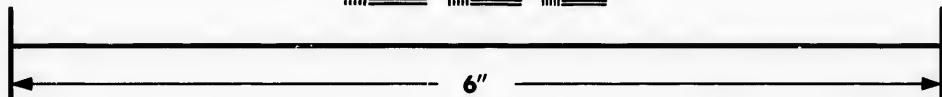
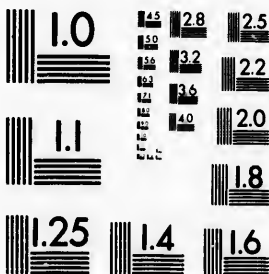


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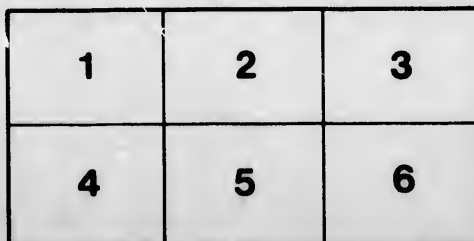
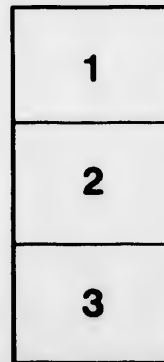
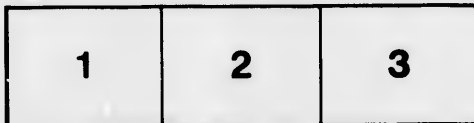
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OF

THE HON. JOSEPH J. McDOWELL, OF OHIO,

ON

THE OREGON TERRITORY,

DELIVERED

IN THE HOUSE OF REPRESENTATIVES, MONDAY, JANUARY 5, 1846.

WASHINGTON:

BLAIR & RIVES, PRINTERS.

1846.

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THE OREGON TERRITORY.

The question being on a reference to the Committee of the Whole the resolution reported by Mr. C. J. INGERSOLL, from the Committee on Foreign Relations, requesting the President of the United States to give notice to Great Britain of the termination of the joint occupancy of the Oregon Territory—

Mr. McDOWELL said :

Mr. SPEAKER: It is with extreme embarrassment that I rise to address this distinguished and intelligent body at any time, and more especially so now from the fact of the great importance of the subject under consideration, and the practical results that must flow from the decision made upon it by this Congress on the weal or woe of this great Republic. It is scarcely necessary for me to announce its importance; the fact is attested by the deep interest manifested by every member on this floor, and by the multitude of our fellow-citizens that look upon us from the galleries of this splendid Hall. Nor is the deep interest taken in this great subject confined to us, or to those who are anxiously watching our course here; the whole public mind of this mighty nation is deeply agitated from its centre to its circumference, and twenty millions of American citizens are this day looking with intense anxiety to the action that this House may take upon this question to secure the rights and honor of the nation. Sir, as one of the humble representatives of that portion of this Union, denominated the great valley of the Mississippi, that lies between the Alleghany and Rocky mountains, and between the great Atlantic and Pacific slopes, I feel the responsibility of my position, and will, if life is continued to me, when the vote is taken on the measures now before the House, and designed for the full occupation of Oregon, cast my vote for the whole of them, let the consequence be war or not. Sir, during the last session of Congress, and pending the discussion of the joint resolutions of the House for the annexation of Texas, it had been truly remarked, that the Baltimore Convention, that nominated Mr. Polk, had made the question of annexation an issue to be submitted to the people of the United States in the Presidential election of 1844, and that the people had, in the election of Mr. Polk, responded triumphantly to that issue, and demanded of Congress to execute their decree. To the truth of this position I gave my hearty assent, and, with a large majority of the Western

and Northern members here then, stood shoulder to shoulder with our Southern friends, breasted the storm of opposition that met us at every step, clung manfully to the one-starred banner, passed the joint resolutions, and thus carried triumphantly the banner into the Union, there to mingle its rays with the constellations that played within her orbit. Sir, but a few days ago this Congress had gloriously consummated what the last had begun; annexation is now complete; and the new planet is fully launched into our system, and it will shortly begin to revolve in the orbit we have assigned to it. Sir, it is an act of which the last and present Congress should be justly proud. It was great in its conception, great in its consummation, and will be greater in its consequences upon the whole interests of this country. It is, perhaps, one of the most important moves that this Government has ever made upon the political chess-board of nations; it has completely checkmated England, whose diplomacy had been most skilfully exercised upon Mexico and a few in Texas, to enable that Government to make subsidiary to her interests the productive powers of the soil of Texas, in furnishing her with the great staple, cotton, to the successful growth of which its climate and its soil were so congenial. The course pursued by us on this question has given the death-blow to the hopes of Great Britain, that promised her a supply of cotton from Texas under mutual trade regulations, that would have released her from her galling dependence upon the United States. Sir, the consummation of that great measure had put into our possession the best cotton country on earth, and gave us a power over British spindles and British industry that is more potent in restraining her rapacity than would be fifty war vessels on our coasts, or an army stationed at our fortifications of one hundred thousand men.

But great as this question was, and the happy results that promised to flow from it to the interests of this nation, if adopted and carried out, yet it was not the only measure or issue made and submitted by that ever-memorable Convention for the decision of the American people. No, sir: it was one only of a series of issues submitted and decided at that election. The great question now under discussion was made, submitted, and decided; and is scarcely second in importance to that of which I have been speaking. Another of the series, too, was the modification of the tariff, and,

though last, not least, in the principles involved and their ultimate effect upon the liberties and interests of this nation. Sir, those issues having all been decided by the people, as we desired them to be, they must all be consummated by our action, or the glory of the victory of '44, and the splendor of the achievement of annexation, will sink under a cloud of public indignation, that will burst in fearful grandeur upon our devoted heads. Sir, I am glad to see around me so many of that noble band with whom I was proud to act at the last session—the *Texas Invincibles*. Will there be one of that band who will falter in his effort to consummate the public decree on this subject? Is there one who is to be alarmed, and prevented from responding to the call of public opinion on this great Oregon question, by the croakings of our enemies, or the prophecies of Abolitionists? Will the opinions so unfortunately and inconsiderately expressed by my colleague [Mr. GIBBINS] this morning, as to the results of war upon the South, (which in one breath he affirmed and in the next denied,) deter any Democrat who represents the South here from aiding us of the West and North in carrying out this important measure? Shall his wish, and the wish of some who may act with him—that war may grow out of the course proposed by the measures now under discussion, and that its desolations may fall upon the South, to facilitate a result that he and his friends desire—be seized upon as the moving object in urging now the settlement of this quest on by its friends? God forbid. Sir, I wish to say to any that may be operated upon by such reasoning, that they mistake the friends of this measure, and the motives that actuate them. Sir, if war shall result from our course, I shall regret it as much as any one; but I cannot shrink from my duty in prosecuting measures designed to secure the interest and honor of my country, if war should come. And permit me to say to Southern gentlemen here, that if that war, predicted by my colleague, [Mr. GIBBINS,] shall come, and the British flag shall be unfurled in the sunny fields of the South, and guarded by the black regiments of which he speaks, that are to be imported there from the West India islands, its triumph will be short, and as gloomy as the regiments over which it was unfurled. Sir, thousands and tens of thousands of the noble sons of the North and West would soon transport themselves to your sunny shores, and cause that flag to strike in inglorious defeat.

But, Mr. Speaker, I entertain no fears that the South, upon this occasion, will be found less chivalrous and steadfast to the interests and glory of this Republic than on occasions gone by; but, on the contrary, that her name will be mingled in all that can contribute to the consummation of either.

Mr. Speaker, I have departed somewhat from the course I had intended to pursue in the remarks I desired to make on this occasion, and must hasten to other points involved in the measures presented for our action; and, sir, I will say, in the first place, that I do not think that the question of our title to Oregon is one now to be made or discussed, or that should be discussed, here; for myself I shall so consider it, and will not do it the injustice of subjecting it again to argument. The able letter I hold in my hand from the pen of the Secretary of State, (Mr. Buchanan,) in reply to the positions

assumed by Mr. Pakenham, the British Plenipotentiary here, is conclusive and unanswerable; and in my humble judgment, is characterized by much ability as any of the kind that has ever emanated from that department.

The appropriate issues arising out of the measures submitted on the subject of occupying Oregon, it seems to me, these: possession, the right of possession, and (if these are in our favor) then the best means of availing ourselves of the full enjoyment of these rights us against mere squatters. To determine these questions, it might be well to look back at some incidents in the history of the two nations touching these issues, that we may be able to begin right in the argument. The Secretary of State (Mr. Buchanan) shows, in his argument, that, at the time of the declaration of war by Great Britain against Great Britain, we had the full and exclusive possession of Oregon as against Great Britain; that, some time after the war had commenced, Great Britain, through her navy, forcibly seized the points occupied by our citizens in Oregon; and that the possession was not restored again to this Government until some three or four years after the treaty of Ghent, which was in December, 1814, the first article of which reads thus: "That all territory, places, and possessions, whatsoever, taken by either party from the other during the war, or which may be taken after the signing of this treaty, excepting only the islands afterwards named in the Bay of Fundy, shall be restored without delay."

The surrender or restoration of Oregon under this clause of the treaty of Ghent was formally made under an order that proceeded from Prince Regent of England, and directed by Bathurst to the partners or agents of the Northwest Company. The following is the report free and open:

"In obedience to the command of His Royal Highness the Prince Regent, in a despatch to the Right Honorable the Earl Bathurst, addressed to the partners or agents of the Northwest Company, bearing date the 27th of January, 1818, and in obedience to a subsequent order dated the 26th of July, 1818, from William H. Sheriff, Esq., Captain of His Majesty's ship *Andromache*, the undersigned, do, in conformity to the first article of the treaty of Ghent, restore to the Government of the United States, through its agent, B. Prevost, Esq., the settlement of Fort George on the Columbia river.

"Given under our hands, &c., the sixth day of October, 1818. F. HICKLEY,
"Capt. of His Majesty's ship *Blossom*.
"J. KEITH,

"Of the Northwest Company."

"I do hereby acknowledge to have received this day, in behalf of the Government of the United States, the possession of the settlement designated above, in conformity to the first article of the treaty of Ghent.

"Given under my hand, in triplicate, at Fort George, Columbia river, the 6th day of October, 1818. J. B. PREVOST."

It is proper here to remark, that in Earl Bathurst's despatch, and in Lord Castlereagh's instruction to the British Minister at Washington a reservation is made that the surrender of posses-

session should be absolute and by the United States; that, "Let ample extension of possession, while treated as a United States territory, had been restored, and the territory, by the Earl Castlebury, had a claim that this possession of the territory, by the date of the treaty of Ghent, was full and complete, and that this question, in order to be decided, the facts in the case are as follows:

By the terms of the treaty of Ghent, it was agreed that the territory, westward of the navigation of the Columbia river, should be restored to the vessel and its crew, but no claim was made by the United States, and by the provision of the treaty of Ghent, the United States, through its agent, B. Prevost, Esq., the settlement of Fort George on the Columbia river.

By the second article of the treaty of Ghent, it was agreed that the territory, westward of the navigation of the Columbia river, should be restored to the vessel and its crew, but no claim was made by the United States, and by the provision of the treaty of Ghent, the United States, through its agent, B. Prevost, Esq., the settlement of Fort George on the Columbia river.

The first article of the treaty of Ghent, the 6th day of October, 1818. J. B. PREVOST."

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ession should not be deemed an admission of the absolute and exclusive right of dominion claimed by the United States; but at the same time, in explanation to Mr. Rush, as stated in a public despatch, "Lord Castlereagh admitted, in the most ample extent, our right to be reinstated in the possession, and to be the party in possession while treating of the title."
Now it will be perceived by the foregoing, that the United States, through her agent Mr. Prevost, had been restored to her original possession of the territory, by the British Government, in October, 1818, and that after that restoration of possession, Lord Castlereagh, in some explanation to Mr. Rush, had admitted the justice of the restoration, and that this Government was rightfully in possession of the country whilst the two nations were treating of the title. Our possession, then, up to the date of the convention, which is falsely called the treaty of joint occupancy, dated about two weeks after the surrender of the territory as aforesaid, was full and perfect. Now, by the terms of that treaty, did we dispossess ourselves, or in any way weaken our right to possession? To determine this question, I will give you the articles of that convention which are material to the argument, in order that my course may be directed by the facts in this controversy. They read as follows:

ARTICLES OF CONVENTION.

By the third article of the convention of 1818, it is agreed that any country that may be claimed by either party on the northwest coast of America, westward of the Stony mountains, shall, together with its harbors, bays, and creeks, and the navigation of all rivers within the same, be free and open for the term of ten years from the date of the signature of the present convention, to the vessels, citizens, and subjects, of the two powers; it being well understood that this agreement is not to be construed to the prejudice of any claim which either of the two high contracting parties may have to any part of the said country," &c.

By the joint article of 1827, "It is agreed that the provisions of the first article of the convention of 1818, above recited, shall be, and they are hereby, indefinitely extended and continued in force, in the same manner as if all the provisions of the said article were herein specifically repeated."

By the second article it is agreed, "It shall be competent, however, to either of the contracting parties, in case either should think fit at any time after the 20th of October, 1828, on giving due notice of twelve months to the other contracting party, to annul and abrogate this convention; and it shall in such case be entirely annulled and abrogated after the said term of notice."

The third article saves all rights and claims of parties.

The first remark is, that these conventional provisions contain no reference whatever to the position, which, by the treaty of Ghent, and subsequent acts under it, was acknowledged to be in the United States, in the most formal manner, and which could not be divested, except in an equally formal manner. The reservation made by Lord Castlereagh cannot affect the possession, because it

did not allude to that; and if it did, his subsequent admissions to Mr. Rush are to be construed as giving up that reservation. Then, I will ask, how stands the case now, as between the possessory rights of these two Governments and their citizens and subjects? Did the terms of the articles quoted from this convention repossess Great Britain or her subjects with what she claimed under conquest, and before the surrender made to us, as before shown? Clearly the convention did no such thing, but, on the contrary, has left us in the possession, with an agreement on our part that her subjects might enter the country and exercise mere easements there, in the way of commerce and trade, and the navigation of the rivers of the country.

If the position I take be sustained, as I think it is, by the history and facts of the case, then having the possession and right of possession, the right of sovereignty over the same necessarily follows as an incident. There is no plainer axiom than this to be found in international law; and it is laid down by a very celebrated author on national law, (Vattel,) that where one Government possesses itself of a country not pre-occupied by any other, that then the empire or sovereignty and domain are in such Government. Now, is there any obstacle in the way of this Government's exercising its sovereignty over the whole territory? Could she not organize a territorial Government there, protect her citizens, and parcel out her territory in such manner as best suited her interests, without injury to such rights as the convention conferred on the subjects of Great Britain? In other words, could we not exercise such attributes of sovereignty over the soil and citizens of that country as would secure all we desire, but in such way as not to violate any of the stipulations of the convention? But why shall we regard so sacredly the provisions of that convention, when Great Britain (the other party to it) has, through the Hudson's Bay Company, violated its letter and spirit, by taking possession of the soil of Oregon, selling out parcels of it to their employees, and establishing municipal regulations, not only over Oregon, but over all territory not under the operation of our laws? She has not only her civil and criminal laws in exercise, but an armed soldiery to see to their execution. Our citizens have in some cases been torn from their homes and families, and carried to Canada, to suffer the penalties of British law. Sir, are we bound to observe treaty stipulations, whilst she in her action disregards them all? Shall we, after all her acts of bad faith, refuse to act, until the provision in it providing for a notice shall have been complied with? Sir, I insist that her bad faith, in relation to the treaty, has released this Government from all obligation to observe the provisions of that convention, and that it is virtually abrogated by the course of that Government; and that having, on the part of this Government, no means of enforcing its provisions peaceably, we are at liberty to proceed to the full occupation of the whole country now.

At the last session of Congress, when the question of notice came up in connexion with this subject, the Democratic members, including myself, from the West and South, with scarcely an exception, voted against the notice, for reasons that were then satisfactory. My opinion has undergone no change. But as I am here to represent the opinions

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mand of its trade,) and its contiguity to some of the
most wealthy nations on earth, I ask if there is a
Western Representative here who is willing to
surrender an acre of it to buy peace from the dic-
tator of the world? Is there an American Repre-
sentative here who would, in view of the indignant
rejection by the British Minister here of the propo-
sitions of compromise submitted by the Presi-
dent, advise or consent that they should again be
offered? God forbid! I honestly protest against
further negotiation. I doubt, and seriously doubt,
the power of the President and Senate constitu-
tionally to transfer the soil of this country, and her
citizens upon it, to any foreign Power whatever.
Such an exercise of power would be inconsistent
with the spirit and genius of our institutions, and
dangerous to the liberties of the people.

Mr. Speaker, I would like to say more on this
part of the subject, but the time allotted to me by
a rule of this House admonishes me to hurry on.
Sir, I confess that I have been pained to hear some
gentlemen here desiring no definitive action on
this subject now, in order that further time might
be given for negotiation. I had hoped that nego-
tiation was closed on this subject for ever, if ne-
gotiation meant a surrender of any portion of Ore-
gon Territory to our antagonist. I care not though
the territory be as worthless as some gentlemen
here have represented it; it is ours, and that con-
sideration is sufficient for me. Sir, worthless or
not, it contains a surface of near six hundred thou-
sand square miles—just twice as large as France,
and about half as large as the United States; and,
as compared with the Atlantic slope, it has double
the number of square miles, and, if I am correctly
informed, is far superior in climate and in the fer-
tility of the soil. In this view of the subject, and
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dangerous to the liberties of the people.

I think, from what the President has said in his
Message, that the door of negotiation is closed,
and that the time for action is arrived; and if the
prophecies of gentlemen are to be relied on, that
war is inevitable, that action should not be a mo-
ment delayed. The defenceless condition of our
coasts from east to west, and from north to south,
and the hum of war preparations beyond the At-
lantic, at least admonish us to defensive prepara-
tion. I am sick of the cry of negotiation and pro-
crastination, when we cannot maintain our rights

and have either, while, if sagacious gentlemen here
be correct, the elements of war are thickening
around us, and threaten shortly a great moral ex-
plosion that would wako up the civilized world
from its slumber, to witness a collision of powers
and principles, throughout its broad extent, that
would remould its history, its institutions, its des-
tiny, perhaps for centuries yet to come.

It has been said, and not inaptly either, that the
systems that govern the moral world are not un-
like those that govern the planetary; differing in
this, though, that the orbits of the moral, though
as variform, are not as unalterable. The orbit
of the English Government has no settled bounds,
and her revolutions and conquests for the last cen-
tury serve to demonstrate her powers of exten-
sion, by the corresponding diminution of the
spheres of the systems that revolve in contiguous
space, and whose political and commercial vital-
ities have been absorbed by her power, and buried
in its vortex. Who ever dreamed, when the East
India Company was created for mere commercial
purposes, and thrown out as a stem of the Gov-
ernmental tree, that it would strike deep its roots
into the soil of India; and that now, in the nine-
teenth century, England, through its instrumen-
tality, would be wielding her imperial sceptre over
the vast empire of Hindostan, and the destinies of
her one hundred and fifty millions of people? Who
would, after tracing the history of her progress
there, and looking upon the blood-marked bound-
aries of the conquests she has there made, trust
her professions of affection for our country and its
prospective destiny? No American, I hope.

Sir, I regretted the other day to hear it said upon
this floor that we should subject ourselves, by our
eagerness for the acquisition of Oregon, to the
charge preferred against us by England, of lust-
ing for power and the acquisition of territory. Sir,
with the permission of the House, I will read from
the "Democratic Review" a few extracts that have
been imbroded in that work, taken from British
papers, showing the principles that govern the ac-
tion of that Government in relation to acquisitions,
&c. They are as follow:

"In India we [the British] shall be impelled
'irresistibly to extend our dominions till we have
'reached the natural limits of the empire, when the
'impulse of conquest will cease of itself.'

"We are further told that 'Growth is now, and
'must for sometime continue to be, the normal state
'of our [England's] existence in the East. In
'accordance with which doctrine, we [Americans]
'might well ask, what are those natural limits of
'the United States, where the impulse of annex-
'ation will cease of itself?

"And is not growth the normal state also of the
'Federal Union? Another of those who, as Eng-
'lishmen, regard with such holy horror the ambi-
'tion of the United States, proceeds, as counsellor of
'the East India Company, to hold the following lan-
'guage: 'The pear hangs mellow on the tree, ready
'to be shaken down. So the fate of the Punjانب
'is sealed; it is to be taken into subsidiary alliance,
'and to follow the footsteps of Hyderabad, and
'Oude, and Gwalior, and some score other of
'British allies and tributaries, if so they are to be
'called. Of course the necessity of this movement
'is undeniable. A State which cannot govern
'itself must be governed by its neighbors, for the

'interests of humanity are at stake. Without an efficient government, a territory soon becomes a public nuisance—the harbor of disaffection and outrage—the focus of intrigue—the nursery of revolutions and wars. It is enough that a territory is in so disorderly a condition as to entail on its neighbors the necessity of continual, inconvenient, and expensive precautions. It is enough that it involves a more oppressive police, a large standing army, or any other interference with the liberties and immunities of peace. Such is the state of all that region enclosed within the Upper Indus and its tributaries. Bloody revolutions, an insolent and rebellious soldiery, a ruined and distracted people, keep Northern India in perpetual alarm. Self-preservation compels the neighbors to abate the nuisance. Such is the necessity, if not the duty, which now devolves on that great Power, which Providence has made the centre of amity and source of order to the whole peninsula. Britain, which now holds the sceptre, successively wielded by so many barbarous conquerors, is the pacifier, the mixer, in a word, the supreme governor of Hindostan.' "

Who, I ask, after this recital of principles that dictate the action of the British Government, will quote her opinions on morals, humanity, and religion, in the discussion of a question like this, and especially when she is deeply interested in it, and the manner of its settlement? No American, I hope. Who that has witnessed her hypocrisy in taking the chair of morals for the world, to lecture Russia on her cruelties upon the Circassians, France on her barbarities upon the Algerines, and the United States upon her lust for acquisition and her slave system—whilst at the moment of its delivery she was tearing from Central America the "Musquito shores," cutting to pieces the troops of Gwalior, possessing herself of Borneo and Chusan, and preparing for the conquest of Punjaub, to complete her power over Hindostan—could respect her professions of abhorrence for what she denominates lust for power and acquisition? That Government seems to have adopted Sir Robert Peel's notion, that political morality is a matter of geography; that the laws of right depend upon latitude and longitude; and that in the *East Indies they are altogether suspended in favor of the Company.*

And now, Mr Speaker, let me turn the attention of this House to the history of the Hudson's Bay Company, to show the close and striking analogies between it and the East India Company. The Hudson's Bay Company was chartered in the reign of Charles the Second, as a trading commercial company, and its boundaries were fixed by the sources of the streams that emptied into the bay of its own name. Where is that Company now? Why, it has transported and transplanted itself west of the Rocky mountains, on the shores of the Pacific, far beyond its original location, and has dotted our territory with some thirty fortifications, and is now, backed by the Government that gave it vitality, contesting with this Government for the title and empire of the whole of the Oregon territory, and is perhaps this day whetting the Indian scalping-knife and grinding their tomahawks to drench our own soil with the innocent blood of our unprotected citizens. Thus you perceive that Britain has, through the instrumentality of this company, thrust herself into our territory, refuses one half of it to compromise rights she never had,

claims all of it to satiate her ravenous maw, and threatens us, if we attempt to take possession of with such treatment as she has visited upon our refractory Governments. Shall we submit long to her dictation, or be alarmed at her threats? Shall we leave her longer time to strengthen herself in the possession she now wrongfully holds? Is the American heart dead that pulsated so nobly and patriotically in days gone by? Is there no remaining love for the graves of our ancestors, our home and our liberty? No, that heart is not dead, thank God! I heard the voice, the other day, on the floor, of an aged and venerable member from Massachusetts, who lived far back in the eighteenth century, asserting that the whole of Oregon was ours, and that the question ought now to be settled. Sir, my heart throbbed a warm response to that patriotic declaration, coming from one who has lived and acted with that noble band of patriots that gave birth to this Republic, imparted to it that vital and vigor that command the love and admiration of all who can appreciate the liberality of her principles or the sublimity of her destiny. Sir, he seemed to be the only remaining one of that group of intellectual constellations that shone in times gone by, and threw a lustre upon the history of the own country and of the world, that time nor circumstances can obscure or destroy. Sir, though the ravages of time are visible in the pulsated hand that was raised in attestation of our right to Oregon, and the spray of the political Jordan he had passed with other worthies that were no more, still white upon his locks, yet there bent in that bosom on this question an American heart; ay, sir, it pulsates with a warmth that was imparted to it by the fire that fell upon it from the altar of liberty, which he and the fathers of the Constitution we shipped together in days gone by. May its gentleness be imparted to the heart of every man in the House, and to the hearts of the whole American people!

Sir, I fancy that I hear the people of the West responding to the sentiments uttered by that venerable man—that the mighty heart of that giantess has begun to pulsate with a double vigor, and that I hear the echo of its throbs across the Alleghanies. Yes! I fancy that I see gathering upon her brow a tempest of indignation, that will burst upon the devoted heads of any set of men or party, that would defeat the consummation of the measures before the House for the full occupation of Oregon, and the protection of our citizens, or that would surrender one foot of our territory there to satiate the cupidity of Great Britain. Should her sons would prefer making the territory north of forty-nine degrees their burying-ground, rather than seal, by its surrender to buy peace from England, the infamy and eternal disgrace of the country. They ask nothing but what is just and will not submit to anything that is wrong. She offers the noble bosoms of her sons, as living, unconquerable bulwark, to protect the country and our rights. She asks the boon at the hands of this Government of rearing aloft the stars and the stripes, and planting them on every hill-top and valley in Oregon—ay, sir, on the shores of the mighty Pacific, there to guard them with her noblest sons, and there to let them wave in triumph till the glorious principles of liberty and Christianity shall have begirt the world, and consummated universal liberty, civil and religious, to man.

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