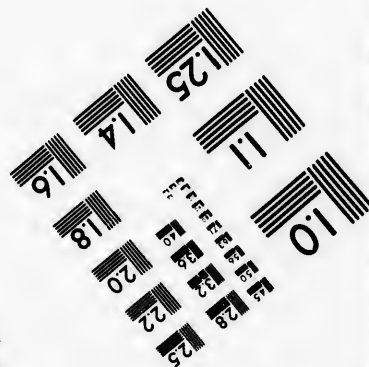
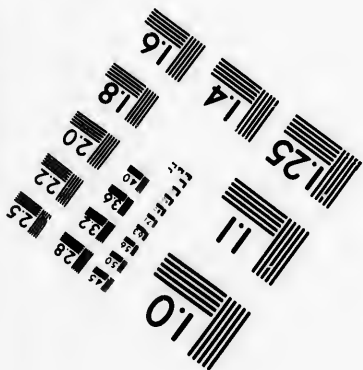
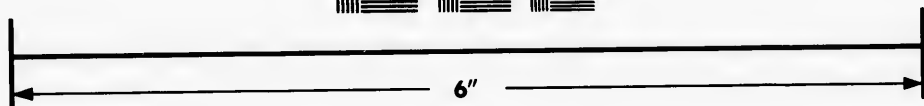
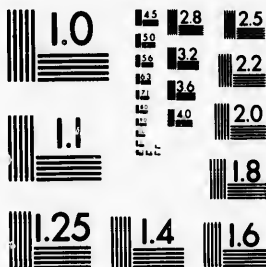


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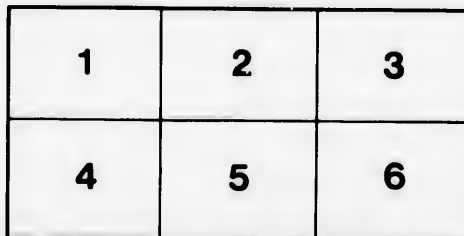
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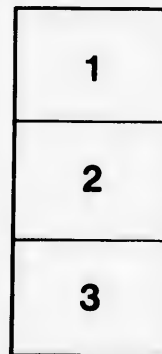
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VOL. IV.

AUGUST, 1846.

No. II.

THE OREGON TREATY.

It is among the most encouraging circumstances of the age, that the news of the peaceful settlement of the Oregon question has been received by the three leading nations of Christendom with undisguised gratification. There is no need here of inquiring whether the claims in dispute were in themselves of sufficient value to have bred the danger of such a conflict. It is enough when an accomplished and proud nation, and powerful enough to defend its pride, sincerely believes that any affair in question touches a vital point of its honor. Its interest may be foregone; a point, even, of national security may be yielded; but its dignity and self-respect will be jealously defended. These are a nation's best inheritance: wealth and power without them are but poor possessions;—but no people can long maintain themselves in their own regard, or in that of others, who do not defend their rights. That England was sincere in asserting that she had rights to be maintained in the Oregon region—that she believed a large portion of the territory was justly hers—cannot admit of a doubt in the minds of those who have noted her language and conduct. It must be equally beyond doubt among candid men everywhere, that the counter-claim, so far as urged by the more intelligent and sober-minded of the American people, was in like manner sincerely alleged, and with a full belief in its validity. Thus, however small

*By G. H. Cobden*  
may have been the value of the territory in dispute—and to England, at least, it was comparatively of little consequence—there was, within certain limits on each side, a line of honor not to be transgressed by the opposing power, giving to the question a grave character in the eyes of other nations. Unfortunately, according to the feelings of large portions of the respective communities, these lines crossed each other in many points, thus allowing room for many positions to be looked upon by one side as aggressions, when to the other they were but the natural and necessary occupation of grounds of right. It was, therefore, no causeless or insignificant cloud of war through which the star of peace so heavily struggled, and it required distinct concessions on each side, even from those in the State holding to the most moderate of the claims put forth, before the heavens that cover the ocean between us could be made clear again. These concessions were made. The affairs of the English Government, by a good Providence, were in the hands of an administration given to moderate counsels; and the great bulwark of our national interests, the Senate, exercised its ancient prerogative of educing wise results from popular tumult, factious cabals, and that most fatal of all things in a government, an executive at once imbecile and ambitious. But, happily, this was not all. It might, indeed, have been sufficient for present

tranquillity, that the controlling power in the State was on each side so wisely actuated; but, fortunately for the encouragement of those who hope for the coming of an age which shall know how to regulate the world without war, the great body of the people in both countries were plainly impatient of any disturbance of the peace of Christendom. This is evident from the congratulations so widely exchanged in both countries—congratulations arising not altogether from calculations of interest, but as well from a feeling every day more generally diffused, that a war which should have been avoided is crime. And this satisfaction is not entirely confined to the two nations more immediately concerned in the controversy. France also, volatile, ambitious, fond of glory and excitement—qualities of temper which render her the most dangerous of all the communities of Europe—has given unequivocal proofs of her gratification that the civilized world is not again to be convulsed with general hostilities. A few Parisian journals, which from opposition to a ministry disposed to maintain friendly relations toward the English Government, are accustomed to denounce all the movements of Great Britain, feel it of course their duty to be dissatisfied; but the French people, it is evident, are mainly in favor of peace among civilized nations. This community of sentiment is an important fact;—evidently, by a single reflection. There are four great nations, that virtually rule the affairs, not only of Christendom, but of the world. They are England, France, the United States and Russia. Unquestionably, any one of these great powers—of itself, unaided by any other—would dare to break up the present peace of nations, and would be able to carry on the war for a period, in the face of any combination. But it is nearly as certain that no other State, without the countenance of one of these, would dare to enter into a struggle of any moment. Austria would not: she has no vessels, nor even sea-board, to enable her to acquire power upon the ocean, and her position midway between France and Russia would “give her pause” before she would undertake a war without the assistance, or at least the guaranteed forbearance, of either. Prussia would not: having no ships, she is but the worse at present for her sea-coast; and, though a military state by education, she stands too much in awe of her powerful

neighbors from without, and, from within, of the more dangerous free opinions so rapidly growing up in the minds of the people. Sweden and Norway have neither fleets nor armies, nor a treasury by which they could be created; Italy and Spain, impoverished, oppressed, dispirited, are only able to lament and bleed; Turkey, broken in her pride and without resources, will hereafter see the crescent of Islam gleam only on the minarets of her mosques, no longer over the front of battle; Mexico and the South American States, are plainly unequal to any prolonged efforts of hostilities on a grand scale; and the nations of Asia, inert and inefficient, as they have been for 2,000 years, can never greatly disturb, with demonstrations of war, the affairs of more civilized powers. Thus the vast interests of general peace lie practically in the keeping of only four governments. Hostilities may be carried on by half barbarous nations among themselves; or some one of the great powers spoken of may wage a desultory war on the outskirts of civilized life; but, as power is now divided, no great struggle, breaking the repose of Christendom, and checking the progress of civilization, can be entered into, if France, Russia, England and America, should stand against it. We may go farther; for if the other three, especially France and England, should manifest strong and united opposition, Russia, without such an accession to her naval and military skill as cannot be looked for, will hardly feel disposed to disturb the peace of Europe. That those two governments, therefore, which can, together, practically hold the balance of power in the eastern hemisphere, should share with this republic, growing every day more powerful and important, so manifest a gratification that a warlike question has been peacefully settled, is a thing worthy of consideration among the signs of the times.

It is true, that this expression is not to be relied on as implying any determination, in the minds of these governments, to have no more to do with *Christian* warfare. They have by no means reached such a point. They are as yet content with desiring it in a manner, without coming at all to any clear purpose, or even to any definite perception of what is attainable. They have hardly begun fairly to lay aside old animosities, and the remembrances of ancient battles; much less have they brought themselves

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to contemplate the possibility of three or four leading powers actually resolving that there shall be no more great wars in Christendom, and keeping their resolution.

It is, indeed, wonderful, how rapidly an enlightened people, in this age even, come to accustom themselves to the idea of war. "Possible," "probable," "inevitable," is the development of appellatives in their minds. First, they indulge themselves in talking largely, and with no great clearness, of certain injuries received from a foreign nation, insulted claims, or some offensive position assumed by them: it is declared not unlikely, if things go on so, that hostilities may grow out of it. Next, the speech-making leaders opportunely delegated to be *rulers*, patriotic men in power, and the unpurchasable press, take pains to show the country aggrieved, talk strongly as a government, and contrive by a bold front and skillful diplomacy to convert a previous measurably good understanding into uneasiness and rancor. Their warlike tone being naturally echoed, the sober part of the community begin then to denounce the blundering government which has brought things to such a pass:—they acknowledge the nation partly in the wrong, but *what of right there is in the case* must be defended! Diplomatic issues, oblique as usual, shoot past each other—negotiation confuses itself—friendly argument is thrust aside as not sufficiently independent—military preparations begin to be made—and both nations, settling down into the feeling that there is "no help for it," philosophically "prepare their hearts for war." At length, after a long suspense, and a general checking of all prosperous business, the dominant parties in the respective States discover that no political capital can be manufactured by a war fever; a few mutual concessions are then made, a treaty summarily follows, and both countries congratulate themselves, each other and the world, that they did not invoke the aid of arms, when they ought only to be ashamed that war was ever dreamed of between them. This, it will not be denied, has been too much the history of the public mind in this country; and in England, the body of the people were gradually and coolly adopting the opinion that as the Americans "would have war," war it must be:—it seems never to have entered their minds that their own government might not have offered altogether so liberal, or just,

a concession as could have been conceived of. It offered to arbitrate—which was fair; . . . in the way of negotiation it had always been unreasonable.

Such was the matter-of-fact acquiescence of Christian communities in the alternative of blood! It shows their congratulations of peace to be based, as yet, somewhat less on principle than could be wished. A *feeling*, however, is evidently present, on which a received principle *may* finally be established as a line of conduct for Christendom. And in this point of view, the fact that another controversy between nations has been settled by honorable concession, is of large importance. For its inherent nature, the moral effect of such an occurrence is great, and tends to produce in the minds of men that state of sentiment which shall be the perennial well-spring of the peace of humanity. With nations, moreover, as with individuals, custom, habit, rules, everything;—each new example of a question so settled, will render it more easy and natural for another to follow, by one step more, towards that condition of the world when "the loudness of the trumpet and the shock of armies" shall be forgotten. And in this conviction we cannot but advert to the tone in which the first men of both countries have expressed themselves on this occasion. The language used by Mr. Webster, Mr. Mangum, Mr. Crittenden, and other eminent members of the American Senate, was unequivocal and exalted:—It deprecated—and for higher reasons than the burning of cities and the ruin of commerce—that useless intervention of arms, which, at the end of a long struggle, would but leave both nations impoverished and demoralized, and the question still to be settled—*by treaty!* Similar terms had been uttered by the leaders of the British Parliament. Especially noble is the language used by Sir Robert Peel—a man of generous and enlarged views, whom the world is very justly coming to consider one of the most enlightened statesmen of the age. In that noble and elevated speech, in which he has just taken leave of official power, he bestows a lofty encomium upon Lord Aberdeen for "the exertions which he had made in the maintenance of peace." "He has dared to avow," says the British Minister, "that he thinks in a *Christian country there is a moral obligation upon a Christian minister to exhaust every effort before incurring the risk of war."* And afterwards, having



announced, amid the cheers of the House of Commons, that the last proposals of the English Government for the division of Oregon had been accepted by America, Sir Robert Peel added a few impressive words, which are worth remembering.

"Thus, sir, these two great nations, impelled, I believe, by the public opinion, which ought to guide and influence statesmen, have by moderation—by the spirit of mutual compromise—avoided the dreadful calamity of a war between two nations of kindred race and common language, the breaking out of which would have involved the civilized world in calamities to an extent which it is difficult to foresee."

We have thus spoken of the event itself. It is worthy of all the congratulations that the country can bestow upon it. Against its provisions very little can be said. But in the manner of its accomplishment we have not been so fortunate. As a party, indeed—if anything about the matter ever ought, as we have before mentioned, to have been looked at in a partisan light—the more sober portion of the community have nothing to regret in the transaction. The Whigs, with here and there a moderate mind from the opposite ranks, were always in favor of just the partition which has taken place. But what have the Democratic party to felicitate themselves upon in the whole affair, from first to last? The history of their entire conduct on the question throughout is sufficiently sickening, and the country has heard enough of it. It is necessary, however, to open up a page or two here, that our own position may be placed on record. But we will promise to be brief.

That a clear view of the whole case may be had, we present a short statement of the proposals made, at different times, by our government, and those offered by England, in return, together with the provisions of the present treaty. It will then be seen, what we have gained or lost by this treaty over our own former proposition, and which party in the Republic stands on the most favorable ground in relation to this great national question.

It will be remembered, that the first convention entered into between any two nations respecting the north-west coast, having any influence on our final claims, was that of Nootka Sound, in 1790. Spain, by early discoveries from the year 1513, by occupation of the coasts as high as the Californias, by farther explorations in 1774-5, as high up as latitude 58°, and

by two centuries and a half of "prescription" along the whole Pacific shore, considered herself as having exclusive right to that entire region. England, having made, after 1768, several explorations, in the high latitudes below the 58th°, more accurate than the Spanish—landing, moreover, and trading with the natives—conceived that she also had claims on that coast. Difficulties arose, and were rapidly ripening into war, when the Treaty of the Escorial, called the Nootka Convention, was entered into, by which, saying nothing of the original claims asserted by either party, the north-west coast and seas were to be open to the subjects both of England and Spain, in a kind of common occupancy. So much was wrested, as we showed more fully in the February article, from Spanish weakness. Still, once obtained, it was, undoubtedly, in some sort, an English acquisition.

The first transaction entered into by our government affecting the Oregon question, was the purchase of Louisiana from the French, in 1803. This vast region, as originally held by Spain, and afterwards by France, seems never to have had any conceivable limits. Lying west of the Mississippi, and stretching north and north-west to an undefined extent, it gave us, *as against England*, some indefinite claims on the Pacific. The discovery of the Columbia river, and subsequent explorations of the branches, gave us, *as against her*, a still farther title to that region. Great Britain, meantime, following up the advantage she had won from Spain, had begun to occupy, with trading posts, and—what is the strongest point in her final claim—had discovered and explored the second great river and valley of Oregon, Frazer's river, running from above the 54th degree south nearly to the 49th parallel.

The first distinct proposition made by us to the English government, bearing upon this question, was that in a prospective treaty, drawn up with their Commissioners, soon after our acquisition of Louisiana, for the purpose of settling the northern boundary of that territory. It had been commonly believed—and the point is not yet wholly cleared up—that Commissioners, appointed according to the provisions of the Treaty of Utrecht, in 1713, had already adopted the 49th parallel as the dividing line between the then French possession of Louisiana and Canada and the British Hudson's Bay territories; and in the treaty now proposed, it

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was agreed, that the boundary between the United States and British possessions on the north should run from the Lake of the Woods to the 49th degree, and follow that parallel westward "as far as their said respective territories extend in that quarter: provided that nothing in the present article shall be construed to extend to the north-west coast of America, or to territories belonging to, or claimed by, either party, on the Continent of America, to the westward of the Stony (Rocky) Mountains."\* This article in the intended treaty was approved of by both governments. But President Jefferson wished the proviso respecting the north-west coast should be omitted, as it "could have little other effect than as an offensive intimation to Spain, that the claims of the United States extend to the Pacific ocean. However reasonable," continues Mr. Jefferson, "such claims may be compared with those of others, it is impolitic, especially at the present moment, to strengthen Spanish jealousies of the United States, which it is probably an object with Great Britain to excite, by the clause in question."† We do not suppose that Jefferson's idea of England's wishing to "excite Spanish jealousies" of us, had any foundation whatever, or was excusable, except from the disturbed state of feelings, at that time, between the United States and Great Britain; but the passage shows how completely that statesman, sagacious in many things, was possessed of the true idea of the nature and condition of our claims on the Pacific coast—that, by our discoveries there, and by the indefinite extent of the Louisiana territories, our title was tenable, not wholly as against Spain, who had a prior title, but as against England. This was the proposed treaty of 1807-8; but the disturbed relations of the two countries, from other causes, prevented its ratification.

After the war, negotiation on the subject of north-west boundaries was renewed. The American Plenipotentiaries, Messrs. Rush and Gallatin, in 1818 proposed, in effect, the same dividing line as before—that it should run from the north-west extremity of the Lake of the Woods to latitude 49°, and thence with that parallel westward; but with this addition, that it should be continued to the Pacific ocean. The discussion was protracted—the British Commissioners,

Goulburn and Robinson, being anxious to secure to English subjects the free navigation of the Mississippi. This was steadily refused on our part, the more firmly that we had been denied access to the St. Lawrence, to which we had a far greater right. The proposed line was finally acceded to as far west as the Rocky Mountains. They then discussed, by itself, the subject of respective claims to territories on the Pacific. The several grounds of title, with which the public are now familiar, were set forth on each side. No distinct proposition for a boundary was made by the British Commissioners, but it was intimated that the river was the most proper, and that no articles would be agreed to that did not give them the harbor at the mouth in common with the United States. This was decided enough, and of course precluded further argument. The alternative agreed upon was the convention of joint-occupancy, which stipulated, in substance, that "all the territories and their waters, claimed by either power, should be free and open to the vessels, citizens and subjects of both, for ten years; provided, however, that no claim of either, or of any other nation to any part of these territories should be prejudiced by the arrangement."

So far, the American Commissioners had conducted the negotiation without reference at all to the Spanish title. This has been made by the English press and diplomatists the ground of the accusation, that we had no real belief in the validity of that title. Nothing could well be more unfounded. The relation of Spain and the United States to each other and to England, was at that time precisely analogous to that of England and the United States to each other and to Russia, in the negotiation that took place five years afterwards with that power. Russia had arrogated extensive rights on the north-west coast farther south than either England or the United States, who had then acquired the Spanish title, was disposed to allow. Our government was desirous of settling the matter by a triple convention, which should confine each power within certain latitudes. Both England and Russia, however, taking offence at President Monroe's declaration against European intervention or colonization on this continent, refused the pro-

\* Greenhow's Oregon and California.

† President Jefferson's Message to Congress, March 22, 1808.

posal. But instead, Russia treated with each power separately—agreeing with each that as to her own claims, they should be conceded to her as far south as 54° 40', leaving any conflicting claims which England and the United States might assert below that latitude, to be settled between themselves. But if it was competent to England to negotiate for certain claims, as against Russia, knowing the necessity of afterwards settling with us about the same claims, manifestly it was equally competent for the United States to negotiate with England about similar claims held by us, as against her, though aware that the same must subsequently be treated about with Spain, as holding a title prior to that of both. And there are, besides, two other considerations bearing upon this case. It had long been evident to American Statesmen, that the ancient vast dominion of Spain on this continent was rapidly breaking up. A few years longer of indolent efforts and misguided counsels would see it in fragments. It was but the part of common foresight so to interpose contingent grounds of title, that such parts of her immense territories as were greatly more valuable to us than to any foreign power should not fail of falling to our share. A second important fact is that, while our negotiations with England were pending, in 1818, we had already been treating with Spain two or three years for all her rights in the Oregon region. That treaty was all the while expected to be first consummated, but it was not till four months later; and this we think matter of regret; for had we, negotiating with Great Britain, definitely possessed the Spanish title, we might at that time have attained some settlement of the question, and saved all further altercation.

Having strengthened our claim by the acquisition of the rights of Spain, we opened the negotiation again in 1824. Mr. Rush, on our part, proposed that any part of the territory claimed by either power, should be open to both nations for ten years: *Provided*, that in that time the British were to make no settlements north of the 55th or south of the 51st parallel. For the 51st°, Mr. Rush afterwards substituted the 49th°. The British Commissioners, Huskisson and Canning, proposed, on the other hand, that the boundary-line should pass

from the Rocky Mountains along the 49th parallel, till it struck the great northern branch of the Columbia, thence down the middle of the river to the ocean—both nations being at liberty, for ten years, to pass by land or water through the territories on both sides of the boundary. This proposal was, of course, rejected. Great Britain, it was declared, would make no other, and the negotiation was stopped.

The original period of joint occupation, however, was drawing to a close, and our government again, in 1826, pressed for a settlement of the question. During this period, the "joint occupancy" had been all on one side. We had neglected the country. Scarcely an American was seen in the whole region, while through the vast extent of wilderness, from Labrador to the Pacific, the Hudson's Bay Company had established trading-posts, and extended the laws, usages and interests of Great Britain. This strengthened for England that kind of secondary claim recognized in law as created by *occupation, use*:—but it did not at all affect the original title. The American right, by the Spanish title and by our own discoveries, was still, on the whole, paramount. In this negotiation, the British Commissioners made, in effect, the same proposal as before. Mr. Gallatin, in return, repeated the offer made in 1818—viz.: the 49th parallel, from the Rocky Mountains to the Pacific, but with this important addition, that "*if the said line should cross any of the branches of the Columbia at points from which they are navigable to the main stream, the navigation of said branches of the main stream should be perpetually free to the citizens of both nations.*"\* England refused to give up the territory on the north bank of the Columbia;—she offered, however, to give up "*a detached territory, extending on the Pacific and the Straits of Fuca, from Bulfinch's Harbor to Hood's Canal,*" and that "no works should be erected by either power at the mouth or on the banks of the Columbia, calculated to impede free navigation." But the United States very justly resolved to yield no part of the country south of the 49th parallel. They had offered, uniformly and consistently, a line of compromise quite below the claims of their abstract title, and they were resolved to abide by it. The provisions for joint occupancy, there-

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fore, were, in 1827, indefinitely extend-  
ed—each power being now at liberty,  
however, to abrogate the agreement, on  
giving a year's notice of such intention.

Notwithstanding this friendly arrange-  
ment, some public gentlemen of more  
zeal than wisdom, the very next year,  
brought up, in the House of Representa-  
tives, the military occupation of the Co-  
lumbia. After a series of excited debates,  
the more fiercely patriotic and radical por-  
tion of the House succeeded in getting a  
bill reported, authorizing the exploration  
of Oregon, and the establishment of forts  
and garrisons from the 42d parallel to  
that of 54° 40', and to extend over those  
territories the U. S. jurisdiction. The  
entire bill was in plain violation of the  
provisions for joint occupancy. As such,  
it was strongly opposed by the most  
eminent members of the House; it was  
also perceived that the bill, covering the  
whole territory in dispute, was taking  
for granted that Great Britain, notwith-  
standing her long usage of that region,  
and the successive negotiations on our  
part for making an equitable division, had  
in fact no right whatever on the Pacific  
coast. The bill was accordingly re-  
jected.

In 1842, public attention having been  
again attracted to the Oregon question, a  
bill was brought into the Senate, pro-  
viding, among other things, for the grant-  
ing of specified tracts of land for perma-  
nent settlements, for the construction of  
forts from the Arkansas and Missouri  
rivers to the pass of the mountains, and  
at the mouth of the Columbia; and also for  
extending U. S. jurisdiction over that  
portion of Oregon lying between the 42d  
and the 49th parallels, saying nothing of  
territory farther north.

This bill, then, covered only that por-  
tion of Oregon which all our offers of  
compromise, so far, had claimed. It was,  
however, in spirit and in fact, an infringem-  
ent of that same Convention of 1827,  
which neither power had yet abro-  
gated; and it is quite a matter of wonder how it  
should ever have passed the Senate of  
the United States. It did pass, but hap-  
pily it was never carried through the  
House. Had it passed both Houses, the  
President would undoubtedly have vetoed  
it. Otherwise, if carried into effect, Eng-  
land would, we think, have had a just  
cause of war.

Such, then, had been the various dis-  
cussions, negotiations and proposals, on  
the subject of Oregon. It will be seen

at once, that no proposition from Govern-  
ment, no Presidential Message, not even  
a vote of either House of Congress, had  
ever intimated, that in the final settlement  
of the question, we were to have any  
territory above the 49th parallel. What  
sudden light, then, we ask, has fallen  
upon the minds of the "leaders of the  
people," that the miscellaneous caucus at  
Baltimore, wiser than three generations  
of diplomatists, senators and statesmen,  
should so stringently declare, that the  
"Model Republic" was unquestionably  
owner of the entire region, and that the  
claim must be enforced to the last degree  
and minute? What equal illumination  
was reflected from them upon the mind of  
the President they made? what vast  
sense of duty to the nation lay at once  
on his "instructed" shoulders, that Mr.  
Polk, manifestly without studying the  
question, should declare in his inaugural  
address and first message, that our right  
to the whole of a territory which had  
been for 40 years the subject of dispute  
and compromise, was unquestionable and  
must be maintained? What wisdom-  
dropping cloud had suddenly passed over  
the capitol, that belligerent senators  
should see grounds of action which their  
predecessors never dreamed of? What  
shadow of the spirit of Jefferson, that the  
patriotic "peace-maker," the "Organ,"  
should burst itself daily with denuncia-  
tion of England? And what did all this  
loud and martial front, kept up for months  
together—the violent tone of the radical  
press—apparent (though strangely tardy!)  
preparations for war—the depression of  
public confidence—the stagnation of  
business—the general uncertainty  
brooding over the minds of men—what  
did all this practically mean? That the  
Administration were sincere? That they  
really thought a war with Great Britain  
was necessary to save the honor and  
rights of the nation? That on the whole  
a war must come? Nothing of the kind.  
The whole country long since saw  
through the entire movement. It is now  
clearer than ever. It was, from first to  
last, a soulless bubble, blown up for po-  
litical effect. Could war, indeed, have  
been even transiently popular with the  
body of the nation—could it have pre-  
served to the authors of it their ill-gotten,  
ill-starred power for a single year—we  
should no doubt have had a conflict  
bloody and exhausting enough to have  
satisfied the "hearts of the people." Had  
the country, indeed, been thoroughly pre-

pared, the resources of the nation abundant for a long and deadly struggle, we believe the President would not have hesitated to plunge us into it, in mere hopes that success would make it popular.

But the President and his advisers were very soon able to see—what every one else saw—that the country was unprepared, and the nation opposed to it—that the community, in general, had no other feeling than that the question could be honorably settled by some kind of compromise. Having suffered himself, however, to consider his Executive conduct as marked out for him beforehand by an utterly irresponsible assembly, (the Baltimore Convention,) whose ill-advised hasty dicta, were based on little reasoning and less knowledge; Mr. Polk, to preserve a popularity of so mean origin, kept out the declaration of extreme claims, such as no previous Administration had thought of insisting upon, and held up to the country the constant assurance of a triumph over Great Britain in negotiation or in war! The Administration knew that England would not yield to such extreme claims; they knew, as well, their own intention of not entering into hostilities; but if by a firm front, fiery press, violent debates, and fruitless negotiation, the question could be kept open and the public excited, what better means of maintaining themselves in power? Unfortunately, it was soon seen, that the English Government would not be trifled with; that the question must speedily be settled by reasonable concessions, or there would be a war in earnest. Besides, from the late changes of public policy in England, there was some chance that free trade might at length become captivating to the people of the United States—a measure for popularity quite inconsistent with war, and much safer. The question then was, how to get the most credit by settling the Oregon controversy on those moderate grounds on which all preceding Administrations had agreed in placing it. The first thing necessary was to let themselves down gracefully from the high position so long assumed. This was not easy to be done, except by a great man. However, the ideas of the Executive were kept in the dark; some Senators were employed to break ground against the too patriotic and belligerent; arbitration was rejected, as taking the credit of settling the question quite away from the Administration, but a notice of abro-

gating joint occupancy was prepared, in spirit about half-way between war and peace; and the British Government is given to understand, that the prospects for British manufacturers in this country are about to brighten greatly, and that the Oregon dispute, it is thought, can now be settled on very reasonable grounds.

The British proposal accordingly is gladly transmitted. But how to accept at once, under his own hand, an offer so far short of what he had constantly claimed, and *less than any previous Administration had ever proposed!* How unfortunate it is, sometimes, to have too much authority! If he could but shift the responsibility! If the affair could seem to have been taken quite out of his hands! He will refer the matter to the Senate; he will make it appear highly “proper”—indeed, “necessary”—so to do; he will then have it understood, that he “wished to reject” the British proposal, but that the Senate would have it, and “courtesy towards that excellent body” forced him to conform. The proposition is accordingly sent to the Senate, and in the Message (*confidential* accompanying it, he uses a deal of discriminate reasoning, which eventually made *public* would show the entire propriety of a step he had never before dreamed of adopting.

“General Washington,” he says, “repeatedly consulted the Senate and asked their previous advice, to which he always conformed his action. The Senate are a branch of the treaty-making power, and by consulting them in advance to his own action, the President secures harmony of action between that body and himself. The Senate are, moreover, a branch of the war-making power, and it may be eminently proper for the Executive to take the opinion and advice of that body in advance upon any great question which may involve in its decision the issue of peace or war.” Moreover—“*recent debates and proceedings in Congress* render it, in my judgment, not only *respectful, but necessary and proper.*”

All this is undoubtedly true—but how late was it entering the Executive mind! Would it not have been equally “respectful” and “proper”—was it not equally “necessary”—to consult the treaty-making, war-making Senate before—to take its advice, for instance, before the offer to arbitrate was so summarily rejected? Was it well to be ignorant of what “General Washington repeatedly did,”

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prepared, between war and peace, the prospects of this country, and that, can now be ascertained on the grounds. Accordingly is it to accept an offer so constantly repeated in previous Addresses! How to have too much but shift the affair could be out of his hands to the near highly "sagacious"—so understood, that British proposals would have an excellent

The President, the Senate, and the people, all agreed to discontinue the entire project before

says, "re- and asked he always Senate are a power, and by to his own and himself. Each of the he eminent- to take the in advance which may in of peace or debates and in it, in my but neces-

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and let the country suffer months of ruinous uncertainty and depression before discovering that the counsels of that body might help along the wisdom of the President?

Having demonstrated the courtesy of the step, and the extreme desirableness of "harmonious action" between himself and them, he takes occasion to declare that he is still for 54° 40', and if they will have him accept such a proposition, why, of course, the responsibility must rest upon them.

"My opinions and my action on the Oregon question were fully made known to Congress in my annual Message of the 2d of December last, and the opinions therein expressed remain unchanged."

"Should the Senate," he adds, "by the Constitutional majority required for the ratification of Treaties, advise the acceptance of this proposition, or advise it with such modifications as they may upon full deliberation deem proper, I shall conform my action to their advice."

With what sagacity does that beautiful race-horse of a bird, the ostrich, stick its head, when hard pushed, under a bush and imagine that all its featherless posterior, from the eyes backwards, are entirely concealed!

Such was the Message;—and "The Organ," with other Democratic presses, were then commissioned to say, that the President wished the Senate to advise him not to accept the British offer. No pretence could be more evidently false. He knew perfectly well, that the body of the Senate had never favored the extreme claims which he had assumed; and he knew that they were anxious to settle the question. This he knew when he referred the proposition to them. But fearing that not only his own party in the Senate, but the Whigs, might be disposed to hold him to the responsibility which he had so long arrogated, and refer the question back to himself, he added a concise clause:—"Should the Senate, however, decline to give such advice, or to express any opinion on the subject, I shall consider it my duty to reject the offer." Here was the alternative: take this responsibility upon yourselves—save me from eating my own words—or keep the question unsettled and the country indefinitely disturbed and anxious. Mean and miserable subterfuge! As if it were necessary for a man to cherish his "consistency," who, by a public letter, written with deliberate purpose to

deceive, had risen to power and betrayed the nation! But we consider it a fortunate thing that our government is so constructed, that a place can be provided by which an Executive of such qualities can creep from under a burden of duties and of trusts. Had not Mr. Polk found, or thought he had found, such a "hole of escape," should we have obtained the Oregon Treaty? We think not. He had been forced to know what was right in settling the question. But it is necessary to be consistent! He would have negotiated, wavered, refused, till the powerful government in treaty with us, justly irritated, would have decided upon war, as the easiest method of ending so fruitless a controversy.

Happily, a majority of the Senate, are wise and calm-minded men. The treaty, as it came to them, was plainly defective, and disadvantageous in two or three respects. It does not specify with sufficient distinctness to avoid, we fear, future troublesome controversies, the guaranties of the possessory rights and lands of British subjects on both sides of the Columbia river. Especially, it conceded, not only the lower end of Vancouver's Island—which was entirely right,—but the perpetual navigation of the Columbia, a point quite worthy of hesitation on our part, and about which the President and his whole party had uttered the most particular denunciations. It was also evident, from Mr. McLane's letter to the Secretary of State, that this treaty was not England's *ultimatum*; but intended to re-open the negotiation, with the prospect of a demand on our part, that the free navigation of that river should be confined to a term of years; and this demand would probably have been yielded to. But the Senate dared not, by any modification, trust it back again to the uncertain action of the Executive, or in any form to the hands of a bungling negotiation. They, therefore, ratified it, as it stood; and the President, with a saving of consistency which must gratify all his friends, signed it. The terms of the Treaty are as follows:

"ARTICLE I.—From the point on the 49th parallel of north latitude, where the boundary, laid down in existing treaties and conventions between Great Britain and the United States, terminates, the line of boundary between the territories of Her Britannic Majesty and those of the United States shall be continued westward along the 49th parallel of north latitude to the middle of

the channel which separates the continent from Vancouver's Island, and thence southerly through the middle of the said channel, and of Fuca Straits, to the Pacific Ocean; provided, however, that the navigation of the said channel and straits, south of the 49th parallel of north latitude, remain free and open to both parties.'

"ARTICLE 2.—From the point at which the 49th parallel of north latitude shall be found to intersect the great northern branch of the Columbia river, the navigation of the said branch shall be free and open to the Hudson's Bay Company, and to all British subjects trading with the same, to the point where the said branch meets the main stream of the Columbia, and thence down the said main stream to the ocean, with free access into and through the said river or rivers, it being understood that all the usual portages along the line thus described, shall in like manner be free and open. In navigating the said river or rivers, British subjects, with their goods and produce, shall be treated on the same footing as citizens of the United States; it being, however, always understood that nothing in this article shall be construed as preventing, or intended to prevent, the Government of the United States from making any regulations respecting the navigation of the said river or rivers, not inconsistent with the present treaty.'

"ARTICLE 3.—In the future appropriations of the territory south of the 49th parallel of north latitude, as provided in the first article of this treaty, the possessory rights of the Hudson's Bay Company, and of all British subjects who may be already in the occupation of land or other property lawfully acquired within the said territory shall be respected.

"ARTICLE 4.—The farms, lands, and other property of every description, belonging to the Puget's Sound Agricultural Company, on the north side of the Columbia river, shall be confirmed to the said Company. In case, however, the situation of those farms and lands should be considered by the United States to be of public and political importance, and the United States Government should signify a desire to obtain possession of the whole or of any part thereof, the property so required shall be transferred to the said Government at a proper valuation to be agreed upon between the parties.

"ARTICLE 5.—The present Treaty shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by Her Britannic Majesty; and the ratifications shall be exchanged at London at the expiration of six months from the date thereof, or sooner if possible."

Such is the difference between what *was to be* and what *is*. To whom now are these articles honorable, to whom dishonorable? They are honorable enough to the people of this country; for, in point of territory, they have obtained all that the real body of them were willing to compromise upon, but were united in demanding, together with some of the finest harbors, those lying in Fuca's Straits, that are to be found in the world. And as to the Columbia, though Great Britain had undoubtedly no right whatever for demanding the free passage of that river *in perpetuity*; yet it will not discredit the Senate of the United States, that they were willing, for the sake of a compromise, to make a concession of what is the most difficult to concede, *a point of honor*. It is, in reality, but a point of honor, since in times of peace, the navigation, on any great scale, of a river running seven hundred miles through the territory of another nation, and broken by numerous rapids and waterfalls, will be to British subjects practically impossible; and in time of war the river could be effectually shut away from them.

To the Whig party, and a few high-principled men from the opposing ranks, this treaty is altogether honorable. It is mainly that which they have always desired. They said, "We want nothing above the 49th parallel; we can concede nothing below it;" and it cannot fail to be always considered that the credit of so settling the question was due, and due alone, to this portion of the community, and the Houses of Congress.

But to the Loco-Foco party, to its stump orators and caucus officers, to its vituperative press and declamatory Congressmen, to its wavering and double-minded Executive, to all, (except two or three senators and Mr. Buchanan, for his able exposition of the original Spanish title,) what are the terms of this treaty but a historical disgrace? The history we have just given is a sufficient answer. We have nothing further to add—but this nation will surely ask themselves, whether a party and an administration, who have conducted one great question in so unscrupulous and dangerous a manner, are any longer to be trusted with the management of others equally important.



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