurisdiction; you pay no regard to his plea, but try him and hang him. What then? What will England say? Again: you grant land, your citizen takes possession, he leaves it and settles upon a better grant; a British subject then goes into possession; an ejectment is brought; the Briton pleads to your jurisdiction; your courts adjudge his plea invalid, and he is turned out of possession. What then? What will England say again? The British flag will be flying at Astoria, at Vancouver, at Umpqua: what will you do with these? *Will you tear these down*, or will you let them float upon *your soil*? I am not much given to quote poetry, but I am tempted here to plagiarize the poetry of the gentleman from Alabama, (Mr. HILLIARD,) "Full many a banner shall be torn;" but I forbear.

We are brought, then, I think, sir, legitimately to the conclusion, that if the notice recommended be given, followed by the measures *necessarily* consequent upon it, England must either fight or tamely and quietly recede from all those claims that she has so long, so pertinaciously, so solemnly, at so much expense, at such imminent hazard, adhered to and supported in the face of the civilized world. What will be her course? It certainly requires no prophet to foresee it. War with England will be the result, or the world has lost its wont. With some gentlemen who would give the notice and call it a peace measure, I am not only not able to agree, but I must confess, really, that I do not understand them. They are for the whole of "Oregon or none;" they will be satisfied with nothing less than the line of latitude of 54° 40', and they must have immediate possession. I believe, however, it is their opinion, that England has been merely making pretences heretofore; that she has not been in earnest, and that if she has, that she will now, by the late discussion, be satisfied of her error, and of course, as a just, wise, and magnanimous Government, quietly abandon the territory; or, at any rate, that, in view of her paramount interests, and of our mighty power, she will come to the philosophical conclusion to pocket the ignominy of a dastardly retreat, and console herself with reflections on her deeds of renown in the days that are past. My credulity has not yet reached this point; when it does, I shall vote for the notice, being exceeding anxious, at so small an expense, to have the whole of Oregon.

A gentleman from Alabama (Mr. HILLIARD) has proposed to grant the President discretionary power to give the notice at such time as he may deem proper. This I conceive would amount to little more than the absolute direction of the resolution; for the President, by his recommendations and his whole course in the management of this Oregon question, is too deeply pledged to give the notice immediately, and without mitigation too, that there should remain any hope of his now receding. I doubt too, sir, whether it be competent for us to communicate such a discretion, and I feel sure that the precedent would be abused. To any propositions amendatory of the resolution tending to break its force, and to suggest friendly relations, and further negotiation, I shall most heartily give my concurrence; and I will not say, that the resolution may not be so amended that I may not vote for it; but I will say, that I have no hope that such amendments will be made, and that in my opinion we will have to meet the resolution as at first propounded.

Now, sir, if war will follow the giving of this notice, the question arises, will this be a necessary war? Is the matter in controversy of sufficient magnitude to justify this extreme measure? Do our rights to the territory stand upon such a basis as to preclude further negotiation, and even further delay?

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As to the value of the territory, it stands very high in my esteem in every view—commercial, agricultural, and military. These advantages have, however, already been set in a light so strong as to need nothing from me on that subject. If my will were alone consulted, too, I should not be satisfied with less than the whole of Oregon. I am not insensible to that imperial ambition which thirsts for the acquisition of territory, which would add province to province, and kingdom to kingdom. I would, if it were practicable and consistent with justice and safety, exclude Great Britain from every foot of territory on the northwest coast of America. And I may as well say, sir, that in no event would I yield any thing below the forty-ninth parallel of latitude, leaving the residue of the country for compromise. So far, then, as the value of the country is concerned, we might not yield it, even if war should be necessary to sustain our rights. But, sir, whatever may be the value of the country, if our title to it be not really "clear and unquestionable," our course in regard to it should not be fierce and hasty. There are some rights so clear and indisputable as that they cannot be made subjects of negotiation, of compromise, or perhaps even of conference. Such is now our title to the Missouri territory; such is the title of each of the States to the territory within its borders. Is such our title to the territory of Oregon? If it be, then shall I propose no further delay, no further hesitancy. It may be deemed not altogether patriotic or honorable for an American citizen to question the validity of American claims. And, indeed, a diplomatist or an advocate may perhaps, in the prosecution of his duty, look alone for arguments to sustain the pretensions of his principal; but a legislator should look for nothing as a guide to his conduct but truth, stark naked truth. This, in the long run, will be found fully to satisfy all the demands both of honor and of patriotism. I beg leave to quote here a few lines from Vattel on the Law of Nations. "Does the question," says he, "relate to a right that is clear, certain, and incontestable? A sovereign, if he possesses sufficient strength, may peremptorily prosecute and defend that right without exposing it to the doubtful issue of an arbitration. Shall he submit to negotiate and compound for a thing that evidently belongs to him, and which is disputed without the least shadow of justice? Much less will he subject it to arbitration. It is not permitted, however, to be so inflexible in uncertain and doubtful questions. Who will dare to insist that another shall immediately and without examination relinquish to him a disputable right? This would be a means of rendering wars perpetual and inevitable. Both the contending parties may be equally convinced of the justice of their claims: why, therefore, should either yield to the other? In such a case, they can only demand an examination of the question, propose a conference or an arbitration, or offer to settle the point by articles of agreement." Then, is our title to the Oregon territory, or any portion of it, of a doubtful character? It has been said, and said again, *usque ad nau-seam*, that in the correspondence which has taken place by the diplomatic agents of the two parties our title has been proved to be clear and unquestionable. If the position had been assumed that the proofs and arguments preponderated in our favor, and that our title was the better, it should have met my cheerful assent. And I am disposed to accord both ability and gratitude to the respective negotiators who have represented the United States upon this question. But I cannot say, and I will not say, more than that the weight of argument is with us. I have no reference now to the argument to be derived from contiguity; this does not enter into the question of title, but stands upon its own and distinct grounds, and will be considered hereafter. It is said, however, that there is no such thing as a better and

worse title; that if one is good, the other is not. This may be true, but who is to determine which is that good title, when each party is equally pertinacious; and when there is no common arbiter? A title is only absolutely good when it has been so adjudged, and, becoming *res judicata*, it is not subject to further investigation, whether the judgment may in truth have been right or wrong. No such judgment can pass upon this question.

We claim by discovery and by settlement—claiming the discoveries and settlements of our own citizens and those of Spain, whether made with or without public authority. England claims also by discovery and by settlement, and by treaty with Spain. Now the first observation that is to be made in regard to our title is, that we cannot rely upon both that arising from our own discoveries and that derived from Spain, and in one event we shall be precluded altogether from relying on the former at all. If our title by discovery and settlement be better than that both of England and Spain, or even better than that of Spain, we may disregard the Spanish title altogether, and meet England upon that ground; but if the Spanish title be better than that which we possessed in 1818, we may not be at liberty to disregard the Spanish title, for in that title England may have an interest under the Nootka convention. I say *may* have an interest, for I know it is argued that by the war of 1796 between England and Spain this convention was annulled, (of which argument more hereafter.) Then, is our title derived through Gray, Lewis and Clarke, John Jacob Astor's settlement, &c., better than that of Spain? First, then, Gray entered the mouth of the Columbia in 1792; Heceta had previously discovered it in 1775. Gray had no authority from the American Government; Heceta acted as the leader of an exploring expedition under the authority of Spain: neither made any settlement upon the river. The Spaniards were then settled on the west coast of California, and had been so settled for a long period previously. They had, before Gray's discovery, also several times surveyed this coast under Government authority, discovered Nootka Sound and Norfolk Sound, and claimed the whole coast. The Spaniards built a fort at Nootka Sound in May, 1789. The south branches and part of the main river of the Columbia were explored by Lewis and Clarke, under authority of the United States, in 1806; no settlement was made till 1811 by the United States or its citizens; Astor, a private citizen of the United States, then made a settlement at Astoria, and this was finally abandoned in 1813.

Which is the better title, the American or the Spanish? How many points of doubt arise here under the law of nations? First. It is doubtful whether Gray's discovery can enure to the benefit of the United States, he not acting under Government authority. Second. It is pretty certain that his entering the mouth of the river is not better than Heceta's discovery in 1775. Third. Heceta went by Government authority, and claimed the whole coast for his Government; but it is doubtful how far such a claim was of use without subsequent settlement. Fourth. The effect of Lewis and Clarke's exploration, without settlement, is of doubtful import. Fifth. The settlement of Astoria, and its subsequent abandonment; what is this to avail? *Dubitatur*. Sixth. The Spanish establishment at Nootka; of what effect was that? It is not agreed. Then it cannot be determined which is unquestionably the better title, the American or the Spanish. The Spanish title seems to be preferred by our American diplomatists; not that they have the choice; the English, though, are certainly at liberty to argue that this is our better title; and, if the point is really a doubtful one, we cannot arbitrarily assume it to be either the one way or the other.

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right so to argue; for it is, I say, a debatable matter,) then our title by our own discoveries is gone; for England has an interest *in perpetuo*, derived under this Spanish title, by convention, and we cannot repudiate it; or, if we do, England may set it up as outstanding, and assert her rights, derived under it and the convention with Spain. But of what benefit will it be to English to set up this Spanish title and the convention under it? In that case, both her rights and our rights in the disputed territory must be settled by the proper construction of the Nootka treaty. It is said, however, that the Nootka convention was terminated by the war between England and Spain in 1796. It may be so. But is it decided, or is it still a question *sub judice*? What was the nature of the convention, and what says the law of nations in regard to its disruption by war? The burden of authority upon the point lies with us. Many precedents are against us, if the treaty gave Britain a right of settlement and usufruct of the soil. Then the true construction of the Nootka treaty must determine whether it was annulled or not by the subsequent war. And here, again, we are at sea without a pilot.

But destroy the Nootka treaty, and then we fall back upon a set of conflicting and confused accounts of voyages and discoveries, with inquiries into the effect of each. We fall back upon Spain's claim under the Pope; of England's claim under Sir Francis Drake, Cook, and Meares; and Vancouver on the one side, and Perez, and Heceta, and Martinez, on the other; all proving but little, perhaps, to a cool and impartial mind. But suppose the Nootka treaty still to be in force, it is argued by those who support our title as unquestionable, that England derived under it no right of settlement below Nootka Sound; and that, by her own agreement, she can now claim no right of joint occupation, except by our convention of 1818. Let us remark here, that when we once admit the Nootka convention to be still in force, we have waived, then, all title from discovery by Spain, so far as her rights were waived by this agreement. What, then, is the true construction of the Nootka treaty? The text of that convention certainly gives to England the right of settlement north of Nootka Sound, and within the parallels, therefore, of 42° and 51° 40'. But it is insisted that she could not settle below the parallel of Nootka. How is this? What says the agreement? The first article says: "The buildings and tracts of land situate on the northwest coast of the continent of North America, or on the islands adjacent to that continent, of which the subjects of his Britannic Majesty were dispossessed about the month of April, 1789, by a Spanish officer, shall be restored to the said British subjects." Here is an admission on the part of Spain that England had made settlements on the northwest coast, and an agreement to restore the lands settled, and this fact Spain is thenceforward estopped from denying. No matter how the fact was that gave rise to the convention—whether it were a seizure on the part of Spain of real or personal property claimed by Meares, or other cause—yet, the words of the agreement being plain and unambiguous, reference cannot be had to any preamble, or the previous circumstances for their explication. The third section of the convention, looking to the prevention of future collision between England and Spain, in carrying on their fisheries on the northwest coast, or in "making settlements there," subjects itself to three other provisions which follow it, and of which the fifth article, and only one material now to be considered, is as follows, viz: "As well in the places which are to be restored to the British subjects by virtue of the first article, as in all other parts of the northwestern coasts of North America, or of the islands adjacent, situate to the north of the parts

of said coast already occupied by Spain, wherever the subjects of either of the two powers shall have made settlements since the month of April, 1789, or shall hereafter make any, the subjects of the other shall have free access, and shall carry on their trade without any disturbance or molestation." It is insisted that, by this article, no right was retained by England, or given to her of settlement south of Nootka Sound; that Nootka Sound, at the conclusion of this convention in 1790, was in actual occupation by Spain; and that the words, "situated to the north of the parts of said coast, already occupied by Spain," relate to Nootka Sound. Is this construction tenable? Is it even plausible? The lands at Nootka were the very lands to be restored to a subject of Great Britain; their occupation by the Spaniards was regarded as wrongful *ab initio*; that occupation was about immediately to be terminated and all traces of it erased, and the privilege alone of trading to the point was retained by Spain. Was this then considered a point already occupied by Spain? Again, how would this fifth article have read, had Nootka been intended as a point already occupied by Spain, thus: "As well in the places which are to be restored by virtue of the first article, as in all other parts of the northwestern coasts of North America, or of the islands adjacent, situate to the north of the parts of said coast so to be restored, or to the north of Nootka Sound," &c.

Besides this, from the subsequent part of the article, it is clear that the words "already occupied" refer to an occupation previous to April, 1789, when the Spaniards had not occupied Nootka, and had no settlement above 42°. The construction, then, contended for above cannot be sustained from the text of the Nootka convention. It is, however, contended that England did not, in fact, remove Spain from Nootka; that the contemporaneous construction of the treaty by Mr. Fox and others was in favor only of Britain's right to settlement north of Nootka Sound; and that this view has also been countenanced by British historians. It would not be difficult, I think, to show that there is no force in these objections to the British construction. That she did not remove Spain, in fact, is not material, as she at any time confessedly had the right to do so, and was prevented from so doing alone by distance and the want of importance in the object, Spain not insisting on her right to retain possession. The contemporaneous construction, it is submitted, was not, as contended for by the gentleman from Indiana, (Mr. OWEN,) the rhetorical flourish of Mr. Fox (one who, as leader of the Opposition, was disparaging the treaty) to the contrary notwithstanding. Time, however, would fail me to take up *seriatim* the various quotations from English statesmen and authors, nor do I deem it material; for what would be the result? At best, for the opponents of the present British construction, that the fifth article of the Nootka convention is of doubtful meaning.

The result, then, with me, of the examination of our title to the Oregon territory is, that it is not "clear and unquestionable." I have not examined, nor do I intend to examine, how much better it may be to the 49th parallel than to the parallel of 54° 40', though I do think it better to the former than the latter; and, indeed, if the line of 49° was really marked by the treaty of Utrecht—of which, however, I have no sufficient evidence—we might claim with certainty to 49°, and could not go beyond it. The questioning our title to any part of this territory is certainly no pleasing task to me, unwilling, as I am, to yield any portion of the territory, and determined, as I am, never, at any hazard, to yield anything below the 49th degree of north latitude. But, sir, it will not do for us, as statesmen, to shut our eyes to the truth, and to content ourselves with giving expression to our wishes

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against our convictions. With the highest praise to our Secretary of State, Mr. Buchanan, for his argument of this question, I must say that it would have pleased me better if he had thought proper to sustain some of his assumptions, in regard to the law of nations, by reference to some of those great luminaries who have, in latter times, shed so much light upon the great law of nature and of nations. Decisions of Mansfield, or Eldon, or Stowell, or Marshall, or Kent; dicta of Puffendorf, or Vattel, or Burlamaqui, or Story, or Wheaton, would certainly not have been out of place, even in a correspondence so dignified as that between the diplomatists of two great people. I shall not here repeat the points of international law which remain unsettled, bearing upon this great controversy; they appear sufficiently in what I have already said. We should recollect that the civilized world is a witness to all the transactions and arguments in regard to this territory and its title, and that criticism must come upon every unauthorized assumption. Is it not as well for us now to look everything boldly in the face, and be assured, before we resort to extreme measures, as far as we may be, that we stand upon impregnable grounds? That I may not be misunderstood, I state it as my opinion that, upon most of the doubtful points above suggested, the better opinion is with the American title; and that upon that title, if nothing better can be done, there being no common arbiter, we should fight.

I take the ground, however, sir, that, independent of present title, we have a right to take a portion of this territory, such as our exigencies as a people and a Government may demand. I call it, however, a right neither by contiguity, nor continuity, nor yet by manifest destiny. It is a right suggested and sustained by the fitness of things, and our necessities as a great and growing nation. It is a right not confined by parallels of latitude, or by very clear and definite boundaries; but it is nevertheless a clear and inextinguishable right. Continuity, it is said, would give Great Britain the right to follow the 49th parallel; contiguity would do the same. I utterly deny these positions, as founded in no law, either of Nature or of Nations.

The *corpus* of our Government and people is here on the North American continent; the extension of our people and territory in some directions is matter of necessity and not of choice; the proper enjoyment and maintenance of what we have demands the occupation of something more, sometimes in reference to present exigencies, and sometimes in reference to future contingencies. The possession—the exclusive possession of the Oregon territory—is one of those necessities which time and circumstances have brought about. But this necessity does not demand the immediate exclusive possession of the territory, and, therefore, does not now demand a war to sustain our claim. That I do not here enter into a fuller development of my views in regard to this position, depends not upon my will, but upon the want of time to do so: this question I am ready to argue when and where I may find an opponent. With England no such necessity exists; the *corpus* of her Government and people exist in another hemisphere. With her the acquisition of the territory is merely matter of convenience and choice, and not of necessity. Her colonial possessions even do not demand it.

The exercise of a right of the above description is certainly to be made with great circumspection and after due deliberation; but that it may be exercised in a proper case is, in my opinion, clear from the greatest of all laws—the law of nature—the law of self-preservation. And, in the exercise of the right, so much territory may be taken as will provide against all future probable contingencies.

Upon the state of the case, then, as above developed, I am of opinion

that England is in earnest in her claim; a claim which is inconsistent with our immediate exclusive possession of the whole territory, and that if pressed now by the notice, and the measures inevitably consequent upon it, she will resist by war. I am further of opinion that our claim by title and by necessity is not such as to make it necessary or proper, either for the sake of our interest or our dignity, that we should have immediate exclusive possession of the country.

These conclusions are certainly not influenced by any kind feelings in my breast towards Great Britain. Her rapacity I not only admit, but I assert it. I know much of her history, both internal and external—of her foreign aggressions, of her domestic oppression; and, without descending to ordinary abuse, I say, deliberately, though there may be found among other nations individual cases of national crime of a more glaring enormity, yet that, for pervading, systematic, organized, long-continued, persevering oppression, at home and abroad, England stands without a parallel among the nations; that, so long as history shall endure, her jails, her penitentiaries, her penal code and penal colonies, her oppressed manufacturing population, her ruined rural population, her poor-houses, her almshouses, will remain as monuments of her pertinacious and inexorable disregard of the real welfare of the human species. My hostility is directed, not however against her wretched and trodden-down people. Pity for them is all that can arise in the human bosom. But against that mystery of iniquity, which, under hypocritical pretences, by a subtle but unseen power, weighs down the poor and exalts itself; against that small but formidable band which, leagued together by a common bond of interest, and balanced with infernal ingenuity for power, sways the destiny of half the nations, and proudly tramples upon its own, my abhorrence and detestation are alike determined and inextinguishable. But I am not yet ready to sacrifice my country or my country's interests at the shrine of my hostility.

Some considerations have been suggested, which may be entitled to a passing notice, requiring our immediate action, even though our title may not be clear and unquestionable; that England is settling and will settle the country, and thereby present new difficulties in the way of a future adjustment of the question. Now, this bugbear might have been presented twenty years ago with some appearance of plausibility, before the tide of emigration from the States set in that direction. Does any man really believe that England can compete with us in the process of settlement? She has never settled India; she never will. Her object every where is markets; her existence depends upon these. Forts and trading-houses, with their necessary appurtenances, are all that her Government can compass—it cannot control emigration. We cannot restrain emigration. And who are those that emigrate with us, and who are they that emigrate from Britain? Our pioneers, the vanguard of civilization, against the ignorant and helpless refuse of their over-burdened population: our people, ready to submit to laws, and able to make them when necessity demands; theirs, knowing neither how to submit nor govern. The parallel need not be pursued; nor do I think the argument can be seriously insisted on in the face of what has been already done, and what is now doing, by our citizens in the way of emigration. If necessary, guaranties might be given by our Government to settlers, provided they should fall within our territory upon a definite settlement of the boundary, that their lands should be given to them. To this I should have no objection, and it would ensure emigration at least to the 49th parallel.

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It is said that we have always been cheated in negotiation, and that Britain is slyly bettering her claim by prescription. The former position I simply deny; and to the latter I answer, that prescription is not predicable of a territory submitted to a definitive agreement like that of 1818.

Those who are disposed, like myself, to suspend giving the notice, if it must be given, until we shall have acquired foothold in the territory sufficient to retain it in case of a war, and thereby induce England quietly to yield her claim, are charged with a want of magnanimity, with a disposition surreptitiously to obtain that which they are not bold enough to demand. Now, this is a mere ebullition of ill-temper; for England never has been deceived in regard to our claim, nor can she be in regard to our purposes in settling the country. When the convention of 1818 was entered into, did she expect that all those who should be settled in the territory at the termination of that agreement should remove out of it, and a fair race take place to see who should get first in again? Are not our purposes now here avowed, and may not some of these avowals reach across the great waters? But it is said, with this professed intent, will England lie still? Will she not give the notice, and demand an immediate and definitive settlement? Let her, but let us, not precipitate the difficulty by taking the initiative. But England will not give the notice. She will ask no categorical answer: she would rejoice to-day that she had never set up a claim to Oregon: she knows well her difficult position. Ireland, her own starving population, her enormous debt, her dependance on us for a market, all warn her against active measures on her part to bring this question to a decisive issue. These would be all-powerful reasons against her taking a step in advance. True, when we propose conferences, she cannot avoid them; when we give her notice, she cannot avoid taking notice of it. She cannot, consistently with her interest, perhaps even with her existence, be driven, in the face of Europe, abruptly and ignominiously from the soil; but she may suffer it quietly and without affront really to slide out of her possession. This, then, is our policy; let the matter alone. Neither arbitrate nor compromise. I would not make an arbitrator of any crowned head in Europe, nor yet of crazy Mexico, or the miserable abortions of South America. No private citizen, no public college could be found sufficiently divested of partiality to suit me for an arbitrator. I should not know the influences that might be brought to bear to affect the decision; besides, I want all of Oregon; if we arbitrate we will be certain to lose a portion of it, and compromise implies a loss of part of it. If we fight we may still have to negotiate, and lose a portion of it after a long and bloody war; if we rest upon our arms, it will all slide quietly into our possession. I would to God that others could see this question as I do; that they would appeal to their knowledge of the English people and the English Government; that they would reflect that a pressure upon her at the present moment must produce a war, a war of desperation in defence of that dignity and of that ancient renown upon which she maintains her station among the family of nations. *Tempus maximus innovator.* Let Time do his own work; let us not mount his car.

But our honor demands immediate and vigorous action. Our honor has been very suddenly awaked. Has it slumbered since 1818, and now does it come forward, and, like a moloch, demand its sacrifice? What is the honor of a nation? It is nothing, and can be nothing, inconsistent with its true interest. Will any body believe us a nation of cowards if we refrain from giving this notice? Is the world agreed that our right to Oregon, and the whole of Oregon, is clear and unquestionable, and that it is a withering shame that we permit Britain to hold a foot of its soil? I have not so read

the world's opinion. There are great doubts about our title every where but at home. Individuals may jeopard their lives and limbs whenever, in their fantastic whimsies, they may think proper; not that it is right—but who shall withhold them? Nations must act with more deliberate purpose. A nation may fight against the establishment of a precedent, and justly too, and upon a comprehensive view of her true interests. But this is no tea tax; it is no impressment of our seamen, nor systematic vexatious disturbance of our commerce. And is not our reputation well established? Are we not known every where to be sufficiently jealous, if not even captious, about our rights? Are we thought to be among the smaller Powers, whom it would be safe to affront, or to attempt to trample on? Fy, upon this fretful temper! Our true dignity consists in our being able to wait composedly and bide our time. There is a question, however, speculative rather than practical, as it does not apply perhaps to the present case, upon this matter of national honor. The question is—How far is the nation bound, at all events, to sustain a course which may have been taken by the President with a foreign nation, however wilful, imprudent, or arrogant? The day may come when such a question will have to be determined; and then I should be ready at all hazards to sustain my country against the waywardness of its temporary representative. Timidity may be imputed to me for opposing this notice, and if it be, I freely acknowledge my fear—not of the enemy—but my fear to do wrong, my fear of plunging my country into unnecessary war. Sectional feelings seem somehow to have got into this debate; we hear much of the South and the North and the West. No such feelings have entered into my mind; I live in a State which has no frontier; which has no cities to be battered down or to be given up to storm; no fields that could be ravaged, no commerce that could be plundered; but it has many a gallant son, whose blood would be poured out like water, and whose bones might bleach many a desert battlefield. The sectional interest of my State is perhaps less than that of any other in the question; but I have been accustomed to look upon the Union as a whole, and to feel that the wound inflicted upon a single limb was a source of pain to the whole body; and so deep an interest do I feel in this question, that, could I believe my constituents so ill-advised, so reckless of their true interests, as to favor this most useless, most unnecessary, most sinful, and in my opinion wicked war, I would, at the hazard of any personal sacrifice, stand in the breach and save them from themselves.

At last, sir, what should we gain by a war? We might seize Canada; we might even look at the frozen deserts of Labrador; we should not *gain* Oregon: that we will have with a war; that we will have without a war. And who desires to annex Canada? I think in getting it we should gain a loss, and that in being relieved of it England would make a gain. Much might be said upon these two propositions, but I forbear.

I have thus endeavored to embrace the main points presented by the question before the House. Many other things have been said, which might be noticed, but they all perhaps resolve themselves into some one of the propositions that have been already considered.

[The whole of the above remarks were not made in the House, Mr. EWING having been prevented from their delivery by the expiration of his hour.]

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