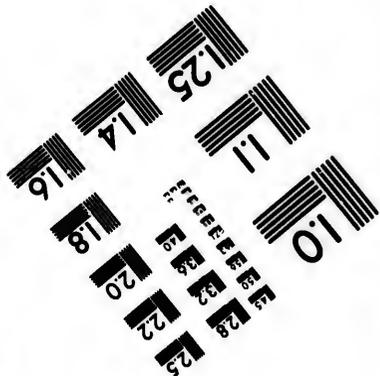
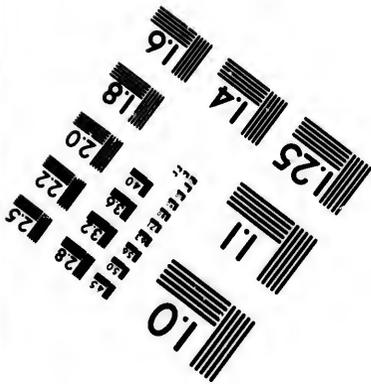
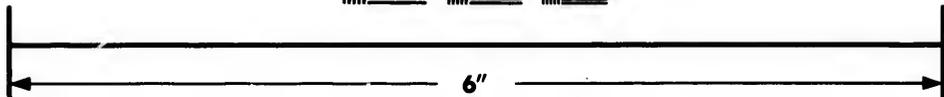
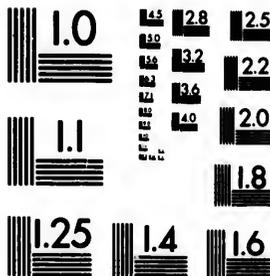


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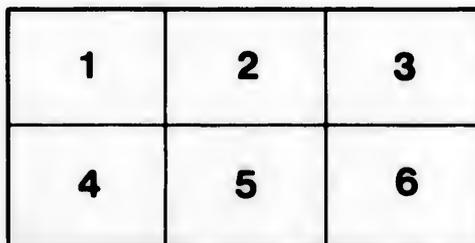
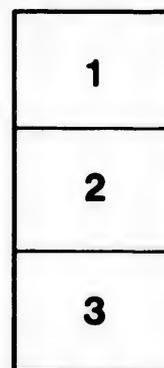
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**SPEECH**

**OF**

**MR. MILLER, OF NEW JERSEY,**

**ON THE**

**OREGON QUESTION.**

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**DELIVERED IN THE SENATE OF THE UNITED STATES, MARCH 26, 1846.**

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**WASHINGTON:  
PRINTED BY JOHN T. TOWERS.  
1846.**

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## SPEECH

OF

### MR. MILLER, OF NEW JERSEY.

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Mr. MILLER said that the proposition which had just been introduced into the Senate, proposing to fix a day on which the present discussion should close, satisfied him that a disposition prevailed in the Senate to bring this long-protracted debate to a conclusion, as speedily as might be consistent with a due regard to the importance of the subject. He would do nothing to thwart this disposition of the Senate. But, as the question could not be taken now, he hoped the Senate would excuse him for continuing the debate for another day. It had not been his intention to address the Senate at all until within a few days past. But, finding from what was transpiring here from day to day, that it was almost impossible for any Senator to manifest his real opinion by voting either one way or the other, on the questions presented, he had deemed it necessary to express his views on the subject in debate. If the matter in discussion was not of so serious a nature, it might be a subject of amusement to notice the various phases it had been made to assume since the present discussion commenced. At one time the notice was held up as leading directly and of necessity to war; at another, it was the best mode of bringing the difficulty to a settlement, and of securing an honorable peace. At one time notice was the result of the termination of all negotiation; at another it was to be the helpmate of existing negotiation. Its nature seemed to vary with the degrees of latitude. At one time notice was to place us on the boundary of 54° 40'—a line to fight for and die by; at another, it must lead to a compromise on 49°. It seemed to fall and rise according to the temperature of gentlemen who advocated it. Like the mercury in the thermometer, it varied according to who had his thumb upon the bulb. When the question came into the ardent hands of the Senator from Indiana, (Mr. HANNEGAN,) or of the Senators from Illinois and Ohio, (Mr. BREESE and Mr. ALLEN,) immediately it rose to 54° 40'; but no sooner did the cool and distinguished Senator from South Carolina "put his finger upon it," than straight it subsided to 49°. The same question thus presented itself to different minds under different aspects, and as leading to different and even opposite results.

In December last the President of the United States, in the discharge of his high duty, informed Congress that all attempts at negotiation and compromise in reference to the territory on the northwest coast of this continent had failed; and recommended Congress to take the first step in a series of measures leading to an assertion of our right to the whole of Oregon. On hearing that message read, the distinguished Senator from Michigan, (Mr. CASS,) a gentleman of great experience, acting no doubt under a high sense of patriotic duty, felt himself bound to call for information relative to our means

of national defence. With this view, he presented various resolutions which went to call upon Congress to take measures for the increase both of the army and the navy, and the arming of our fortifications. While the Senator was thus taking measures looking to the defence of the country by arms, the Senator from Ohio, the Chairman of the Committee on Foreign Relations, perceiving, as he supposed, that war was inevitable, felt it to be his duty to "prepare the hearts of the people" for that event. All Congress presented a belligerent aspect. The Senator from Delaware, (Mr. J. M. CLAYTON,) called for an official statement of the relative strength of the British and American navies, the number of ships and steamers, with the guns they carried, and the number of hands necessary to man them. Even the Committee on the Militia, which had slept for twenty years, waked up from its slumbers, and was called upon to report how many able-bodied men could be called into the field.

During all this time the situation and conduct of the commander-in-chief, the President of the United States, presented a very different aspect. He looked there to judge whether there was any danger of immediate war: to listen whether there was any note of preparation in that quarter; whether the trumpet sounded its warning note to "prepare." But nothing like war or rumor of war was to be seen or heard; "not a drum was heard, not a warlike note," disturbed the serenity of the air in that direction; all was profoundly quiet—perfectly placid. He then looked to the Departments whose appropriate functions were more immediately connected with the navy and army; but there, too, all was as peaceful as a Quaker meeting-house. No preparations for war were any where to be seen. One of the distinguished Secretaries was busily engaged in settling questions of etiquette between our officers, and the only sort of war he was engaged in seemed to be a war on the old tars of our navy. The other honorable did, indeed, ask for some increase of the army, sufficient to guard the emigrants going to Oregon, and to supply the place of the garrisons which had been removed from our fortifications on the seaboard to be dispatched into Texas. He then looked toward the Treasury Department—for there were to be found the "sinews of war"—and what did he see there? A crowd of generals and engineers pressing round the fiscal officer of the Government with estimates and reports asking for the money necessary to carry on the first six months of the first campaign! No such thing; but a host of collectors, and weighers, and appraisers, clubbing their wits together to complete a plan for reducing that revenue which must supply the very pabulum by which a war could alone be sustained.

While the Senator from Michigan was faithfully discharging his duty by calling the country to the state of the national defences, and while the Senator from Ohio was exerting his utmost energies to "prepare the hearts of the people for war," the Executive Department of the Government, in all its branches, instead of arming the country, was busy in devising ways and means to destroy the *sinews of war*, by reducing the rate of duties on imports. He soon, therefore, became convinced that if we were to have a war, it was to be a sentimental war—a war of hearts—of prepared hearts, for there were no other weapons prepared with which to fight.

In this confused state of things, the public, as was very natural, turned their eyes for some more definite information to the "Government organ;" for there was a paper published at the seat of Government that passed in general estimation as the organ of the administration through which its views and principles

were to be made known. They turned toward the organ—but its note was very doubtful, mightily out of tune. It was like one of those street organs which were liable to be played upon by every body, and the sound differed according as one or another got hold of the handle. One morning it resounded like the thundering drum, and split the ears of the trembling hearers; and the next it breathed the softest music, and uttered only the gentle and cooing notes of the dove. The people at a distance took up the paper to get the latest information from Washington, and one day they found it was "war," and the next it was "peace," the third day "doubtful;" till at last they threw down the organ in utter disgust, and said, "Pshaw! there's going to be no fight, after all."

Under this condition of affairs, when even the chairman of the Committee on Foreign Relations would give us no information as to the President's views or purposes; when those who were understood to be his especial friends could give no more; when the magicians and soothsayers were all at fault, the honorable Senator from North Carolina, (Mr. HAYWOOD,) was called in to interpret the King's dream and read the mystic writing on the wall; and, in performing that high prophetic duty, he rendered a great service to the country, though at the same time he caused no small disturbance among his own party friends.

But the questions still came back upon them, Where does the Executive stand? is negotiation still open? is the question in such a posture that it may be settled on the parallel of 49° by negotiation and compromise? or has the President fallen back to his first love, the resolution of the Baltimore Convention, and insist on the whole of Oregon up to 54° 40', as part of the territory of the Republic?

His honorable colleague, (Mr. DAYTON,) with a view to obtain information on which he might vote understandingly on the several bills now before the Senate, proposing an increase in the army and navy, put a plain question to the President, inquiring whether any circumstances existed in our foreign relations requiring an increase in our military and naval force; and if so, what those circumstances were? He, having presented this inquiry, had hoped that the answer it might elicit would show the true position of the President. But in this we were disappointed. The answer of the President had been received on yesterday, and the question still vibrates between 49 and 54 40; they must resort to construction to get at its real meaning. After considering its language, Mr. M. had come to this conclusion: if negotiation was really at an end, and the President was resolved to insist on our title to the whole of Oregon up to 54° 40', rejecting all compromise, he would not have sent *such a message*. The President advised, as a *precautionary* measure, some increase in our army and navy; and the reason he assigns for this was the position of our country in regard both to Great Britain and to Mexico. But to what extent was this increase to be made? Mr. M. understood the President to say that we should go to such an extent only as that, while it would be useful in case of war, the expenditure would not be thrown away should peace continue. Thus leaving the question of peace or war entirely doubtful; because the proposed increase would be useful let there be peace or war.

But if, as was insisted by some gentlemen, the President thought that war was to grow out of this measure of notice, and knowing, as he must, the actual state of the negotiation, how can they excuse the President for giving a reply so equivocal—for suffering the nation to be led to the very verge of war

with England without apprizing them in time of their danger, and without calling on Congress to make adequate preparation to meet *such a war*.

Mr. M. would here make one observation in passing. The President said that some increase was necessary both in the army and navy, and urges on Congress immediate action in the case. Now it appeared to him that if the President thought this, and believed there was a necessity for prompt action, he ought to have sent a message apprizing Congress of that fact without being asked. If there were, indeed, circumstances connected with the foreign relations of the country which required this immediate increase of our military force, the Executive ought to have communicated those circumstances, without awaiting to be called upon either by letters from committees or by resolution of the Senate. But he would pass that by.

Mr. M. said it was his earnest desire to see this vexed question settled honorably and peacefully—not by threats of war, not by arbitrary insistments, but in a manner becoming two great and powerful nations, desirous of doing each other justice. Why may not a dispute between nations be settled in the same manner, and with the same spirit, as two honorable men in private life would settle a question concerning the right of property between them—by reason, by argument, by compromise, in any way, rather than by brute force?

It was said that if we continued negotiation some advantage might be taken of us by Great Britain. Mr. M. should treat all such apprehensions as idle; we degraded ourselves by entertaining the suspicion. Great Britain dare not, if she could, take advantage of us, nor we of her, on a great national question like this. There was no need of indulging any such fear.

Mr. M. considered it of the highest importance to have this matter speedily adjusted. Every body knew that disputes of this sort always grew worse and worse by time; difficulties not thought of before sprung up as the controversy proceeded, till the people on both sides became excited, and then passion and prejudice would defeat any peaceful settlement, however fair and honorable it might be. He was the more anxious for this on account of what he had heard here. Senators had declared, in their place, that unless the Government should come to an arrangement speedily, public opinion and the popular will would take possession of the question and settle it to suit themselves, right or wrong. But this was a Government of Constitution and of Law, and he would not consent to impute to his countrymen the determination to take the settlement of a question which belonged to the authorities established by the Constitution into their own hands and settle it in their own way. Gentlemen, indeed, said that in this country public opinion overrode every thing, and would compel the Executive to take such a stand as suited the popular notions. Mr. M. was fully aware that a process had for some time been going on to manufacture that which was called public opinion; the process had been commenced at the Baltimore Convention; the manufacture was continued in the public prints—in speeches at cross roads, in toasts at public dinners; and, still more lately, a new method of conducting the process had been hit upon by chalking on doorways and fences the numbers "54 40," from one end of Pennsylvania avenue to the other. These new muniments of our title might perhaps overcome the weight of official records, and our title to "54 40" be made "clear and indisputable" by party resolutions, by dinner toasts, by wax stamps, and by chalked doors and fences. He trusted that this mode in making out title might not be considered as the expression of the sober judgment of the American people.

He had said that he earnestly desired to see this matter settled by negotiation, and in a peaceful manner; to bring about this great end, he was willing to do any thing not inconsistent with the honor and the rights of the nation. He would not stand about particular words in the framing of a resolution, but would assent to any thing that might properly aid the Executive in effecting a settlement of the existing difficulty. He was fully prepared to do all that might be thought wise and prudent to bring about that end.

He confessed that, when this question was first presented to him, his impression was unfavorable to notice in any form, nor had his opinion even yet entirely changed. He had supposed that the question could not be in a better posture for compromise than as it then stood. That being his opinion, he had thought that giving this notice and putting an end to the convention of joint occupation, would but disturb the negotiation then in progress. But if he could be satisfied that the notice would not produce this result; that the President would, after notice given, continue the negotiation and bring it, if possible, to an honorable adjustment, he would go for the resolution with all his heart. If the President desired this measure to enable him to settle the question, Mr. M. would say to him, take the notice and use it fairly for that purpose. He would give it as an instrument of defence, and not of aggression. He would give it to the Executive just as he would give to his friend a deadly weapon to be used by him in self-defence or in the protection of his just rights, but for no other purpose. If, after the exercise of this confidence in his integrity and sincerity of purpose, the President should, after all, make use of it to plunge the nation into war; if he should employ it only to disturb and impede negotiation and compromise, and throw the country on the hazards of the battle-field, on his own head would rest all the responsibility.

Having come to this conclusion, Mr. M. was willing to vote for the notice, provided it was accompanied with the declaration of the purpose for which alone he was willing to give it.

It was admitted on all sides that we had important territorial rights on the northwest coast. These rights must be defended, and would be. There was no man, he was sure, to be found in that Senate who was unwilling to defend our rights there, in the manner in which they ought to be defended, to the utmost extent.

But the question was, what those rights were—their nature and extent. And here was the point where gentlemen differed. This was the great point in the controversy. They were inchoate rights not yet perfected by being reduced to possession. The object was, by negotiation or otherwise, to reduce these rights, now only inchoate, to actual possession; to extend the jurisdiction of our laws over the country, to make it our own territory, and to define and establish its boundaries. The question was as to the extent of our rights, and as to the mode in which we should maintain them.

In ascertaining the extent of our rights in Oregon, it was not so much a question of title, compelling those who would discuss it to go into a detailed statement of both the American and the English title, as put forth by the two nations, as it was a question of partition of a country now held in joint occupancy. Both nations claimed to be in possession there. They both claimed a vast uninhabited region of territory, not belonging exclusively to either nation; which was under no territorial government; which was uninhabited, in some degree undiscovered, and still to be settled by civilized nations. As to what portion of this country belonged to the United States, he considered had been well settled. Its extent had been limited, and our title to it asser-

ted, by our own Government, in various ways, too clearly to be mistaken. And it was this American title, thus defined and limited by our own Government, which Mr. M. meant to defend. He was not to be told that he was arguing against the American title, when he was defending this true title to its fullest extent. It was the man who went beyond this, and set up a title which was not in reality ours, who endangered the true title of his country.

There are two kinds of title set up to this country. First, there was the paper title. Both nations claimed a title of this kind in Oregon. Our paper title was under Spain, by the Florida treaty in 1819. By this treaty Spain released to us all her claims and pretensions to the northwest coast. It was in the nature of a quit-claim. The paper title of England was also from Spain, by the convention of Nootka Sound. It was in form a concession, and operated as an estoppel to all future claim by Spain to an exclusive right to the northwest coast. Neither of these paper titles was worth a rush, unless it can be shown that Spain, or those claiming under her, had perfected her title of discovery by actual possession. Vattel says: "The law of nations only acknowledges the property and sovereignty of a nation over uninhabited countries of which they shall *really and in fact take possession*, in which they shall form *settlements*, or of which they shall make *actual use*." It was true that Spain had had rights once on the northwest coast. The history of those rights had been ably detailed by the Senator from New York. Hers was a title by discovery. It commenced about the year 1543. For upwards of two centuries after that time, the navigators of Spain, at remote periods, sailed up and down the northwest coast, erecting crosses, making formal declarations of dominion, and drawing charts of bays and sounds, real and imaginary. But did she ever really and in fact take possession of the country, so as to give her an exclusive dominion there? The United States could not that say she had done so; Great Britain could not admit that she had done so; for both nations, long after Spain had performed all these imperfect acts of dominion, considered the northwest coast to be an open and unappropriated country, in which they might lawfully make discoveries and form settlements, for the purpose of establishing national dominion, in opposition to the exclusive claim of Spain. These discoveries were made and settlements formed by the United States, and by virtue of them we claim title now.

The Senator from New York, (Mr. Dix,) in tracing the history of the Spanish title, very truly said that the discoveries of Spain embraced the entire coast; but when he came to speak of actual occupation, he told the Senate that her title was confined and perfected by occupation no higher north than 49° 30'. Therefore, without going over what had been better said before, Mr. M. came to this conclusion: that, whatever Spanish navigators might have discovered, Spain never had an exclusive title to the northwest coast, and when she ceded to us all her rights there, these rights could not be said to extend beyond 49° 30'.

Then it appeared that under the Spanish grant we could claim no exclusive right to the northwest coast; it gave us only the inchoate right from discovery, to be perfected by actual settlement, possession, and appropriation.

Suppose that in 1819 Spain, instead of relinquishing her rights on the northwest coast to the United States, had relinquished them to Great Britain, should we have submitted to a claim set up by her to the whole of Oregon on that basis? No; we should have denied its validity, and insisted on our own better claim by discovery and occupation; we should have stood firmly

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there was the gon. Our pa- By this treaty northwest coast. England was also form a conces- to an exclusive worth a rush, had perfected the law of nation over unin- possession, in the actual use." The m New York. ar 1543. For ain, at remote osses, making d sounds, real session of the United States it that she had l these imper- pen and unap- eries and form , in opposition de and settle- claim title now. history of the ced the entire old the Senate er north than r said before, igators might rthwest coast, ld not be said

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by this ground of title, resting on the law of nations—laws recognized by England, and by the whole civilized world.

But we had another title to Oregon—a title older and far better than that derived from the release of Spain. It was a title acquired by ourselves, by the acts of our own citizens, and sanctioned by our Government—a title by discovery, followed up by the exploration of the country, and perfected by actual settlement. This was the *true American title*; upon this title our Government can stand firmly and honorably.

To sustain this title to its just limits, and no further, is the high duty to be performed by this Administration. Let them not be led away by false clamor for lands not our own. Let them not venture to uproot our national flag from where it was planted by Jefferson and where it has stood for the last thirty years, on 49°, and carry it into the regions of eternal snows, upon some new and doubtful claim of title.

The only question was, what portion of country did this true American title cover? What was the *locus in quo*? He said that it covered the country west of the Rocky Mountains, extending to the Pacific ocean, and lying between the parallels of 42° and 49°. That was the extent of our rights. That always had been our claim. In our various negotiations, State papers, reports, and maps, it had been described generally and particularly by the name of the "northwest coast," "the valley of the Columbia," and lately by that of "Oregon." No matter by what name it was designated, that was the territory we claimed, and to which we believed we had a good and valid title. We had always understood Oregon to be limited north and south by the parallels of 42° and 49°.

Mr. M. said he had a memorandum of some authorities on this subject.

In 1803, when the attention of this Government was first called to our rights in Oregon, Mr. Jefferson authorized an exploration of the country by Lewis and Clarke. But what was the object of this expedition, the whole northwest coast? Not at all. They were to explore the valley of the Columbia river, and thus complete, by internal exploration, the discovery by Gray of the mouth of that river. We then heard of no pretensions made by this Government to the whole northwest coast. It was not even thought of.

In 1818, when Mr. Monroe turned his attention to this matter, we found that although in our diplomacy our negotiators, acting in the characters of advocates, filed our declaration large enough to cover the territory up to 54° 40', yet when the Government came to act we found the Executive firmly standing upon the parallel of 49°; and the same position was subsequently taken in the Administration of Mr. Adams. During the Administration of General Jackson there was a special agent, Mr. Slacum, employed to visit Oregon for information relative to our rights beyond the Rocky Mountains. The instructions given to Mr. Slacum were drawn up by Mr. Forsyth. These instructions directed the agent to obtain some specific and authentic information in regard to the inhabitants of the country in the neighborhood of the Oregon or Columbia river. General Jackson, then, had no idea of 54° 40'.

In 1838 a report was made to the Senate by the late lamented Dr. Linn, a gentleman whom all who knew him could not but respect—a man of honor and a man of sense, who understood the rights of the country on this question as well as any person living—a Senator who had devoted his attention for years to this whole subject. On looking at Dr. Linn's report we should

find that he described Oregon by degrees of latitude, stated the nature and extent of our right to it, and then the grounds on which those rights were founded. On page 3 of that report he said :

“ The validity of the title of the United States to the territory on the northwest coast, between the latitude of 42° to 49°, is not questioned by any power except Great Britain.”

Again, on page 6, he said :

“ The extent of the territory on the northwest coast, which is properly embraced within our limits, is to be ascertained by the application of the two recognized principles to the established facts of the case. 1st. That the discovery and occupation of the mouth of the river gives title to the region watered by it and its tributaries, as in the case of the Hudson, James, Mississippi rivers, &c. 2d. That the discovery and settlement of a new country by a civilized Power gives title half way to the settlement of the nearest civilized Power. The boundary between them is a medium line. Either of the principles will carry our line as far as 49°.”

In this report, Dr. Linn also examines the Spanish title by discovery, and admits that that title was defective, because unaccompanied with any subsequent and efficient act of sovereignty or settlement.

This report was accompanied by a map, and on that map the line of 49° was extended to the Pacific, the country south of the line being marked as the “ *territory of Oregon,*” and all that above the line as the “ *British territory.*” There was a note appended to the map stating that the line was so marked because our Government had offered to establish the latitude of 49° as the boundary between us and Great Britain. But this showed the opinion of Dr. Linn to be that the territory of Oregon was the country lying between 42° and 49°.

Mr. BREESE. Is there not a note accompanying that map showing why the line was so marked ?

Mr. MILLER said he had just stated that fact. Dr. Linn well understood the whole Oregon question. But this was not his opinion alone. His honorable colleague (Mr. BENTON) was of the same opinion ; for in 1838 he introduced a resolution into the Senate declaring it to be expedient for the United States to treat with Great Britain on the basis of separating the people in Oregon, and establishing 49° as the permanent boundary between them, in the shortest practicable time. And again, in the debate on the Ashburton treaty, that Senator avowed the same opinion, and still advocated the same basis of 49°.

It is utterly vain for Senators to contend against the accumulated evidence on this point. Our Government, from Mr. Jefferson's to Mr. Polk's administration, had been willing, nay anxious, to settle upon the basis of 49°.

When Mr. Polk came into office on the 4th of March, 1845, he found negotiation between the two Governments pending on the subject of the Oregon territory. He states in his message :

“ My attention was early directed to the negotiation, which, on the fourth of March last, I found pending at Washington between the United States and Great Britain, on the subject of the Oregon territory. Three several attempts had been previously made to settle the questions in dispute between the two countries, by negotiation, upon the principle of compromise ; but each had proved unsuccessful.”

Again he says :

“ When I came into office, I found this to be the state of the negotiation. Though entertaining the settled conviction, that the British pretensions of title

could not be maintained to any portion of the Oregon territory upon any principle of public law recognised by nations, yet, in deference to what had been done by my predecessors, and especially in consideration that propositions of compromise had been thrice made, by two preceding administrations, to adjust the question on the parallel of forty-nine degrees, and in two of them yielding to Great Britain the free navigation of the Columbia, and that the pending negotiation had been commenced on the basis of compromise, I deemed it to be my duty not abruptly to break it off."

Mr. Polk adopted this pending negotiation, made it his own, and continued it till he finally offered the line of 49° to Mr. Pakenham as a settlement of the controversy. The British envoy rejected the offer, and then the President threw himself back on our claim to the whole territory.

In Mr. Polk's inaugural address he had stated that our claim was clear and unquestionable up to 54° 40'. But when he entered on the actual duties and responsibilities of his office, he found a negotiation going on based on the principles of *compromise*, and he continued it on the same principles.

For adopting this negotiation, and for continuing it on the principle of compromise, the President has deemed it necessary to make an apology to the American people. His Secretary, speaking for him, said that, though the President differed in his individual opinion, yet, when he considered the question, he "found himself embarrassed, if not committed, by the acts of his predecessors." *Embarrassed* by the acts of Jefferson, Monroe, Adams, Gen. Jackson, Van Buren, and Clay! The word was rather too weak a one. Mr. M. once heard a judge say, upon the bench, that he would have decided the cause before him in a particular manner, "if he had not been *embarrassed* by the *Constitution*." [A laugh.]

Mr. M. presumed Mr. Polk's embarrassment was very much of the same kind with that felt by an heir disposed to set up and pursue a claim beyond the limits of his legal right, when he found himself estopped by the recorded admissions of his ancestor. "Committed" very much as a judge found himself committed when called to decide a question on finding that it had been already decided to his hands by judicial decisions of his predecessors. Very strange it certainly was that the Secretary of State should have felt it to be necessary to apologize for the President, as if he was doing something that was discreditable to him. But, if the President was embarrassed by the acts of his predecessors, was not the nation equally embarrassed now? Must we not be sensible we were treading on dangerous ground, when departing from the position taken by all who had gone before us? Were we not assuming too much when we went so far beyond our best and greatest and wisest men, and for refusing to go this length Senators were to be charged with a want of "nerve?" Standing by the side of the gallant Linn, and sanctioned by the written authority of the no less gallant and experienced Senator from Missouri, (Mr. BENTON,) in saying that our just title was limited by the parallel of 49, were gentlemen to be told that they betrayed a "want of nerve?"—that they were willing to "dismember the Union," and to surrender the soil of the Republic?

The Senator from Indiana, (Mr. HANNEGAN,) had told the Senate that if we surrendered any portion of Oregon short of 54° 40', we might surrender a Western pioneer with his wife and children, all of whom were to be turned over to the grinding tyranny of Great Britain; and then the Senator had assailed their tenderest feelings by a thrilling description of the surprise and dismay of the poor man when he found himself outlawed from his native land. In reply, he would say to the honorable Senator, that his friend,

the President, had well nigh perpetrated this very deed, by offering 49 as our boundary, and nothing saved the poor pioneer and his little child from being transferred to Queen Victoria's dominions but the obstinacy of the British Government. [A laugh.]

But Mr. M. did not so understand that there were any American settlements above 49. What, then, (he asked,) is there to prevent our Government from standing where it has stood for the last thirty years, willing to treat upon the basis of 49? Nothing, that he knew of; nothing but a *certain resolution adopted by a political convention at Baltimore*. Mr. M. said he should not have intruded a subject like this upon the Senate, had it not been mentioned before. The Baltimore convention had been made as legitimate a part of this debate as the convention of Nootka Sound. It was contended here that the President was committed by this resolution to 54° 40'. If this resolution was to produce such a result, it would be well to examine its authority and history. What was its history? He had looked into the published proceedings of that convention. He there found that this resolution was introduced in that body at the last and fourth day of its meetings, at half past seven o'clock in the morning—before breakfast—as the Convention was dissolving, and when four-fifths, as he was informed, of those who had composed it had left, and set out on their way home. This before-breakfast resolution was introduced at a moment like that, and passed, as Mr. M. supposed, unanimously by those who were present. The gentleman who draughted it was said to have been Mr. Benjamin F. Butler. He was chairman of the Committee on Resolutions, and a firm friend of Martin Van Buren, whose nomination had been defeated by the adoption of the two-third rule; and yet that same gentleman, the father of the resolution, was found standing alongside of the leading Democrats of the State of New York in favor of settling this controversy on the parallel of 49°. We found, too, that the present Secretary of the Treasury had been one of the committee who reported this resolution. Yet it was well understood that he, too, was in favor of a compromise on 49°. The Senator from Georgia, (Mr. COLQUITT,) had also been a member of the same committee, and he supposed he need not say that that gentleman took the same ground. Besides, Mr. M. could show from the rules adopted by the Convention that it required the assent of two-thirds of the body to agree to any thing proposed. But more than two-thirds of those who had constituted the Convention, and who had nominated Mr. Polk for the Presidency, were gone before these resolutions were smuggled in without their assent or knowledge. This resolution, then, by the law of the convention in which it was adopted, is void and not binding upon any one. Yet, a resolution like this, adopted under such circumstances, was brought up here to induce Senators and to compel the Executive to depart from what had been the settled policy of this country for thirty years. This Baltimore resolution was to take the place of the opinions of all our negotiators and Secretaries, and of the recorded investigations and deliberate opinions of distinguished Senators, who had been the steadfast friends and advocates of Oregon from the beginning. All these were to be set aside, and this Baltimore Convention was to be set up as the mouthpiece of the American nation.

The weight of such an authority was surpassed only by that of a certain toast, given to the world a few days since at a public dinner eaten in Baltimore in honor of St. Patrick. He begged pardon of the Senate for introducing a toast in so grave a body, but he thought that after the introduction of

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the *before-breakfast* resolution an *after-dinner* toast might be excused. This is the sentiment :

"By Bill O'Regan. The *O'Regan Family*: We will not permit any of our family *ever* to come under the intolerable British tyranny or misrule.

Now, Mr. M. thought that this furnished us with a better title to fight for the whole of Oregon upon than that derived from Spain ; for he believed that when it came to hard fighting one stout Irishman would stand us in stead more than three Spaniards. [A laugh.] It also settles the derivation of the word Oregon, makes it Irish instead of Spanish.

Having thus relieved the question from the alleged authority of a mere party resolution, and exposed the fallacy of the very extraordinary notion that on such authority two nations were to be prevented from an amicable compromise of their difficulties on a mere question of boundary, he would inquire whether the negotiation for this end was not still open ? Some Senators doubted it ; others said that the negotiation was still going on ; and Mr. M. believed, for one, that such was the case. If it was, why is not the public mind put to rest upon that point by some certain reliable information ? Why not let the negotiation continue ? Why must it stop because one proposition had been rejected ? Let it continue ; let all peaceable means of settling our difficulties be exhausted, and let war be our last resort, because it was the worst. We could not hope to set ourselves up against the whole civilized and Christian world, and insist on settling principles of international law for ourselves, after having negotiated on this subject under the principles of international law recognized by all christendom for thirty years. Neither can England reject negotiation, and insist on settling the dispute in her own way. No nation could do this, and continue to live, among other Christian nations. If we took that ground, we must make up our minds to abandon the society of nations, and stand by ourselves, the object of general reprobation and hatred.

But the word "compromise" was objected to. The Senator from Arkansas (Mr. SEVIER) had repeatedly expressed his desire to see this controversy settled, and had avowed himself the friend of peace. He objects to the word "compromise." But he should remember, if there was anything offensive in the word, that it was not our word ; it was the word of the President himself. It was the word employed by him in his message ; and the word constantly employed throughout all our past negotiations. Was there any dishonor attached to the term ? If so, then the nation had been dishonored for thirty years. It was the very principle on which all our negotiations had been conducted. Why discard it now ?

It was said that the national honor was concerned in the settlement of this question. This point of honor is somewhat like the question itself : it vibrates between 49° and 54° 40'. It was the very zenith of national glory to stand on 54° 40', while it was the blackest disgrace to settle down to 49°. They measure honor by degrees of latitude. But national honor had nothing to do with the matter. This was a question to be submitted to reason and argument, and decided by principles of national law. For one, he believed that the national honor would best be maintained on this Oregon question by pursuing a peaceful policy. That had always been our policy. All the territory we ever had acquired from the day of our national independence to this hour had been acquired by negotiation. This magnificent domain of ours, the widest, the best, the freest of all lands, had all been obtained by negotiation. Negotiation had been our policy from the beginning. And were we

going to change it now? Were we now to break off all negotiation because one proposal had failed?

Mr. M. said that, when he cast his eyes over our wide-spread Republic, when he contemplated the picture it presented, extending as it did from the Lakes to the Gulf, and from the Atlantic to the Rocky Mountains, and beheld it filled and almost covered over with towns, and villages, and hamlets, and swarming with a population all happy and all at work, extending themselves yearly and hourly over the fertile West, converting the forests into farms, and opening the wilderness to the light of the sun, and reflected that all this was the fruit of peace, he, for one, must oppose the first step towards a change in our policy in the acquisition of territory. What had war done for us in extending this Republic? Nothing. He spoke not of the war of the Revolution, for that was not a war for territory, but for rights. War had done nothing for us. We had grown by the silent but masterly inactivity of peace. And yet, at the very first difficulty, on the first rejection of an offer in negotiation, gentlemen were for discarding all negotiation and resorting to war to extend our territorial rights.

We were about to extend our national jurisdiction over Oregon—a vast region of almost unbroken wilderness and as yet appropriated by no Christian or civilized Government or people, and not now a Territory of the United States. And it was true, as had been observed by the Senator from Missouri, (Mr. ARCUISON,) the people of Oregon, the American settlers, if longer neglected by this Government, had a natural right to establish a Government for themselves. They occupied a new and unappropriated country, as yet subject to national jurisdiction, and, by the laws of nations, they might organize a Government for themselves. Mr. M. did not know that, if they should do so, they would be guilty of treason against the United States. Our national flag had never yet been sent into that region; our Government had never been established there. The greater part of the country was at this day just as the hand of nature left it; the silence of its dark and unexplored valleys unbroken by the sounds of civilization. The country was, in fact to a great extent, yet undiscovered, even the way there was obstructed by insurmountable hazards and difficulties till one of the young officers of our army had explored and discovered a pass through the rocky barrier. That young man was at this hour in the prosecution of a new tour of investigation, encamped on some bleak hill, surveying the wide unbroken wilderness, and preparing new treasures of geographical knowledge for science and for his country. And Mr. M. would take this occasion to say that that young and enterprising officer had done more towards the acquisition of Oregon, and its reduction under a civilized Government, than had ever before been accomplished by its most zealous friends. That extensive region, so long almost unknown, was now brought before the view of the civilized world, its natural advantages, commercial and agricultural. Its rivers, mountains, and valleys, had been presented to the gaze of our adventurous and enterprising people. The new and important commercial interests, connected with our trade in China, and with the islands of the Western Ocean, give importance to the occupation of Oregon, and will induce rapid emigration to the shores of the Pacific.

Thus this wilderness, this last reserve of nature upon this continent, is soon destined to be converted into the abode of civilized man and made subject to organized, civil, and religious government. This Government had that great work yet to perform; the work of settling Oregon, bringing it under the control and protection of civilized Government, and spreading over

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it the shield of law and the arm of the national power. It was a great work, but not the work of war. This was pre-eminently a labor of peace. He trusted that the first time our flag was seen in that new country, it would not be met as a warlike banner, sent there to authorize the shedding of blood. He hoped that the first cultivation of this new soil would not be by the blood of men. Would it not be far more worthy of the American people to subdue it by the arts of peace, and let the hand of industry cause it to blossom as the rose? Would it not be a noble enterprise to extend the mild influence of civilization to the far shores of the Pacific, to plant the laws of a free people on the banks of the Columbia, and bring the blessings of order and of regulated liberty where until now the savage had roamed in all the license of barbarism?

But was this to be accomplished by war? No; it was to be done, and would be done, by the gentle sceptre of peace. It would only be done by sending our hardy settlers there, with no other arms than the woodman's axe, and no force but the presence of his wife and children. These were the banded forces that had subdued the valley of the Mississippi, and who were to convert the wilderness of Oregon into the abode of civilized man.

Yet gentlemen, before we have even found our way as high as  $49^{\circ}$ , are for marching with banners displayed and taking possession of the country up to  $54^{\circ} 40'$ , and they call us to follow the national colors. Certainly, if that beloved banner should be spread by order of this government even in so wild an adventure, we should be bound to follow it, and in weal or in woe, to stand by it, die upon  $54^{\circ} 40'$ , and make its snows our winding-sheet. But the tug of war would not be at the line of  $54^{\circ} 40'$ . Once get the country plunged into a war with Great Britain, and the deadly blow would fall on the eastern, not the western coast of this continent. There the first blow would be struck, there the second, and there the last. No doubt if war should come, the country would defend itself as it best could, and with characteristic intrepidity. Of this the history of our last war furnished a sufficient pledge. They would stand by their Government just as a father would stand by a rash reckless son, who had brought himself into a difficulty, when his life was at hazard. He would not forsake his son, however much he might regret and disapprove the course which brought him into such a perilous position.

The Senator from Missouri (Mr. ARCHISON) had said, if Mr. M. did not misunderstand him, that he would fight Great Britain even on a doubtful claim. Mr. M. regretted to hear such a declaration: he hoped the honorable Senator was not serious in making it. What, go to war on a doubtful? Should settle doubts—war settle rights.

Bring two such nations as England and the United States into a mortal struggle to settle a doubtful right! The worthy Senator must have been led away by his zeal. Surely it was the extreme of patriotism to die for one's country on a point of doubt. For his own part, Mr. M. would not even advise a client to go to law upon a doubtful claim.

He had said that nothing but folly or wickedness could get up a war on this question, and therefore it was that he believed we should have no war, because he trusted that the wisdom and virtue of the country would prevent it.

The Senator from Arkansas (Mr. SEVIER) had said that the real point of difference was a very narrow one; that it consisted merely in the right to navigate the Columbia river. That river was said not to be navigable at

all ; however this might be, could it be possible that on a question so insignificant as that the United States and Great Britain were about to disturb their present peaceful relations, endanger the peace of the world, and to hazard upon the chances of war the final success of that great cause which it had hitherto been the pride and glory of the two nations to sustain and vindicate, the cause of civil and religious liberty. No, never. Where was the use of having negotiators and statemen at all, if such a question as this could not be settled without war ?

The great practical principle that was now admitted by the entire civilized world was this, that it was the highest duty of nations to preserve the peace of the world. To this proposition Mr. M. would affix no qualification whatever ; he could not, because peace secured the greatest good of the greatest number. Gentlemen said honor, not peace, was the highest concern of a nation ; but honor was merely conventional. What one nation considered honorable, another did not ; what one nation might think itself bound to maintain at the hazard of life itself, another might consider as a ridiculous point of pride. But peace—peace was a blessing known and felt and admitted by all. Kings and princes might discuss points of honor and go to war upon fancies ; but peace, glorious, blessed peace, shone like the sun in the heavens alike upon high and low, and cheered with its benign influences as well the humble cot of the poor man as the splendid palace of the monarch. Mr. M. therefore insisted on the great political and Christian maxim that the highest duty of nations was to preserve peace. Peace was the great mission of God's own son to man, and the song of angels was "Peace on earth, good will towards men." It is therefore the highest duty of man to God to maintain peace on earth. That nation that would now disturb the peace of the christian world would richly deserve, and would certainly receive, the unqualified condemnation of all goodmen. It was written, indeed, that "offences would come ;" but it was also written "wo to that man by whom the offence cometh."

The President had commenced his annual message with a true and striking picture of the happy condition of our country. Hear his words : "I am happy that I can congratulate you on the continued prosperity of our country. Under the blessings of Divine Providence and the benign influence of our free institutions, it stands before the world a spectacle of national happiness."

And what had produced this glorious spectacle ? Not war. No, it was not the fruits of the bloody battle-field. It is all the work of a great people dwelling in peace with themselves and the world. It is the mighty result of the labor and enterprise of our agriculturists, mechanics, laborers, merchants, and manufacturers, exerted and called out in time of peace, under the protection of wise laws and the fostering care of a free Government. It was a glorious, a heart-warming spectacle, and it was the highest duty of the rulers of such a people to preserve to them that inestimable blessing—not to mar it by exciting them to strife, and "preparing their hearts for war." Should the Chief Magistrate, who had presented this bright picture before the world, be able after occupying his high station for four years, to retire and present it unblemished and yet brighter to his successor, he would deserve and receive the lasting gratitude of a great and happy nation.

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