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WASHINGTON CITY, TUESDAY NIGHT, FEBRUARY 17, 1846.

CONGRESSIONAL.

SPEECH OF MR. CLARKE,

OF NORTH CAROLINA,

In the House of Representatives, February 6, 1846—On the resolution authorizing the President to give the notice for the termination of the joint occupancy of the Oregon territory.

Mr. CLARKE obtained the floor and addressed the committee as follows:

Mr. CHAIRMAN: It is with much diffidence that I rise to address this committee for the first time on a subject which, in my estimation, is so immediately connected with the peace of the country, and on which gentlemen of much more ability and experience differ in some respects so essentially. But as a large portion of those whom I have the honor to represent seem to feel a very considerable interest upon the subject of Oregon, if I may be permitted to form an opinion of the extent of that interest by the resolutions lately adopted in their primary meetings, it is but proper—indeed, sir, it may be expected by them—that I should express my views upon this subject. Such as I have, they are entitled to, and I will give them to them; premising, however, that if on a question of this important character I should unfortunately have mistaken their wishes, it will be my pleasure, as it certainly is my duty, to rectify the mistake and to carry out whatever may be their purposes in the matter. Amidst all the differences of opinion on this subject, however, to which I have adverted—a difference of opinion both as to the extent of our rights and the best way of maintaining those rights—it is gratifying to witness the unanimity of all on one vastly important point connected with this controversy. If all efforts to settle this matter peaceably shall be of no avail, and if war is to be the dreadful alternative, we have the assurance of men of all parties, that they will unite, as if with one hand and with one heart, to give efficiency to the war, and to terminate the conflict, so far as human agency may prevail, honorably and gloriously for the country. What emotions of pride does not this assurance excite in the breast of every one; what a commentary does it not furnish upon our free institutions, and upon the character of our confederacy; and what a promise does it not hold out of our steady, gradual, and irresistible progress as a people to that magnificent destiny which is in reverse for us, if we will only be faithful to ourselves! However, therefore, this matter may be settled—whether by negotiation or by war; whether peaceably or by the clash and din of arms—this fact is of inestimable value, and cannot fail to exert a powerful moral influence upon the growth and prosperity of our common country. It will also give us confidence in the patriotism of each other; it will blunt, in some degree, it is to be hoped, the acerbity of party spirit, and it will tell to foreign nations, in terms which cannot be misunderstood, that however much we may differ on questions of domestic policy, when a foreign foe shall touch our soil, we are prepared to give him, in the language of the honorable gentleman from Illinois, [Mr. DOUGLAS,] "the best fight we have on hand," and that is a *united* fight. As these assurances have from time to time fallen upon the ear of the House, the inquiry has involuntarily forced itself upon my mind, whether it were possible that this could be the result of the annexation of Texas, whether it were possible that this could be the evidence of that alienation of attachment to our free institutions, which was predicted by some as sure to follow the consummation of that great deed. Certainly, after so much was said about the dissolution of the Union, and the disaffection of a portion of our people to their own government, it was hardly to have been expected that in so short a time we should witness the gratifying spectacle of men of all parties coming up to the altar of their country, and there making a free and voluntary offering of devotion to her in every emergency. But, sir, it is as true as it is gratifying. The North and the West, the South and the East, without distinction of party, unite in the hearty, prompt, and cheerful declaration of a determination to stand by their country when the shock of war shall come. I was for Texas then, and am for Oregon now. I was for adopting the most prompt and vigorous measures when the former was to be introduced into our sisterhood of States; and I will now go as far as any one in adopting such measures as may be necessary, in the event of war, to maintain our rights and establish our authority in the latter. And, sir, if there could be any difference in my zeal in the two cases—which I do not, however, admit—I must confess that my zeal would be the greater in favor of Oregon; for we have learned from those who have had the management of this case from the beginning, that Oregon is ours, our own soil, our own patrimony. Texas, on the other hand, until admitted into our Union, was the land of another people. In contending for Oregon, we are but striving to *retain* our present possessions, endeared to us by the recollection and by the achievements of our ancestors. In contending for Texas, we were but striving to *extend* our possessions, to increase our wealth, our power, our resources, and to disseminate the blessings of our Union—results certainly gratifying to our pride and encouraging to our hopes, but which can hardly be said to be equal to the duty of holding on to our own, of keeping that which we have already got. What profit, I ask, can it avail us, if we accumulate with one hand to-day, and give away and squander with the other to-morrow? What seeming fickleness, at one time to peril the peace of the country in order to *acquire* territory, and at another time hesitate, for fear of encountering the dreaded power of another nation, to assert and prepare to vindicate our just and manifest rights! Nor can the consideration that one of these territories is to be the abode of freemen only, whilst the other is to be peopled in part by slaves, be allowed to have any influence whatever on my mind in bringing it to a conclusion as to the course I ought to pursue on a great question of national rights. Nor do I look to that balance of power which has been too frequently adverted to in this House and throughout the country, between the slaveholding and non-slaveholding States of this republic, as necessary for the protection and security of the peculiar institutions of the South. These depend for their present support upon the concessions on that subject which are to be found in the constitution of the United States, and without which that instrument could not have been ratified; and they depend for their future support upon the sense of justice on that subject which can alone preserve and perpetuate that instrument. When these shall cease to operate, little is to be expected from it. It is worse than idle to place any reliance whatever on a mere abstract balance of power founded on numbers, on whichsoever side the preponderance may be. When they shall cease to operate, the balance of power by which those institutions are to be supported will be one not founded on numbers, but on might—the success of which will depend much more on the justice of the cause in which it is to be exerted—to wit: the maintenance of our just rights—than on any mere seeming superiority based on majorities. This is the view in which the two cases present themselves to my mind; and viewing them in that light, I cannot but say that my zeal for Oregon is at least equal to what it was for Texas. I repeat it, therefore, what seeming fickleness at one time to peril the peace of the country in order to acquire territory, and at another time hesitate, for fear of encountering the dreaded power of another nation, to assert and prepare to vindicate our just and manifest rights—our clear and indisputable title to the Oregon territory! But the gentleman from Tennessee [Mr. EWING] denies that our right to any portion of that territory can, with any propriety whatever, be pronounced clear and indisputable. The title to any of it is, in his estimation, doubtful; and this doubt he attributes to the uncertainty—not to any unsoundness—of the principles by which we lay claim to the country, when tested by any known and acknowledged principles of international law. The gentleman alleges, for instance, that—

1. It is doubtful, under the law of nations, whether the discovery of the mouth of a river gives a right to the territory drained by it.

2. It is doubtful, under the same laws, whether discovery avail anything without speedy settlement.

3. It is doubtful whether both discovery and settlement give title to a nation, unless made under government authority.

He also asserts that it is doubtful, under the law of nations, whether war extinguishes or puts an end to a treaty of the nature of the Nootka convention.

It may perhaps be true, sir, that not only the principles laid down by the honorable member, but that all other questions which require for their solution a reference to the law of nations, may, without any very great impropriety of language, be set down as doubtful and uncertain. And this doubt is owing to the various interpretations and applications which those laws have received by different nations, and even by the same nation at different times, and also to the absence of something in the nature of a judicial tribunal to adjudicate and settle them. It must, however, be borne in mind that this present controversy is with Great Britain; and if she, by her past conduct has given a special interpretation to certain principles of international law, it is but fair and proper that we hold her to that construction; and if that interpretation when properly applied to this case shall give us the Oregon territory, it certainly cannot be regarded as a very great departure from propriety of language, if, when speaking to her, we should assert that our title to that country is "clear and unquestionable." Now, I would ask, if her manner of acquiring territorial rights on the Atlantic side of this continent has not given certainty, if not existence, to the doctrine that the discovery of the mouth of a river, followed up within a reasonable time by settlement, gave her title not only to the whole country watered by the principal river, but also that which was watered by its various tributaries? And by the skilful conjunction of the rights by continuity to that conferred by discovery and settlement, I would ask the honorable gentleman if she did not extend her possessions far beyond the most distant sources, both of the principal rivers and their tributaries? if she did not push them even beyond the Alleghany mountains, and limit them only in their western extension by the great Mississippi river? The sincerity of Great Britain in giving this interpretation to the laws of nations cannot be questioned, because in 1760 she went to war with France to maintain it. She was not only willing to risk her character before the world as a fair and just interpreter of those laws, but for the maintenance of her construction she was willing and did expend millions of money, and sacrificed thousands of the lives of her subjects. Give us, then, as respects the Oregon territory, the rights to the same extent which discovery and settlement have conferred upon Great Britain in the eastern part of this North American continent—and to this, let us add the rights which continuity would give us, regulated by her own practice—and our title is complete. Discovery and settlement would give us title to the whole country watered by the Columbia and its tributaries, extending from the 42d degree of north latitude, and bounded on the east throughout its whole extent by the Rocky mountains, and on the west by the Pacific, until it reached the mouth of Frazer's river in latitude of 49°, when it would run along the highlands which separate the waters of the Columbia and Frazer river valleys up to 54° 40'. Give us, then, the benefit of continuity—let it operate in our behalf with only half the vitality and efficacy with which it worked out territory for Great Britain on this our own continent, and we take in Frazer river valley, and become at once united to the Pacific. And, sir, if there ever was a country in which the doctrine of continuity would operate in the extension of territorial rights, the upper part of this Oregon valley is plainly and emphatically one. The very reason and object of the principle is, that a people may the more fully and conveniently enjoy that portion of any country which is clearly and confessedly theirs by discovery and occupation, or by some other acknowledged manner of acquiring territory. The valley of the Columbia is ours by the discovery of Gray in 1792, and by subsequent settlement within a reasonable time, as acknowledged by the surrender of it after the last war; and this valley extends as far north as 54° 40'. The inhabitants, therefore of the northern part of this region would have to travel the whole extent of the Columbia river—a distance of some thousand or twelve hundred miles—before he could embark the products of his labor and skill on the mild bosom of the Pacific, in search of a foreign market. This long, and tedious, and toilsome journey he must take, with the Pacific within two hundred miles of his home, and Frazer's river within one-fourth of that distance, because Frazer's river was discovered by a subject of Great Britain! But this discovery, however, was not until the latter part of the year 1793, some 18 months after our citizens had discovered the Columbia, and therefore eighteen months after this principle of continuity—if it has any application, any force whatever—had extended our right to the Pacific. But admitting that we throw out of consideration any advantage we might claim to the Frazer valley by continuity, and concede that to Great Britain, and then our title to the south of 49°, from the Rocky mountains to the Pacific, would be indisputable; and to the north of that parallel we would have the Columbia, and Great Britain the Frazer valley. Both these valleys are now, by the treaty of 1827, in the joint occupancy of the two countries. This, then, is the only portion of this northwest country—the portion to the north of 49°—which, in the most unfavorable view for us, can be the proper subject of division. A line beginning on the Pacific, somewhere between 51° and 52°, and running along that parallel to the Rocky mountains, would give to Great Britain a portion of the territory we claim, and to us a portion she claims—would give us each a line of the Pacific coast equal to our line on the Rocky mountains, and would also secure to the honorable gentleman from Tennessee [Mr. GENTRY] that straight fence he so much desired. By discovery, settlement, and continuity, therefore, the whole of Oregon is ours. Throw continuity out of the account, and confine us to discovery and settlement, and we have the very clearest title to 49°, leaving only the valleys of the Oregon and Frazer rivers, to the north of that parallel, to be divided between us. A line between 51° and 52° would accomplish the most just or equitable division; or, in consideration of our taking Vancouver's island, the line might be located on the 51st degree of latitude. But we are here met with another proposition of the honorable member from Tennessee, [Mr. EWING,] in which he asserts "that it is doubtful whether both discovery and settlement give title to a nation, unless made under government authority." However this may be, by the laws of nations Great Britain is estopped, by the character of her own pretensions to any portion of this country, from setting up any such doctrine. What, I would ask, is the beginning, the very foundation, of all the claim which Great Britain now sets up to any part of this country? Is it not all to be traced—does she not herself trace it, through the Nootka convention—to the mere temporary occupation of a part of Vancouver's island by Lt. Meares—who, it is true, was one of her subjects, but who, so far from acting under the direction of the "government authority" of his own country, was, at the time, sailing and operating under the Portuguese flag. But, sir, if it be true that "government authority" must accompany discovery and settlement, in order to perfect the title to this territory, does it not follow that Great Britain has the clear title to the whole of this northwest territory, because she, as early as 1803, and then again in 1821, extended her laws over it, whilst we have not, to this day, extended either our authority, our laws, or our institutions over the country? And does the gentleman really mean to be understood throughout the country as denying that we have any rights in Oregon? I do not believe that he desires to be so understood; and yet this is the practical result of his positions—the necessary conclusion from his premises.

Thus far of our title acquired by the enterprise and adventure of our own citizens, which I regard as the most reliable part of it. Let us now look into our title from Spain, by the treaty of 1819. By that treaty Spain ceded to the United States "all her rights, claims, and pretensions to the northwest territory." So far as prior discovery is concerned, "these rights, claims, and pretensions" of Spain extended, and were complete, as far north as 54° 40', at least. Between 1774 and 1779, exploring expeditions, sent out by their government, had discovered the Pacific coast as far north as the parallel of 60°, had landed on it at various points, had traded with the Indians, and had taken formal possession of the country in the name, and for the benefit, of their government. Whereas, the first English navigator who saw any portion of this coast north of 42°, was Cook, in 1778, after every portion of the coast he visited had previously been visited by the Spaniards, Perez, Heceta, and Bodega.

The government of Great Britain, however, contends that in the year 1790, Spain concluded with her a treaty, by which certain rights were secured to Great Britain, in this Oregon territory. This treaty of 1790 she contends is still in force, and that the only effect of the treaty of 1819 was to substitute our government in the place of Spain in the former treaty. But we contend that the treaty of 1790 was abrogated and annulled by the war of 1796 between the two contracting parties. All who have argued on this point seem to admit that there are some treaties which a subsequent war between the contracting parties annul and destroy; and numerous attempts have been made to lay down some general rule, by which it may be determined what kind of treaties are destroyed by war, and what kind survive a hostile conflict between the parties. It may perhaps be more easy to determine that question in individual cases, which may present themselves to our minds, than to lay down anything like a general rule. And the result of the attempts which have been made, strongly verify this assertion. Some gentlemen, for instance, declare, as a general rule, that all commercial treaties are abrogated by war. This, as a general rule, is not comprehensive enough; for it is certain that the treaties which are not commercial in their character are also terminated by a war between the parties. A treaty offensive and defensive is of this character. Another gentleman—I mean the honorable member from South Carolina, [Mr. HOLMES]—has tried his skill on this point, and, with all due deference, his attempt comes equally short of the mark, if not more so. He contended that those treaties which confer privileges, are abrogated by war; whilst those which confer rights, remain untouched. This, as a general rule, is certainly wanting of distinctness, for some privileges are most certainly rights. The only distinction which occurs to me to be at once sensible and comprehensive, is that which declares that executed treaties are not affected by a war between the parties; whilst those that are unexecuted—those which are executory—those which are *in fieri*, are annulled. Treaties, for instance, which settle boundaries—which limit or confer territorial rights, are unaffected by any and every change in the relations between the two countries. The treaty of 1790 between Spain and Great Britain is clearly embraced in the latter class. It provided for trade with the Indians, and for settlements, for the purposes of trade, and for that purpose only. The right to make settlements can, by no fair construction, be regarded as a right to appropriate territory. Such a construction is not warranted by the unambiguous meaning of the terms employed; and when we refer to extraneous considerations, in order to aid us in coming at the meaning of the parties, this construction has still less on which to stand. If territorial rights were intended to be secured, it is a reflection to suppose that two such intelligent nations would not have employed less equivocal and more precise and definite terms. Still less can it be believed that Great Britain, who was the party to be benefited, would have left such essential and permanent rights to implication and construction. It is only when she seeks to extend her claims far beyond the meaning and intention of the power with which she is treating, that she employs doubtful and ambiguous phrases. It is by the arts and tricks of diplomacy, she aims to accomplish her wishes, when more open and direct means have failed of success. Again, at the time when this treaty was made, and for many years before, Spain seemed to be beset with a perfect monomania for the acquisition of territory—for the discovery of new islands and new continents. Her exploring vessels were sent out into every sea, and to the uttermost parts of the earth, in search of some new spot on which to plant the standard of her enterprise and power. Is the idea that the treaty of 1790, acknowledged joint territorial rights in this northwest territory, which was clearly the property of Spain by discovery, between these two nations, consistent with the avarice of Spain—with her rage for the acquisition of more land? Is it to be credited that she would thus surrender the darling of her affections, the object of all her self-sacrificing efforts, without even a struggle to maintain and preserve them?

Is it not more natural, more consistent with the circumstances of the two nations at that time, to believe that Great Britain represented to Spain what she now says to us, that she did not desire the country for the purpose of making permanent settlements, but as affording facilities of trade with the Indians for its furs. This facility, this privilege of trade, we might well suppose that Spain would be willing, for valuable considerations, to grant, inasmuch as the country was only desirable to her as a future abode for her citizens, and for the precious metals which might abound in the bosom of its mountains. Moreover, if the treaty of 1790 was an appropriation on the part of those powers of the Oregon territory, is it not a little remarkable that soon after the close of the last war, Great Britain should have placed the United States in possession of a portion of this very territory which had been taken from the latter during the last war? Can she admit, without involving herself in dishonor, that she surrendered to our government at that time territory which she now urges belonged to herself and Spain? Is it not more easy to believe that this right to the territory is all an after thought of hers, pressed now with the greater pertinacity because of our offer to compromise, because of our tacit acknowledgment, as she construes it, that she had permanent rights there?

Gentlemen have been pleased, Mr. Chairman, to consider this question in its bearing upon the peaceful relations of the two countries, and I trust I shall be pardoned if I should so far imitate the example which has been set as to express my opinions on that point. I venture to say that no one would deprecate more than myself a war with England, or with any other power. I trust that I feel a just appreciation of the horrid calamities of war—the effusion of blood it would produce, the loss of life it would occasion, the injury to commerce it would effect. But these are the invariable and unavoidable effects of all war; effects which would be visited on Great Britain in a degree equal, at least, to what we might experience of them. And if the invariable and unavoidable effects of war are to be effectually urged against the maintenance of our just rights, it requires no Solomon to see that these rights are forever to be abandoned whenever their assertion would, by the most remote probability, lead us into a conflict with another people. It appears to me that in ascertaining our rights, and in coming to a determination to vindicate them, considerations of peace or war should not be allowed to exercise a controlling influence. In case of doubt and uncertainty as to our rights, I admit that they should be allowed to turn the scale in favor of a compromise, or, if necessary, an abandonment of our pretensions. But when our rights are "clear and indisputable," as clear as a sun-beam, as we have been taught to regard them in respect to Oregon, it will not do to listen to them, unless we are prepared to deprecate war on any occasion, and for any purpose. It appears to me, sir, that the example of our revolutionary fathers is the only proper one in such cases, and one which recommends itself to our most favorable consideration. When they were about to engage in a conflict with the dreaded power of Great Britain, and that, too, at a time when the odds were a hundred-fold greater against them than they are against us, did they stop to calculate the consequences of the truly appalling contest in which they were about to engage? No, sir. They but satisfied themselves of their rights, and they went ahead to vindicate them, leaving the consequences to Him who rules the destinies of nations as well as of individuals. Their sufferings, and losses, and hazards were far more startling than any that can possibly befal us. Their sufferings were imprinted by their bloody foot-steps on the frozen earth—their loss, if overwhelmed, would have been the loss of freedom—their hazard was that of reaping the death of the traitor, and the ignominy of the rebel—suffering, and losses, and hazards which in no possible event can come to us.

Such was the spirit that actuated our ancestors then, and such I believe to be the spirit by which a large portion of the American people are actuated now. If war therefore should unfortunately grow out of this matter, its responsibility, whatever it may be, whether for glory or for shame, must and will rest upon those who have proved before the American people their clear and indisputable title to the whole of Oregon. Convinced that it is theirs, they will be unwilling to yield a single inch. When required to do so, they will desire to know why it is urged. And what will you tell them? You cannot tell them that our title is involved in doubt and uncertainty; and, therefore, that it is a fit subject for compromise. You cannot tell them that, because you have already convinced them, that our title to the whole of it is clear and unquestionable. It will not do to tell them that the country is poor, not worth having, and that we would make a good bargain to give it away. It could not but occur to them that it would be worth as much to us as to Great Britain. You would have to come out with the honest, bare-faced confession, that you wanted to give it away in order to appease her wrath—in order to avert her power—in order to avoid the conflict with her, which would be necessary to maintain our rights. Such appears to me to be the complexion of the case, so far as regards all those who think our title to the whole of Oregon is clear and indisputable, and are still willing to give up a portion of it.

Now will the assertion of our manifest and acknowledged rights, of our clear and unquestionable title to the Oregon territory, involve us in a war? And here I will take occasion to observe, that what I shall say in this connexion, as well as what has been said by others here, is at best but idle and vague conjecture. I deem this avowal necessary, for fear it may be supposed by some of my constituents that I was in possession of some facts unknown to them, on which I predicate my opinion. For their information, it may not be amiss to state, that I know no more about the matter than what has been published and sent forth to the world, and upon which they can speculate as much, and perhaps more certainty than I can. I will not stop to inquire whether the mere giving the notice is a just cause of war. I consider the notice as preliminary only to the adoption of such measures as may be necessary to maintain our rights, whatever they may be, in the Oregon territory. It is evident that the President so regards it, when he says in his message, "at the end of the year's notice, should Congress think proper to make provision for giving that notice, we shall have reached a period when the national rights in Oregon must either be abandoned or firmly maintained." It is the effect, therefore, of the measures which are to follow the notice, and without which the notice would be an idle mockery, and not of the notice itself, to which we must direct our attention, when arguing the probable consequences of our conduct in this matter. The portion of that territory to which we may lay claim, and the course which we are to pursue in order to establish our exclusive authority in it, are the proper considerations to be taken in the account when we undertake to answer the question whether there will be war. And here I would observe, that my opinion on this question is entitled to but little weight when put in opposition to the opinion of the humblest citizen in this country. Unsophisticated in the arts of diplomacy, wholly unacquainted with the arts of crafty politicians, accustomed to look at things as I see them, and hear them, and read them, and to form my opinion accordingly, it may be that I am deceived by false appearances. But if much that I see, and hear, and read, be not intended for other times—for the year 1846, for instance—if there be nothing of scenic effect in all that strikes my vision, I should say that the prospect of a war between this country and Great Britain, about this Oregon territory, is very far from being visionary and chimerical. I do not say that we are to have it the next week, or the next month, nor perhaps the next year. But if it shall not come before two years, it cannot but be regarded as imminent and impending, for it will take until that time to get ready for it. When I say that the prospect of a war is far from being visionary, I take it for granted that we are to go on for the whole territory—nothing more nor nothing less. A majority of the people are for the whole of it—a majority of their representatives, I believe, are for the whole of it—and the President appears to be for the whole of it; nor do I believe that the President will accept any thing short of the whole of it. Can any person believe otherwise of his views? Sir, I have great confidence in that officer—more than all, I have great confidence in his candor, a quality which has laid hold on the feelings of the people; and which, as much as any other, and, perhaps, more than all others he possesses, has given him an abiding place in the very affections of the people. He declares that our title to the whole of it is "clear and unquestionable." It is true, that in obedience to the actions of his predecessors, he submitted a line of boundary to the British government, which, if accepted, would have given us less than the whole country. But no sooner is the offer rejected, than he instantly puts an end to further negotiation, as if rejoiced that he is rid of the trammels by which he is surrounded; as if glad that he is at last thrown upon his own resources and left to follow the dictates of his own judgment. From considerations like these, I do not believe that the President will accept anything short of the entire country. And if we are to take possession of the whole territory, can gentlemen be really sincere in the declaration, oft made and oft repeated, that we are to have no conflict? Can members bring themselves really to believe that Great Britain will suffer her citizens to be quietly, peaceably, and unceremoniously dispossessed of their present position throughout that whole country, without making any effort to sustain them—without raising so much as her right arm in order to stay the hand of the spoiler? They who thus count upon her tame submission, and most speedy abandonment of her pretensions, seem to have forgotten her pride—her ambition—her avarice for territory. They blindly close their eyes to what the events of the few last years cannot have failed to impress upon the government of Great Britain—and that is, that sooner or later, she will have to strike a blow for even a foothold on this North American continent; nay, that she will have to strike it now, strike it for Oregon, or submit soon to see the sceptre of her power forever removed. If she falter now, her doom is sealed. This she cannot fail to see and to feel, and seeing and feeling it, depend upon it, this taking possession of the whole of Oregon will be no holyday business, as a distinguished senator, [Mr. WEBSTER,] once said, when encountering the popularity and power of the hero of New Orleans. And, sir, if, after notice, we consent to limit our claim by the 49th deg., I still have my fears that even then war is not improbable. I am aware that the press of this country, and the politicians, too, have expressed a *hope*, and many of them a belief, that the differences will all be amicably adjusted. We have also, within a week or two past, heard from the press of the other party, and they, too, express the hope, and most of them a belief, that the two countries will yet peaceably settle their present controversy. This, sir, is creditable to the humanity of the two people. But when the press and the politicians of the respective parties attempt to specify the manner in which it may be peaceably compromised, you at once perceive that their hopes are delusive. On our side the 49th degree seems to be the ultimatum with each party, and with every man. On the part of Great Britain it is the 49th degree, with Vancouver's island and the free navigation of the Columbia. This, sir, is the difference, with some variation, which has separated the two countries for the last twenty-five or thirty years. And the question still occurs, which will recede from its pretensions? Can any one propose that our country shall recede further than the 49th degree? And who can say with any certainty, or probability even, that Great Britain will curtail her demands. The free navigation of the Columbia appears to be the *sine qua non* of all her offers to compromise, and *that* the President has declared he cannot accede to; and for this determination I believe he will receive a hearty and almost universal response from the whole American people. Great Britain may recede, and I sincerely trust she will; but as yet I have seen no evidence of it. Of this I have my fears, and upon these fears rest my apprehension that this matter will sooner or later interrupt the peaceful relations of the two governments.

On our side, also, there is much which has transpired of late which is calculated to prepare the minds of the people for, and to hasten on, a conflict between these two great and powerful governments. Irritation has succeeded irritation, and aggression has followed aggression, until our people seem to be not only ready, but many of them anxious, for a conflict with that haughty power. In the first place, the people of the United States look upon Great Britain as having overreached us in the settlement of the northeast boundary, and that, too, by fraud and imposition. They have not forgotten that her statesmen held up in the British Parliament, before the face of the whole world, a map which was in their possession during the negotiation, in order to show what they had gained over us by management and art, and as an evidence of our ignorance or of our submission. This fact has sunk deep in the bosom of the American people, and disposes them to anything rather than a backing out of their pretensions to the Oregon territory. Her secret and officious interference also with the authorities of Texas, in order to defeat the great project of her annexation to this country, is of too recent origin to have lost any of its stirring and harrowing effect on the public mind. To this may be added her interference with a colony planted under our auspices on the coast of Africa—her claiming, and in some few cases exercising, the right of searching our trading vessels in the Mediterranean—and last, though not least, her avowal of a determination to preserve the balance of power on this continent—a determination which she has already commenced to enforce among the South American states, and which, at some convenient time, if we fail now to act with decision and firmness, she will seek to extend to us. It is in view of all these considerations of aggression on the one side, and of irritation on the other, that I am constrained to say that I have my fears that the peace of the country does not rest on such a sure foundation as some seem to suppose. I repeat it, sir, that my opinion is entitled to but little weight, for after all, it is vague speculation; and I am willing to admit that from my extreme ignorance of the way in which these things are managed, I may be most grossly deceived by appearances. But I agree with the honorable member from Massachusetts, who sits usually behind me, [Mr. WINTHROP,] that we should speak plainly in this matter. Whatever our rights in that country are, I go for maintaining them at every hazard.

But sir, even among those who are agreed as to our right to the whole of Oregon, there is a diversity of opinion as to the best manner of a asserting and securing our rights there. Whilst one portion of its friends are decided in the opinion that we should come boldly out—declare our claims before the world and prepare to defend it if necessary with the strong might of the country's arm—there is another portion who are for leaving it to time and emigration quietly and peacefully to effect the same result. It appears to me that time and emigration have been looked to long enough to adjudge and decide this matter. Twenty-five or thirty years ago, this same matter was left to the arbitrament of time, and it may be asked, what is now the state of the case? Why, sir, we are now further from a decision of it than when it was first submitted to that tribunal. The two governments are actually getting further and further apart all the while in their efforts to bring about a satisfactory adjustment of that matter. And pray, sir, what has emigration done all the while? It too has been tardy and inefficient, and is now altogether hopeless. It is true, that there are now in Oregon some seven thousand Americans, but the time when these seven thousand people went there is an important inquiry in this connexion. I would ask, if it be not true that they have nearly or quite all of them gone there since the spring of 1844, when the democratic party in convention at Baltimore declared our title to the whole of Oregon? and if it be not true, that yet a larger portion of these have gone there since the people of this country, in the great popular election of 1844, ratified and confirmed this declaration? Mr. Greenhow states, in his History of Oregon, that so late as the fall of 1843 there were but four hundred Americans in the whole territory. These, then, are the assurances that have carried them there—assurances that the country was ours, that it was to be taken under our own dominion, and that they would be protected by our laws. Refuse now to give the notice, and thereby manifest a distrust of our title, or a backwardness in adopting measures to maintain it, and you will not only, in my opinion, effectually arrest emigration thither, but that thousands of those who have already gone there will return to the States. Or if emigration shall be continued, it will be limited entirely to the south of the Columbia, and thus will give to Great Britain all that she desires. I must confess, that I have no confidence in the wonder-working effects of "inactivity," whether it be called wise and masterly, or stupid and bungling. It never has done anything either for nations or for individuals. Activity is the main-spring of success and prosperity in all our undertakings. According to the gentleman from South Carolina, [Mr. RHETT,] our revolutionary fathers tried both, and the result of their experiment is a glorious commentary upon the superiority of determination—of firmness, of activity. We are told by him that they endured for ten years the hardships, and oppressions, and exactions of the mother country, before they took up arms to redress themselves; and we are admonished to imitate their patient forbearance. But what did this forbearance effect for them? Inactivity but brought upon them an accumulation of wrongs, an increase of exactions, and an addition of hardships. It was activity—a firm and open avowal of their rights, and a determined effort to maintain them—that worked out a vindication of their rights, and a redress of all their grievances. Let us imitate them in their last resolve—let us declare our right not merely to establish forts and post-routes, but our right to the territory, to the soil—and by the time we shall need them, we have fifty thousand people in Oregon. Instead of seven thousand men, women, and children, we shall have twice that number of fighting-men—men of nerve and skill in the use of the deadly rifle—ready and on the spot to defend their homes and their firesides. But those gentlemen who promise to get for us the whole of Oregon if we will not pass the notice, tell us that their plan will not lead to war. Theirs is the pacific policy, if we would trust to their skill in prophecy. But let us analyze their plan and see how it is to work in practice. They, like us, advocate our right to the whole, and that we shall take possession of it, or encourage our people to do so.

The only difference between us is, that we propose to notify Great Britain of our intentions—they propose to do the same thing without any notice. Well, how do they propose to take possession? Why, by erecting forts, by establishing post offices and post routes, and by extending our laws over our emigrants, and by encouraging them to make permanent settlements in the country, and to reduce and cultivate the soil. And all this is to be done throughout the whole extent from 49° to 54° 40'. To limit these establishments to the Columbia, or by the 49°, is at once to admit that you intend to surrender the balance of the territory. Can Great Britain fail to see in all this a determination to oust her from the country? Is she so blind that she cannot see—so deaf that she cannot hear—so dull that she cannot understand? Think you that our actions will not speak to her louder than any words we could employ? Will not our forts, and our militia, and our farms, and our workshops, speak to her in language stronger than what we can put into any written notice we can serve upon her, and tell her of our determination to appropriate the whole country? And if she is determined to retain any portion of it, will she not prepare to do it at once, at the point of the bayonet, and at the cannon's mouth? To expect anything else, is to calculate largely upon the blindness or tame submission of that haughty power. The gentlemen appear, themselves, to have some apprehension after all that their plan may not work so peacefully and quietly; and they attempt to prepare and reconcile us to the war which their plan may bring about by telling us that it will make Great Britain the aggressor; and they amplify most eloquently upon the manifold advantages of being in the defensive. I am willing to admit that there are great and manifest advantages in being on the defensive in any controversy, whether it be of a warlike or other character. But it would seem to me that no war will possibly grow out of this question in which Great Britain will not necessarily and unavoidably be the aggressive party. Even if the notice is given, and war should ensue, she must begin it. All will admit that we can populate that country more rapidly than she can. The gentlemen who propose to get the whole country, if the notice be not given, count largely if not entirely on our superior advantages for colonizing that country. So long, therefore, as we can do that, and thereby secure by our majorities the control of the country, what more do we ask? What is there to fight for? Nothing, certainly, on our part. Our position would give us every advantage. So far, therefore, as the question of war is concerned, the practical results of both plans would seem to me to be the same. The one may bring it on a little more speedily than the other, but war is as likely to follow the one as the other, and in either case Great Britain must begin it.

I am, therefore, in favor of the notice, because I believe that there is a disposition on the part of almost every member of this House to take possession of some portion of that territory—to encourage our citizens to emigrate there, and to make permanent and exclusive settlements, and to extend our laws and institutions over them. This cannot be done, in my estimation, consistently with subsisting treaty stipulations, until after the notice is given and the treaty abrogated. The notice is the only way in which we can in proper faith rid ourselves of our obligations to Great Britain. And this course is as necessary for those who think our claim does not extend beyond the 49°, as for those who would be satisfied with nothing less than the whole. For the subjects of Great Britain have the rights of ingress and egress and of trade into every portion of the territory—to the south as well as to the north of 49°, and to the south as well as to the north of the Columbia. To curtail or destroy these privileges by any measures which shall operate either directly or remotely to produce such a result, cannot justly be done without first putting an end to the treaty of 1827. And I very much doubt whether we shall be able to get the signature of the President to any laws, the immediate or remote effect of which would be to exclude Great Britain from any portion of the country, until the notice has been first given. Treaties, when once concluded, are invested by the constitution of the United States with the force and name of laws, and by that same instrument the President is bound by his oath to see that the laws are faithfully executed—*faithfully* is the word according to their direction, their spirit, their letter, and in no other way.

Again: I am for the notice, because, if we are to take exclusive possession of any portion of the territory, to proceed with the notice is more open and above board. For us to attempt secretly to get possession of the country, would carry with it the appearance of an effort to deceive—an attempt secretly to undermine, which could really deceive no one, and which is equally against good faith and fair dealing. Our country should always remember to fulfil, with scrupulous exactness, all her obligations—her contracts—all the pledges of her faith, whether they relate to the payment of money, to territorial rights, or to commercial privileges. To keep them to the promise, and to break them in act and in deed, is unbecoming our frank, our manly character, as a people. To proclaim the inviolability of treaties at the same time that we are secretly and sneakingly seeking to empower ourselves to violate them with personal impunity, if I may so speak of a government, is very near akin to that faith which has been ingloriously immortalized as *punica fides*—Judas-like, it salutes with a kiss that it may the more completely deceive and betray.

Again: I am in favor of the notice, because I believe that the giving of it now holds out the only plausible means of preventing a war between the two countries. The postponement of the notice from 1827 to this time has increased and multiplied the difficulties with which the controversy was originally surrounded. And it is difficult to see what else could have been anticipated. For the interests of Great Britain have been and are now daily increasing in extent and permanency, making all the while stronger and stronger appeals to her pride and avarice to maintain them. At first, she had but the moving tent and the temporary stockade. Now, she has the permanent dwelling and the bristling fortifications. At first, she had but the roaming hunter, as wild and unsettled as the game he pursued. Now, she has the fixed agriculturist and the settled farmer. Now, she has there a scattered population. In a few years this population will be doubled, adding constantly and daily to the difficulties of a satisfactory and peaceable adjustment. Never was the application of that holy injunction, to "agree with thine adversary quickly, whilst thou art in the way with him," more appropriate and pressing than it is in relation to this present controversy. Let us profit by it. The notice is all-important as leading irresistibly to a settlement of this matter in some way.

There is still another consideration influencing my mind in favor of the notice, growing out of the history of this Oregon question. In 1816 this question was brought up for negotiation and compromise; and so intimately connected with the peace of the two countries was it then regarded, that its agitation was attended with the most injurious effects upon the commerce, upon the credit, and indeed upon all the various pursuits and interests of our people. In 1827, its agitation was again attended with the same disastrous results. Now, again, for the third time, has it been brought up for renewed discussion in the year 1846; and if we are to credit those who profess to understand such matters, it has again exhibited its galvanic effect upon all the best interests of the country. Postpone it now, and some eight or ten years from this time, if not sooner, it must again come up with all its usual concomitants of panics and depressions. Is it not the part of wisdom to put an end to such a state of things? Do we not owe it to ourselves, and to those who come after us, to arrest this political earthquake, which at intervals has given a shock to all that is valuable in society?

Mr. Chairman, as something has been said about leaders in this matter, and as the gentleman from Massachusetts [Mr.