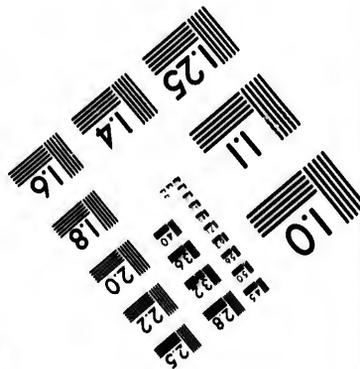
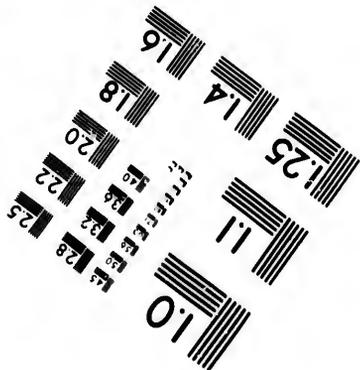
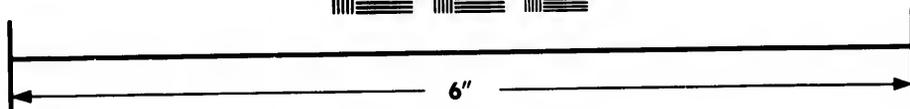
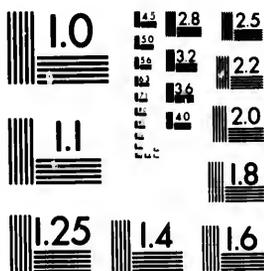


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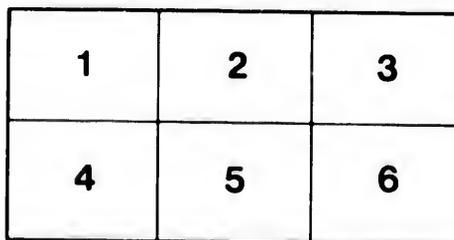
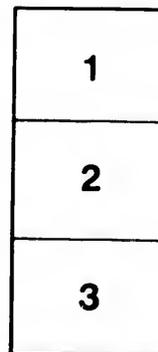
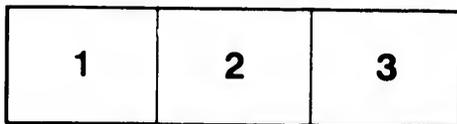
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# SPEECH

OF

## MR. BARROW, OF LOUISIANA,

ON

## THE OREGON QUESTION.

DELIVERED IN THE SENATE OF THE U. S., ON THE 30th OF MARCH, 1846.

The resolution in relation to Oregon being under consideration—

Mr. BARROW addressed the Senate nearly as follows :

It was said, Mr. President, early in the session, by the honorable Senator from Ohio, (Mr. ALLEN,) chairman of the Committee on Foreign Relations, that before the American people were called upon take up arms in defence of their rights in Oregon, *their hearts should be prepared for war*. I had imagined the belligerent spirit then manifested on that side of the chamber to have passed away; but the renewed exhibition of this morning from the same quarter intimates plainly that the honorable chairman conceives that, if not by him, by this debate, or by somebody or something else, that preparation of hearts he so much desired has been brought about. For he seemed to kindle up at the idea of the Senator from Massachusetts, (Mr. WEBSTER,) that opinion at large, both at home and in Europe, had settled, or was fast settling, down to the conclusion that this Oregon controversy ought to be amicably adjusted, *substantially* on the basis of the 49th parallel of latitude. Called upon by the Senator from Massachusetts to say whether or not he concurred with him in the supposition of this tendency of public opinion, the honorable chairman declared a persuasion directly opposite, and unchanged since the beginning of the session. So far, he said, as he had been able to arrive at the opinion of the people of the United States, they were yet in favor of 54° 40'. The honorable chairman must then consider the preparation of the American heart finished; for, whenever it is by our people determined to assert and maintain their title up to 54° 40'—to the whole of Oregon—they must be prepared to go to war, and need indulge no other thought.

I cannot agree, sir, with the Senator from Ohio. I cannot believe that either the public feeling or the public understanding of this country is yet prepared for a war with England to obtain the whole of Oregon. Three months ago I did fear that by the deliberate, systematic, and persevering efforts put in use here and elsewhere to mould the people to that political purpose, the existing controversy might be shaped to a bloody conclusion. I did fear that the American people might be involved in a war with a great nation, their brothers in interest, in language, and in religion, not less than in descent, before they were made aware of the nature and the value of the subsisting controversy. But my fear has to a great degree passed away. I do not now apprehend any such national misfortune, unless our Chief Magistrate should abandon what I believe to be his present purposes.

On this question, Mr. President, I have always belonged to the party of peace and of compromise. I, for one, have not feared to express the desire, the anxious desire, to see this controversy amicably adjusted by fair concessions on both sides. From so declaring, no fear of demagogue denunciations has deterred or shall deter me. I am not to be frightened into a disloyal and ignominious silence by the abandoned but too easily popular cry that the friends of moderation, of reason, and of peace, are "the British party." If against a rash or a gratuitous quarrel we maintain the duty and interests of peace, we are assailed as the friends of England, or of any nation but our own; if we deprecate a war as impolitic as it is unnecessary and unnatural—if we point to the losses, the disasters which will follow a contest so causeless, we are instantly charged with an unwillingness to defend the honor of our country, with timidity and sympathy with the public adversary.

Such is the system of perversion and calumny with which we must now contend, in attempting to do our duty as public agents, as legislators, and as statesmen, in a land of free debate. We may speak, but at the peril of being given over to denunciation, as little less than traitors or cowards. We must speak on no side but one of questions gotten up for the express purpose of dividing the country between the friends of what is moderate and good, and those who are expected to form a larger party—the favorers of every rabid pretension, of every dangerous and violent movement. If we are not personally and in express terms charged with cowardice or want of patriotism, the particular charge is made by inuendo, and the general one by fulmination.

There are certainly those, sir, with whom such political arts as these will succeed; with whom a reputation for courage and patriotism can be made by thus going to extremes on every question here that should be one of grave and sincere deliberation. But I trust that this easy valor and wordy public spirit are not capable of seriously misleading the American people. For myself, I am but one of the many humble citizens who, with no greater interest or timidity than thousands of others, yet fear a conflict with England. I confess that I dread war, and that I have been alarmed in especial at the prospect of a present war with Great Britain. But was this on account of considerations personal to myself? No; they only regarded the country. I consider such a war as the greatest calamity that can befall this nation. But, independently of its havoc of life and property, the desolation it will leave far and wide behind it, I believe a war between us and England will involve much of the civilized world; will inflict upon it an incalculable amount of woe; and will throw back for half a century the advancing cause of civil and religious liberty. As to danger, a war between us and England could bring none to a member of Congress who wished to keep out of it. If such a war comes, my own State is likely to be one of the chief theatres of deadly conflict. There is too much to induce England again to invade Louisiana; her beautiful and exposed capital, her crescent city, will not escape, and we shall see the waters of the majestic Mississippi stained with the blood of its best citizens. It is for this, and not for any abject individual dread, that I fear war. If I chose, I can remain on my plantation, and pursue its avocations unmolested by the enemy; for who need fight that can employ a substitute? It is not the wealthy who have need to fear a war with England; the army will not be made up of the rich, the aristocrats so called, unless they see fit voluntarily to join it. It is the poor man who is to suffer—the mechanic, the day laborer, the hardy ploughman—torn from his home and family, whose life, the sole stay of that family, will be placed in danger; this is the class who will suffer, and these are they whom it is meant to fire with phrenzy, and lead on to war by this outcry against men upon whom the evils of war cannot fall half so heavily. There will, sir, in short, be two sorts of men engaged in this war,

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should it come: first, those who have made the speeches to kindle it up; and, secondly, those who will have to fight it out.

To which of these classes members of Congress will generally belong, I need hardly say; for who will expect them to go into the field, or what proportion of them are likely to expose themselves? For my own part, I heartily believe, no matter what we may hear, that there is as much bravery and patriotism within these walls as without; quite as much, but not a bit more; and should the British commit the folly of again invading this city, does any body suppose that the two houses of Congress will sit here and suffer themselves to be made prisoners of war? Vain expectation! rash conjecture! Congress can adjourn to the highest peak of the Alleghanies. Thither, or still west of them, this Government will probably in that case retire. The President and his Cabinet, as well as Congress, would consider it unwise to expose to the hazard of being captured by the British arms so many patriots. It is idle, then, and even ridiculous, to talk of fear, of personal fear, or its opposite, as connected with us on this great national question. There being to us no occasion for fear, there can be as little to vaunt of our bravery.

It has been said, Mr. President, that this is a question which ought to soar above all thought of party. The sentiment is a just, a noble one; and I very heartily concur in it. But, sir, out of this chamber, (for I will say nothing of what has occurred within it,) has the question so held itself aloft, above all party? Has it done so with those who are loudest to claim that we should forget all party in this matter? I, sir, am a Whig, and trust in God ever to be one; but I aver that, had I this instant to choose between the total annihilation of the Whig party, and a war with England *for the whole of Oregon*—a war which I believe to be totally unjust, unnecessary, and impolitic—without hesitation would I say, “Let the Whig party be annihilated.” I, for one, should see it perish with pleasure, if a spirit so unpatriotic, so foul, so abominable directed it, that it could drive, or attempt to drive, this country into a war with England, for the assertion of this fresh territorial dogma—this bold political paradox—our newly vamped up title to the whole of Oregon.

No, sir; were I capable of looking on the question only as by the event it will affect parties and decide their fate, I would take a course precisely opposite to that which I have chosen as my duty; I would stir the dying embers of every old, of every sottish, of every unchristian animosity or prejudice, and kindle up new ones; I would denounce the rapacity of England; her domineering spirit, her sleepless efforts to circumvent, her fixed purpose to destroy us; her aim as constant to insult whenever she cannot injure us. I would, sir, out-Herod all the Herods of Oregon; I would do all I could to stir up here at home the worst feelings of our nature, and to excite passions as fierce, as foolish, and as bad in the kindred people on the other side of the Atlantic; I would, in short, if nothing better than the interests of party swayed me, flame out a furious 54° 40' man, and do all in my power to hurry England and America into deadly conflict for this desolate corner of a territory uncertain of title and questionable of value. And why, sir, if a mere party man, would I do all this? Because I am thoroughly persuaded that, if this or any other Administration, but this particularly, shall, in the headlong prosecution of an unjust claim, whether at the dictate of an electioneering convention, plunge this peace-loving country into the sin and suffering of a war as needless as it will be ferocious, the *People* will no sooner have tasted the woes of such a contest than their vengeance will overwhelm those who brought them into it. At such a time the forms of the Constitution will scarcely shield them; they would be driven from power within a day, if it were possible without trampling in the dust our Constitution. Upon the President, the Cabinet, the Party, that had wantonly committed such a crime and such

a folly; would rest a public execration that would never let them see power while the popular memory lasted; and Whigs and Whig principles, a conservative moderation, justice, and prudence, would take a long possession of the people's confidence and affection. Such, sir, would be the consequences of a war for such an object and under such circumstances—so unprovoked, so impolitic, and so certain to be calamitous. For the Whigs, *as a party*, such a war would accomplish every thing, but at a cost to the country too terrible for any Whig ever to desire. If you will thus put us into power, it must be in spite of all we can do. God preserve us from an ascendancy purchased so dear! We can wait until milder means shall effect the same great end. To the Whigs, then, this question is above *all* party. To the credit of the country this question was long above *all* party. For more than twenty-five years no party consented to look on it in any but a national light; nay, from its very rise, from the foundation of our claim in that quarter, no Administration nor any party had ever attempted to make of it any but an American question. But, when assembled at Baltimore, a certain celebrated convention, which (to use the language of one of its members) "was organized by faction and governed by demagogues," (I use the words of the Senator from North Carolina—Mr. HAYWOOD—addressed to us the other day,) then and there for the first time this national controversy was seized by party, made to receive its stamp and its spirit, and pushed to extravagance, in order that, by this very impress of ultraism and of violence, it might seem to be more distinctly their own, and none but their own. And why was this done? Through an extreme party necessity, as the last desperate stake of a party that had played away every thing it could beg or borrow. On all of the old and legitimate questions they saw they were beaten and overthrown, and they knew they must force new issues, upon which excitement and humbuggery had not been exhausted, or that they were gone. The domestic questions—those of internal administration, the only proper ones between parties—had been used to excite and delude the people, until these could excite and delude no longer; it was necessary then to call to their aid still stronger stimulants, such as all before had shrunk from employing—questions of foreign policy, that the most disloyal had never before dared to endanger and corrupt, by committing them to the bad influences of party, and the divisions it must breed. To create those very divisions was their object—to produce distractions about national questions, which they could no longer raise about domestic ones. An excitement was their last hope. Without it their defeat was certain; with it, at whatever cost to the country, they might still succeed.

In this manner and for these motives came to be adopted by this memorable convention the more remarkable resolution that our title to the whole of Oregon was "clear and unquestionable." The time of its passage was not less singular than its other attendant circumstances. It was, as the Senator from New Jersey (Mr. MILLER) has observed, introduced and carried on the third day of the convention, before breakfast, after the departure from Baltimore of more than a majority of the convention. As to the hour, I cannot agree with the Senator from New Jersey, that it was ill chosen. At no other had such discretion reigned in the proceedings; it was well, then, to do one thing at a discreet if an unusual time of day; and judicious to have the actors at least sober, if the resolutions were not.

This, sir, was the first time that into the present controversy party views were introduced, and, as I have said, studiously introduced at an inopportune time, before an unfit body, in an exaggerated and inflammatory form of assertion, for the purpose of compelling the opposition of prudent and right-thinking men, in the hope that such would prove to be the minority. This, as every body knows, was the entire origin of that declaration which President Polk thought himself

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bound, by this behest of a party convention, to make in his inaugural; and hence indisputably has flowed the entire difficulty in which he and the two countries are involved.

In the primitive days of our Republic, it was usual for the Executive and Congress to consult the Constitution and the Laws, the experience of other ages, the plain principles of justice and of truth, when they were considering grave questions of our public policy, or duty, or interest. In the present time of corruption, ambition, and vain glory, few politicians stop to consider these old motives and methods, from which our national glories, our former uncontaminated honors rose. Other considerations almost alone are weighed. The great question—nearly the only question—now presented to the people is this: "What policy will most secure the election of our candidates?" "By what means can we best circumvent our adversaries?" What is right, or fit, or wise, or good for the nation, or just towards other countries, or even towards our own citizens, few politicians give themselves the trouble to inquire. Now, what had the Baltimore Convention thus decreed before breaking its fast? The whole of Oregon and the whole of Texas; the former to be "reoccupied," and the latter to be "reannexed." Accordingly, of these two, in the very midst of these exhortations to banish all party considerations, we have been told by the honorable Senator from Indiana (Mr. HANNEGAN) that "they are twin-sisters," brought forth by the same mother at the same birth; that it was incumbent on the Senate of the United States, or at least the Democratic portion of it, to stand by Oregon, to go for it up to 54-40, *war or no war*; that those who owe fealty to the party at all are bound to show themselves its true lieges, whatever the consequences; and more especially as one branch of the Baltimore decree, the introduction of Texas into the Union, has been already accomplished.

So thought the President: he thought himself bound by the order of the party which had nominated him under such strange circumstances, with such a discordance of opinions. Hence, and hence only, his inaugural declaration; that *first mistake*, (as I understood the Senator from Massachusetts this morning to call it,) that mistake, if it deserves not a harsher name, from which has flowed all our present trouble. When it was made, I was struck with surprise that on such an occasion such a topic should even be touched upon. He was not addressing Congress, but the people; and that people had no cause to expect or to wish any revelation of the grounds or manner in which he meant to conduct an important and delicate negotiation. He could not yet well know what he ought to do, much less could he know what the Government opposed to us could be brought to do, by negotiation. The history of the past, the acts and efforts of many wise statesmen, as wary and resolute as he, should have warned him that the matter was not of that sort which can be settled off-hand, and by one side only. He should have known that an inaugural address was no time nor place in which to broach such a subject—especially if he meant to take in it new and extreme grounds. Such intentions should certainly have been "locked up in his own bosom," *at least as closely* as his organ of the press tells us that his true purposes in the matter are *now kept*, when Congress is left in uncertainty, and the country in alarm. I think he should have been more mysterious then, or less mysterious now. This early, unguarded, and (I must be allowed to say) uninformed committal of himself, could have no good end; could only embarrass and endanger the negotiations of which he was about to take the supreme direction. And, accordingly, we see that his own first important step in them was directly athwart this gratuitous public pledge; in it he had promised to give up no part of Oregon; and he presently offered to yield nearly one-half of it! That fact is commentary enough upon the propriety of such a declaration. But, besides, we all know the sensation and effects produced by it elsewhere;

and they who take the trouble to examine it in all its consequences, must come to the conclusion that it was a most unfortunate blunder in the Executive.

Sir, it is not my purpose to speak of the Chief Magistrate with acrimony or without respect. I have towards him no personal feelings of unkindness, however opposed to him and his party politically. He whose secret views are a matter of angry doubt and contest among his confidants, or those who might naturally be so, is little likely to have made disclosures to an opponent. The documents he has caused to be published, and the authentic facts with which all are acquainted, form my only sources of information. From these, however, I have drawn certain plain conclusions as to the motives which have influenced the Executive management of the Oregon controversy, and as to the consequences of that management. If among those who stand nearest, of this body, about the President, and most enjoy the advantage of receiving his own explanations of what he has communicated for the public instruction, there is such an entire and direct difference as to the interpretation which is to be set upon his declarations and intentions, it need excite no surprise if I should venture to construe things for myself. When the priests fall out and deliver utter contradictory oracles, the profane are at liberty to believe as much or as little as they like or can understand.

Mr. President, we have before us a most extraordinary and (I must say) humiliating public spectacle. It is not merely unprecedented in the history of the country, but without any shadow of parallel or even of analogy. We sit here a part of that great National Council, which, along with the Executive, directs the affairs of this people; of that council we are the branch which more directly and intimately shares with him the management of our foreign relations. Amongst us he has a decided party majority, anxious to afford him support in all his measures; and yet not only are we, as a body, denied to know what it so much behooves we should, as the President's advisers and a co-ordinate branch of the Government, understand—his real purposes in the momentous questions before us—but they are an enigma to his very adherents here, who cannot, for their lives, settle between them his true meaning and intention! There never was, before, a period when some one in the Senate was not authorized to speak for the Executive, made regularly acquainted with his views, and ready to put right those who misconstrue his plans or language. A part of his supporters tell us that he is in every manner pledged to nothing less than 54° 40', or war; the other part, equally zealous and equally positive, assure us that he has never had a thought beyond 49°. The Senator from Indiana, (Mr. HANNEGAN,) backed by the high authority of the distinguished Senator from Michigan, (Mr. CASS,) and that of the Chairman of the Committee on Foreign Relations, (Mr. ALLEN,) whose position implies the possession of the President's complete confidence here, declares that, if there is any truth in man or in Holy Writ, the President is irretrievably engaged to 54° 40'; that should he falter, turn back, and not lead on his gallant followers up to the Russian line, he will be recreant to his party, his principles, and the Baltimore Convention; that should he desert his standard, bearing aloft the mighty motto of 54° 40', it will sink him to a depth of damnation from which the very hand of resurrection can never pluck him up. Now, this was rather strong language, and this hypothetical denunciation made me feel exceedingly uncomfortable, lest the Senator had really got a peep behind the curtain of the President's intentions, and knew what he would do. I was, too, the more disturbed, being, as I have said, a peace-man, but on terms which I shall explain before I take my seat; because, in many particulars, that Senator's interpretation is the obvious one of the message itself. My alarm, however, was much allayed by what was said by the Senator from North Carolina, (Mr. HAYWOOD,) supposed to enjoy in a peculiar degree the personal confidence and

affection of the President. He has assured us; that the President neither advances nor retreats, and, moreover, that the revelation of the President, not the state of the Oregon land at the present time.

But to proceed in this manner in the newspapers, that this Oregon territory should have very strong charges with greatly disturbed minds, made, to suit the occasion.

I say, the President's first intention, he has had of his own mind, that looks to against standing, what is still presents to deprive us of the Oregon territory.

On the other hand, he is anxious to settle the Oregon territory.

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affection of the President, his old school associate, and perhaps his classmate. He has assured us that the reading of the 54° 40' gentlemen was totally erroneous; that the President had planted himself on the parallel of 49°; that he could neither advance nor recede from it without rendering himself infamous forever; and, moreover, having the Senator turn his back upon him. Sir, I confide in the revelations of the cool, sagacious, and prudent personal friend of the President, not that I believe it the true reading of the message, but as indicating a later state of the Executive mind, and a wish for the present to compromise with England at the parallel of 49°.

But to proceed to another point. We collect sufficiently, from many declarations in this and the other House of Congress, and from the voice of various newspapers paid by the Government to give candid information about its acts, that this Oregon business has been admirably conducted, and that to doubt it is to be exceedingly factious and even unpatriotic. Nevertheless, as I happen to have very strong doubts of that sort, I will state them, at whatever hazard of being charged with taking the British side of the question. That charge does not greatly disturb me; and I feel an entire willingness, when the charge is formally made, to submit it to the judgment of my constituents.

I say, then, that the Oregon question has been mismanaged from the President's first ill-judged inaugural declaration up to the latest revelation which we have had on the subject. By his message and by his management he cannot have meant or desired or expected war; for in his message he recommends nothing that looks to war; on the contrary, he dilates, as if in the midst of secure peace, against standing armies, as things that should not exist in a Republic; he recommends no increase of our land forces, and but a trifling one of our navy. But, what is still more decisive, he recommends, and his Secretary of the Treasury presents to us, a revenue measure—the repeal of the tariff—which would at once deprive us of the means of carrying on war.

On the other hand, he could not have meant to inform us and the nation that he is anxious to settle the Oregon controversy at the line of 49°, for he says the contrary. He long ago submitted the only thing he ever did that looked to such a settlement; and he tells us that the door to compromise is closed forever, and that he now claims the whole territory of Oregon.

I myself, then, can draw from his conduct but one conclusion: that the question being a very knotty question, the Executive intended to place himself "on the fence," so as to be able to get off on either side. He meant, if the message was followed by a strong manifestation of the popularity of 54° 40', *war or no war*, quietly to slide off on that side; but if, on the contrary, the deliberate judgment of the American people was given in favor of a fair and amicable compromise, then some of his learned and ingenious friends, practised in the art of explaining things, were to rise and show conclusively that from the beginning the President was altogether in favor of 49° and against 54° 40'. This, sir, is my conclusion, after reading the message and hearing the elaborate and ingenious contrary interpretations put upon it by honorable Senators, friends of the President. Each interpretation is so lucid, forcible, and conclusive, that they destroy each other, and plainly prove that both are wrong; that the President goes for neither, but places himself impartially upon the fence.

Now, to give the main reasons why I hold that the President and his Premier have entirely mismanaged the business, let me, first of all, remark, that such a question, originally broached by the Executive in a manner that at once made it necessary and yet difficult to settle it, could not but be further mismanaged in consequence of this attempt to be on both sides of it. Let me, then, call the Senate's attention to the objectionable grounds taken in the first communication from the new Administration to the British envoy for the purpose of renewing

the negotiation. To the preceding Secretary, (now the Senator from South Carolina,) an offer had been made on the British part. It had been rejected by our Government. The British negotiator had then invited a reference to arbitration. That had been, (I think very properly,) declined, but for reasons fair, statesmanly, and friendly, entirely unlike those on which a like offer has lately been declined on our part. In the first instance, the matter had not arrived at the point of arbitration, and so the former Secretary, (Mr. CALHOUN,) simply said; in the last, the point at which Britain was left, by the abrupt termination of the negotiation, and the retraction of the proposition to settle on the principles of compromise at the parallel of 49°, there was no amicable resort but arbitration, or an unconditional surrender of all further claim to any portion of Oregon. Without stopping to discuss the policy of the rejection of that fair and friendly mode of adjustment of our controversy, I must say that the reasons assigned by Mr. Buchanan for declining to submit the question to arbitration are unsound and puerile, and reflect no honor on him as a statesman.

In the letter of our Secretary to which I now refer, he sets out with urging the question of title; and, before any offer of a settlement is submitted, he tells the British Minister many things very unfit to incline him to accept the coming proposition. He tells him that he is bid to say, that had the Oregon question been a new one, the Executive would make to England no proposition at all. Is this not a strange language to hold in a negotiation which we ourselves had invited? However, (he goes on to say,) the President has found pending negotiations, based on principles of compromise, and in consequence does not feel at liberty abruptly to break them off. Why this new tone, so unlike the previous negotiations and the terms so repeatedly offered by our Government? Why state sudden and haughty pretensions, that are not to be acted upon, and can only surprise and offend? Why talk of ceasing to treat, when the conference is one of our own seeking, and we have not yet made a single offer? He proceeds to tell England, that while we believe and know our title to be unquestionable up to 54° 40', the President feels constrained, as well by existing negotiations as by the acts of his predecessors, to submit a proposition. And now what sort of a proposition? More advantageous to the counter-party than those repeatedly made by his predecessors, in deference to whose admissions he makes it? No, it falls short of them. Is this negotiation to go backwards instead of meeting the advances made on the other side? The President plainly admits, that he yields to the acts of his wise predecessors: either, then, he avows himself bound by some moral, or political, or legal, or diplomatic authority, or by several of these at once. If it binds him, why, then, does he not conform to it? If it bound him at all, it bound him to go at least as far as it had gone. He has said that he found pending negotiations on the basis of a compromise: what would that be in the case of a renewed negotiation? Clearly, that setting out from the old concessions on either side, both parties should offer some additional one. Sir, I cannot forbear remarking that these Polk negotiations seem to have been conducted rather on the horse-trading principle. I do not, however, mean to quarrel with the President so much for this coming short in the proposition made as with the next act in connexion with it. Its rejection could have been no matter of surprise, and it was at once refused by the British negotiator, in terms, as neither reasonable nor fair. Thereupon it was immediately withdrawn, as if in a huff; the refusal to entertain and transmit it was construed as a kind of insult; and Britain was informed that our Government would now accept of nothing short of the entire territory.

Sir, the British Minister is not responsible to me, nor even to the American people, for his course; yet I regret that course; nay, I think he was hasty, presumptuous, and committed a great blunder, unless he had explicit instructions which

met the case heard that other. The terms offered by the negotiator for our Secretary added nothing except to what will read to offer of 49° 40' and Secretary's rejection. himself, of a constructive calamitous, the code of Secretary's serious.

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met the case, which is not improbable. But, be this as it may, I have never heard that a blunder on one part justifies or even extenuates a blunder on the other. The rejection on Mr. Pakenham's part was neither in itself, nor by its terms offensive, and he was warranted by the former example of our own negotiator for acting as promptly as he did. The *manner* of that rejection was, in our Secretary's reply, taken exception to, and the proposition retracted, with the added intimation; in effect, that we should make no other, nor negotiate further, except to receive the abandonment of the whole British claim. If any Senator will read the last paragraph but one of the Secretary's letter, withdrawing the offer of 49, the conviction will be forced upon his mind, that either it was insincerely made, or that there was no better ground for recalling it than that the Secretary's or the President's sensibilities were wounded by that language of rejection. He evidently considers something in the *manner* used as insulting to himself, or to his superior. That was indeed going back to feudal times, when a constructive affront to a King's favorite or his mistress plunged nations into calamitous wars! I say a "constructive affront," for even the nicest logic of the code of honor can make nothing more of it; and an equal scrutiny into the Secretary's own communications will detect violations of punctilio at least as serious.

Was, then, the serious interest of the country; was the policy deliberately adopted for it; were the grave obligations and authorities which could alone have fitly determined the President's offer; was the peace of two great nations, and probably of the world, to be greatly jeoparded, if not abandoned, by a step taken in obedience to menacing and questionable punctilio? Is this age of peace, of reason, of Christianity, of civilization, one in which the substance of things is less than such shadows? But, sir, again I ask why, if made in good faith, was the offer to compromise on the parallel of 49° withdraw? I am not a professed diplomatist; nor, indeed, is the President; but, diplomatically, this grave step was still more indefensible. The offence, if it was one, was clearly the personal act of the Minister only—the *manner* of his rejecting a proposition not yet known to his Government. At worst, then, it was only a ground of complaint *against him* to his Court, and not of any change of conduct towards that Government itself—of the angry withdrawal of any offer to it, until it had sustained its agent in the offence committed. But the President did withdraw his proposition, and by his course in retracting it, and declining formally all further compromise, he converted into an *ultimatum* that which was not even a concession. Now, in no *amicable* negotiation can an *ultimatum* be made of a first proposition. To set out in that way would be to prescribe, to dictate, not to treat. But, could it be done, you would be bound, at least in laying it before the other party for acceptance or rejection, to let them know it is final, that they may weigh the consequences of refusal. Here the nature of the proposition was such as made it impossible for the other party to suppose it final; it being short of all propositions before made, he declines to entertain it; whereupon he is informed, not only that it was an ultimatum, but that it is withdrawn altogether, so that he shall now not even have the power to accept it, or even to convey it to his Government for its consideration and decision.

Sir, I think I have shown that this management will not bear close examination—the criticism of plain, common, honest sense. But let us proceed to consider, in the same way, the consequences. There was clearly no need to withdraw the proposition because declined by the Minister. No need? Yes, no reason, unless it was insincerely made, and the Administration wanted only to seize the first pretext for retracting it; in which case, it is only to be remarked, that they should never have made it; for unquestionably either we wanted it accepted, or we did not. If we did, we should still want it, and should therefore have left it in the power of the British Government, which could (and, as we

now know, would probably) have acted on it when reported by its Minister. But, if we did *not* want it accepted, we should never have made it, not only because it was acting in ill faith, but because the offer, the rejection, and the withdrawal inevitably placed both Governments in a much worse position than before; for now there are not only punctilios afloat, popular and party excitement, Presidential electioneering, military plans and preparations, but *our* Government, after offering 49°, is peiemptorily contending for 54° 40'; while England, after refusing 49°, is now to treat of giving up to 54° 40', or not to treat at all!

But observe again: Is the rejection of a proposition any reason why it should be withdrawn? If it is, then *all* propositions must be accepted when made. If withdrawn as soon as declined, what will remain to treat about? How is negotiation to go forward but from less advantageous to more advantageous offers—the former remaining, when refused, as a basis, a scaffolding for the next? Strike it away each time, and what have you to stand on, or how are you to mount? Then, again, were the British offers withdrawn as soon as declined? Certainly not. There stand their tender of arbitration, and all their other offers, to be recurring to when we like. True, the offers on both sides in 1826 were withdrawn *in the form of a protest*, that in future negotiations the parties would not hold themselves bound or concluded by any concessions then made; but that was when it was found that nothing final and satisfactory could be concluded, and the temporary convention of 1818 was renewed. In a word, they were not even in that manner withdrawn until the negotiation had fallen through; and that is the only time when offers can be, with any propriety, retracted. Then alone is any such shifting not unfriendly and disrespectful.

So much as to forms, and now of the effects of that withdrawal. Sir, of it we all now know enough to say, with something like certainty, that but for that ill-judged and unfortunate step, a treaty on nearly that basis, quite satisfactory to the mass of this country, and quite honorable to the Administration, would have been by this time not only concluded, but ratified. I need scarcely add my reasons for saying so: the regret subsequently expressed in the House of Commons by the British Premier, that the Minister had not transmitted the proposition for the consideration of his Government, instead of declining to entertain it, is pregnant with meaning. If he (Sir Robert Peel) added, that "he was not prepared to say it would have been entirely acceptable," yet that form of expression certainly shows that he regarded it as only requiring some modifications, such as should not, with either side, have stood in the way of adjustment. Need I repeat, then, that the failure is entirely the consequence of the retraction of our offer? That unhappy punctilio, or that still worse insincerity, is the cause of it all? I fear, sir, that we have not done with that needless and dangerous point of honor. Idle as it is, at best, between nations, and shameful as it would be if such a mere cobweb were stronger than the bonds of brotherhood, peace, and interest between two great kindred, Christian, and sagacious States, yet it has so served with its false difficulties to complicate all the real ones of the subject, that I fear it still. Alas! once entangled in such things, the bravest cease to know what they are about, the wisest become weak. Too often have I seen some of the best men in my State fall a sacrifice to nothing but a punctilio.

Well, thus was the negotiation ended—abruptly closed—without cause, without excuse, in August last. And now I come to another part of the mischievous machinery which the President has employed throughout this matter.

From the beginning, with an openness never before ventured, even by his bold-est predecessor, he had allowed to be set up here a journal destined to receive every Executive favor, and avowedly speaking in his name, but constantly misleading the public, at home and abroad. I hold the Executive responsible for every thing which has appeared in the "Union" relative to this Oregon controversy, notwithstanding the Senator from Indiana (Mr. HANNEGAN) denied here in his place,

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on one memorable occasion, that the "Union" expressed the opinions of the President. And why do I hold him to this responsibility? Because all know that the Executive can control it at pleasure. If, then, its supposed official language misinterprets him, puts him in a false position, does mischief in a great national matter which he is conducting, he is responsible for its course if he does not put a stop to it or disavow its authority to speak for him. Now, the labors of the "Union," from August last till the meeting of Congress in December, tended to anything, in this Oregon question, but the promotion of that which the Executive was professing to desire—a peaceful adjustment of the pending controversy. During that time its language was such as to inflame this country and irritate England—to stir up the popular passions of the two countries, instead of attempting to allay them—vehemently asserting our right to the *whole* territory, and the President's bounden duty to get it all, when he had already offered to yield the half. What good purpose could all this extravagance on the part of the "Union" serve? While the whole negotiation was concealed up to December from our people, and its existence, I believe, denied in the Executive organ, such extreme pretensions were urged there—such inflammatory national topics presented—such extraordinary appeals to the Democratic party to come to the succor of the President, in his patriotic efforts to get the *whole* of Oregon, as were well calculated to offend England and bewilder and alarm our own people. Can any one divine why such active pains were taken to deceive and excite the public of both countries? The public was not conducting the negotiations; and if not to be enlightened, still less was it to be inflamed. Every consideration of policy and peace forbade the hostile demonstrations in which the "Union" was permitted to indulge all the summer and fall. Their effect in England was, as everybody knew must happen, highly irritating, and could not but beget a state of public feeling there which made it much more difficult for that Government—*itself dependent, like our own, on its popularity*—to make any concessions in the midst of conduct and a tone so overbearing.

Well, by and by Congress assembles; the message, with its documents, is sent us. On the country at large, alarmed with the rattle of preparation that had gone before it, the effect was quite sedative. Some of the friends of peace—among whom may be remembered particularly the Senators near me from Virginia and North Carolina, (Messrs. ARCHER and MANOUM)—hailed it as giving glad omens of everything pacific. Upon me the effect was quite different. I saw that, notwithstanding all the bluster of the "organ" about the "whole or none," that the President had made an offer to settle on the *rallel of 49°*, and that that proposition had been rejected and withdrawn. I could not perceive how anything was left open for the adverse party but a tender of arbitration; and *that* the temper and spirit of the message led me to believe would be declined. In a word, though I could not believe the American people would allow themselves to be dragged or to be blundered into a war for "all Oregon or none," yet in every point my apprehensions were increased, not diminished, by the forthcoming of the message.

What is its character as to this controversy? Is it such as should have been sent forth to us and the world, if the Executive desired sincerely and honestly an amicable adjustment of the question? In my judgment it is not. It does not breathe that tone of moderation and peace which must be observed between respectable nations at all times, and particularly in their disputes. By the publication of the extreme ground taken, it made it more difficult to recede from it; it introduced topics by no means necessary, and far from being of a sort to aid him in effecting, at any time, a peaceful settlement of the question.

Sir, subsequent facts have made it clear that when, by the message, the President informed us that he placed little or no further hope in negotiation, it was far from being at an end. Indeed, it is now apparent that the announcement that

we could treat no further was but a feint, partly for domestic politics and partly that, by holding out strong legislative measures as to Oregon, and the hope of a free-trade tariff, we might both intimidate and bribe Great Britain into large concessions, which might make a boast for this Administration. This dangerous game of intimidation Congress was to help play. Even now we are kindly told by the "organ" that unanimity in Congress is all that is wanting to enable the Executive to carry triumphantly his point. What that point is none of us know, and about which scarcely two of his friends on this floor agree. One while lecturing and then cajoling us, the "organ" bids us see that all we have obtained (I should like to know what it is, by-the-by) is by threatening demonstrations. I make no doubt that, from the strong desire of peace displayed by England, something might have been gained in this way; but they who devised this reputable plan should have had some prudence, some moderation, and known when to strike. They have pushed it too far, have awakened her pride, and will probably get nothing by their game of brag. At all events, the method is a most hazardous, and by no means a reputable one.

I consider it perfectly clear, from the contemporary recommendations of the Subtreasury and of the reduction of the tariff, that *no armed* difficulty with England was designed or expected. The supineness of the Cabinet as to urging on Congress to the military and naval readiness which it recommended, is a further but a needless proof that peace only was looked for. Indeed, when a war is really apprehended, a wise and discreet Government does as Great Britain has been doing; it says nothing of it, but goes about preparation quietly and vigorously; and if suspicion is excited, and questions are asked, it answers evasively.

To the other coercive steps proposed by the Executive, I need but little advert. Except the notice that the existing convention of joint occupation shall terminate after a year—a step which may probably be harmless, and which the action of the Executive has rendered necessary—they all have three grand faults; they are parts of a hostile system, and hostilities are not really designed; but the talking of them cannot fail to produce more ill blood. We have to deal with a people more prudent, but not a whit less resolute than ourselves. We should certainly take fire at such measures; so will they. We should only yield less, instead of more, in consequence of all measures meant to make us give back; and every reflecting man must know that the effect on John Bull will be the same. Almost equally do I believe, as a gratuitous departure from the proper course on matters under negotiation, the President's introduction into the message of a declaration that the free navigation of the Columbia is not to be given up. It is really as much out of place as his original declaration about Oregon in his inaugural. Sir, suppose we were met in the same way? And why should we not be? If nations proceed in that way, how can they ever settle their difficulties but by the sword? Nay, when tired of fighting, what are they to do? Recommend the game of hot and downright assertion? Have we not repeatedly offered this navigation? So our Secretary was obliged to admit.

This correspondence and the message place the thing on a very different footing; and thus does this Administration constantly shift its grounds in the whole question. Is there any principle involved? None which preceding Administrations (as wise and patriotic as this one) could see, when they *voluntarily* offered it. Have we not claimed the same principle as to the St. Lawrence? Did we not obtain it in earlier times of Spain, as to the Mississippi, with even a privilege of deposit at New Orleans, then Spanish? Were we not near going to war for it just before the purchase of Louisiana? And has not England lately conceded it to us in the St. John's? There is, then, no principle involved. As to interest, the *exclusive* navigation of the Columbia, and that of Goose Creek, (now classically Tiber,) which flows through this city, are about equally valuable.

The allusions in the message to the European Governments are anything but

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wise, unless we have no need of even natural sympathies against England, in the event of conflict with that Power. The unfriendly reference, however, to Powers whom it is so entirely our business to conciliate, if we mean to push things to extremity with England, is coupled with a renewal of that claim, to be the *guardians and dictators* of everything on this continent, which we once made for a special purpose, but in terms far too sweeping, so that it gave us some trouble then, and had been willingly left to slumber unrepeatd until now: I allude, of course, to the famous declaration of President Monroe, now revived by Mr. Polk, to be brandished against the very nation that we have invited to treat with us, and to whom we have offered half the region in dispute. To her we are now made to say, in Mr. Monroe's words, "that no European Power shall now or henceforth be allowed to colonize any portion of the American continent." Why put forth such an assumption at such a juncture? Was it necessary to secure the American people's rights, to strengthen their title in Oregon? It is a ground so imperative and so comprehensive, that, if it has any validity, no other was to be mentioned. It puts aside all forms and sources of title, however recognised by the universal consent of nations, and rides over every thing, with the single annunciation "that we, the United States, have said it, and it shall be so." What did we mean, then, by discussing with Great Britain our rights through Gray, through Lewis and Clarke, through the purchase of Louisiana, through the Spanish cession of 1819? Why urge continuity, contiguity, or even "manifest destiny," or David's psalms or the Pope's bull? Did we condescend to discuss such petty points while we stood upon this utterly overruling one? Did we offer all beyond 49°, when *no where* on this continent is any European Power to be allowed to come? Sir, this is another remarkable instance of the unhesitating manner in which this Administration takes and shifts positions. How can men be dealt with, who enter into a discussion of claims with you, produce their titles, and then suddenly tell you of one that absolutely estops all others, but not even alluded to in the previous comparison of claims? Why had it not been stated, if it was relied upon? Why, but simply because it would not have borne to be sifted in a regular negotiation. And why was it only clapped into the message? Because, in a mere popular and party document, very bad reasons will go down, and public passions only are appealed to.

Sir, we may announce this fiat of ours as much as we please to our people, but we can never maintain it in intercourse or discussion with the other powers of the world; we never have been able to do it; for nations are compelled, if they would be respected, to confine themselves to reasonable and feasible doctrines. Can we impose this proposition on either the old world or, in spite of them, on the new world, of which this new doctrine would make us the self-appointed trustees? Originally we made the declaration in an extravagant form, but for a restricted, a practical, and a justifiable purpose—disinterestedly: for the protection of the weak against the strong; of young freedom against old despotism; of the new-formed Spanish American Republics against the threatened interference of the Holy Alliance, to help Spain resubjugate them. Of course, those States that were then to profit by it did not quarrel with its terms; but those States will no longer acquiesce in it now, when, instead of their common protection, we are threatening to become their common enemy. Europe never did and never can submit to the declaration. It is, then, if enforced, to be enforced against the entire earth. What purpose can it answer, then, but to get us into difficulties, and lower our public reputation as a people respecting the right? It never should have been made; for it never was necessary, even for the temporary and limited purpose for which it was intended. Sufficient for the day the evil and the good thereof; and a wise nation, contenting itself with providing for the one or the other, will entangle itself in its foreign policy with none of

these extensive pledges. We had only to say on that occasion, that, if the Holy Alliance, which had nothing to do on this continent, interfered in favor of Spain, we should stand by the new republics, and that England was ready to join us in that course. That was really all that the thing meant—the practical part of it; and all that exceeded this only served (as may be seen in Mr. Richard Rush's late book) to embarrass us in another important question then pending. But mark, in what speedily followed, how valid we ourselves held the declaration, as capable of being opposed to the subsisting claims of European nations. Immediately afterward, we recognised, by treaty, the claims of Russia (never before established) down to 54° 40'. Moreover, in 1827, some two years only after Mr. Monroe's declaration, we offered Great Britain the line of 49°, and the navigation of the Columbia; and these being refused, we renewed the convention of joint occupation. Both these acts overthrow all pretence of excluding the territorial claims of a European power by a resort to President Monroe's declaration.

But, now, what is that declaration, examined by the rules of reason? Either it is founded on a previously received law of nations or upon one then established, or it is a mere *dictum*. I need not say it was not the first; if the second, nobody made it but ourselves; and we have never put it in force. It is, then, our own occasional *dictum* only. That *dictum* is to set aside, at our pleasure, the rights of all others; it is to vacate titles that conflict with it any where on this continent, and to bind, without their consent, not only all European, but all American States. In other words, it is an appeal to arbitrary will and force by this Government against the entire earth!

Or consider it historically. How came we to be independent? In part, by procuring the interference of France upon this continent to aid us. How can that right be denied to other American States at this day? How came we by Louisiana? We bought it of a European power, which had acquired it only two years before. Mr. Monroe's very declaration was made under a regular understanding with England that she should interfere along with us on this continent. Unpopular as it may be, I, then, humble individual as I am, take this occasion to say, that the principle of this famous declaration, and the use to which it is now put, are mischievous, unsound, wicked; and that, if it is meant for any thing but an idle boast or pretence—if this Government ever means to act upon it, regularly to enforce it—your present institutions must give way to something stronger, more despotic; they must take an entirely military form and spirit; we must set on foot an army like that of Russia, and a navy like that of England.

While I thus denounce the principle, I am perfectly willing to admit that a case may arise (as it had arisen when we interfered for the Spanish colonies in 1824) when the United States would be called on, by every consideration of interest and of legitimate policy, to tell any Government of Europe, "You shall not touch this or that American island or State; it will place us in jeopardy." This, however, is the exception. Turn it into the general, it is false, pernicious, and will lead to the overthrow of our Government if the people sanction it. Have we any right to object to the Empire of Brazil? What is it to us if Europeans colonize Patagonia or Peru? An infusion of intelligence from any where into the South American States would benefit them, and indirectly us. In the time of Mr. Monroe we interfered under hopes and sympathies which have proved to be illusory; the Governments in which we expected to see such blessings have been little but a scourge to the countries setting them up. We can no longer interpose for them, under the idea of sustaining the cause of free principles, but must confine ourselves to cases where we have a direct, important, and just interest of our own to guard. In a word, we must return to that just and peaceful policy so wisely and virtuously recommended by the Father of his

country. This declaration is very bad and could end—no matter how, however, on which I

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country. For all these reasons, I repeat that I look upon the introduction of this declaration into the message as the revival, for a very bad application of a very bad doctrine. Had it been ever so true, it had no bearing on this question, and could by no possibility have any effect towards that which was the great end—to smooth the way to a fair adjustment of the Oregon controversy. I must, however, now pass to other parts of the subject, and particularly to that of title, on which I consider it necessary briefly to explain myself.

In the opinion that our title ought not to be discussed on this floor, I cannot concur. We can no longer choose whether we shall discuss it or not. The Executive, by forcing us to consider whether or not we shall assert a claim to the whole of Oregon, war or no war, has forced us to look into our title, and determine how far it is valid. Better discuss it before war than after it; better any thing than encounter the public execration for having involved the country in war for that to which we have no title. It is my right, and I think it my duty, to canvass the question along with the other reasons that will govern my vote on the notice.

Sir, I have a very indifferent opinion of the right which either we or Britain has yet obtained to the exclusive possession of Oregon. I start with the proposition that, *in a legal sense*, there is no title acquired to an unoccupied country but by its regular and permanent occupation and possession; that Oregon was open to both us and England, as well as other nations, because it had remained, long after its discovery, unappropriated by any permanent settlement; that neither Astor's nor Nootka Sound were such settlements, but mere hunting and trading factories; that the existing convention barred, by express agreement, any proprietary right that would else have arisen, for either nation, from the settlements formed since 1818, its date; and that, even setting that aside, neither nation has yet created itself any territorial right, except just so far as its people are in regular possession. I say, then, that if Great Britain were as plaintiff before the Court of King's Bench to bring her action to oust the United States, she would be non-suited for want of being able to show title; and that, in the same way, if we were to proceed against her before our own Supreme Court, that high tribunal would dismiss the case, with costs for the defendant, on the ground that our title to be put into seisen had not been made out; while we may have demonstrated the weakness of the defendant's.

Sir, it is not my purpose to go at large into the question of title. Legal gentlemen on this floor have already elaborately examined the American and British titles to the Oregon territory. I will content myself with stating a few simple principles of national law, (about which there is no controversy,) with a few facts that admit of no dispute.

By the consent of civilized nations it is held that the first people discovering an uninhabited country may appropriate it. The intention to do so is signified by certain ceremonies of landing, displaying the national flag, and declaring the possession taken. But if this act is not followed up by a settlement proceeding speedily—that is, within such reasonable time as was sufficient to make it— from it, then, this inchoate right to complete your title in preference to any body else is lost, and any other people to whom the discovery may have become known, may, by greater diligence, pre-occupy the soil and perfect a title by making a regular settlement. It was thus that France, for instance, secured a fixed right in Louisiana, although Spain had discovered and taken formal possession of the mouth of the Mississippi, but without planting any settlement. This law of nations has, moreover, always considered as uninhabited all countries occupied only by savage tribes.

Now, we claim Oregon by two-fold discovery: the Spanish, transferred to us by the Florida treaty of 1819, and going back to an uncertain date, long before 1790, and that of Gray in 1792.

But there cannot be *two* discoveries of the same country. The posterior one of Gray, therefore, (let the Secretary of State argue as he may,) is nothing. The coast, which is the country, was already known; and the inchoate right by discovery could not be broken into and taken away by the mere lighting upon the mouth of its chief river. Besides, the conventional right by discovery must follow—must observe the conventional law of discovery; and Gray's was not accompanied by the acts of appropriation necessary to signify the intention of occupying the country. He did not take possession; he does not appear even to have landed. Now, the right by discovery was in some other nation; but as it had been neglected, and had not been carried forward to that which could alone give a fixed right, (permanent settlement,) we, or any body else, might then have acquired that right whenever we settled. And as Gray made no settlement, he did not create for us a right in the only way in which he could have created one.

I see not how these principles and facts can be resisted. Of course they equally overthrow any claim got from Spanish discovery, since Spain had failed to settle, and her claim of discovery had lapsed by neglect. In the same way Lewis and Clarke's exploration is nothing, for that was not what was then necessary to create a permanent right. They only performed the ceremony of taking possession; but that had been performed long before by Vancouver's lieutenant, Broughton, and was nothing. In short, the right by discovery was gone from every body; the country was open to the occupation of every nation, and that occupation alone could now confer in the quarter where made a territorial right. On the English part a trading station was first fixed at Nootka, and ours at Astoria. There was no point of even temporary occupation by Spain north of San Francisco, and no Russian south of about 56°. I take it, then, that the real claims of both England and ourselves begin, so far as either had any, from Nootka and Astoria. But, on the other hand, neither of these establishments was properly a settlement; they were trading posts, established by private persons for their own individual purposes; and such was the character of all the places of which the citizens of either nation had taken possession down to the time (1818) when the United States and Great Britain agreed that the further settlements of neither should create any territorial rights while the joint occupation lasted. It seems to me clear, therefore, that neither nation has yet perfected a title in any part of Oregon, and that their adverse claims must become a matter of convention and agreement between them. What that arrangement and division should equitably be, I think, is clear.

The two nations have created for themselves better rights (though not complete ones) in Oregon than all others, and each a better right than the other in a particular region—we on the Columbia and up to 49°; Great Britain north of that line. Our several original points of occupation indicate that line, and continuity and contiguity of other territory, in my view, fixes it. That, then, seems to me the most positive and proper basis that can be arrived at, and my mind is so much made up to this that I will not consent to give up any soil south of it. If nothing better can be done, I am willing to fight for it. Something like this I think the Administration, scorning all further punctilio and pettifoggery, should offer. I believe that manly and friendly course will be met by England in the same spirit, and that the great mass of both these kindred countries will hail the adjustment, and render honor to the rulers who shall make it.

As to notice, I was at first opposed to it, as likely to beget a difficulty. On that point, the progress of the discussion and my own reflections have changed my views, and I am not ashamed to avow it. I now wish to see the notice given, but in terms entirely conciliatory. I wish it, too, given at once, that the country and its business may suffer no further disturbance, and that we may know, before Congress adjourns, what is to come of it—peace or war.

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