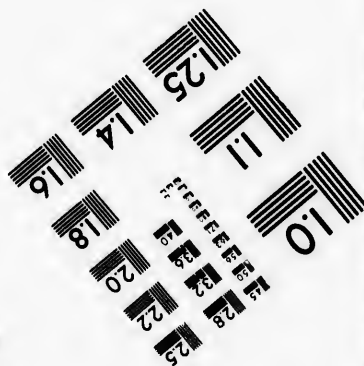
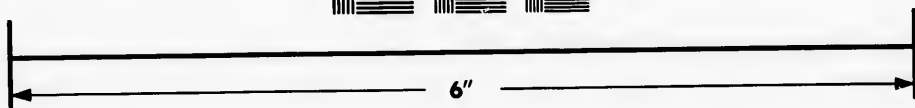
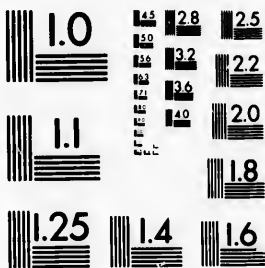


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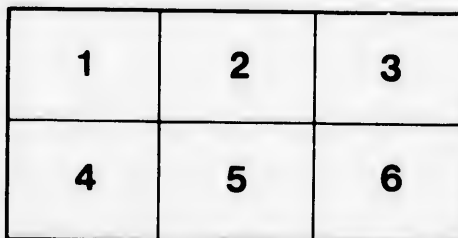
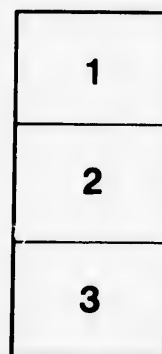
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SPEECH

OF

HON. W. T. COLQUITT, OF GEORGIA,

ON

THE OREGON QUESTION.

DELIVERED

IN THE SENATE OF THE UNITED STATES, TUESDAY, FEBRUARY 17, 1846.

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## THE OREGON QUESTION.

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The Resolution from the Committee on Foreign Affairs, requiring the President to notify Great Britain of the intention of the United States to terminate the joint occupancy of Oregon, and to abrogate the convention of 1827, being under consideration in Committee of the Whole—

Mr. COLQUITT, who was entitled to the floor, addressed the Senate as follows:

Mr. PRESIDENT: Not professing myself to have any knowledge of a private thought or sentiment entertained by the President, which differs from those published to the world, I shall give the measures that he has recommended my support, relying with the fullest confidence on his honesty and integrity of purpose. It has been justly said that no Message which has ever emanated from a President of the people has met with more general approbation. It is dignified, able, and peaceful. All that he has said, and all that he has done, upon the subject of Oregon, has met a favorable response from the public. It would be a libel upon his character, to say, that he does not now consider what he has done, and what he has offered to do, the best that might or could have been done for the interest and happiness of the people. I am not willing that his political enemies should assert, or his political friends insinuate, that he has taken any step that was not duly considered, and which he does not now approve. He is wronged by the supposition, that he is secretly precipitating this country into a war, while all his public communications breathe the language of peace. If war come, the fault will not be his. In what he has done, and what he has offered to do, we have the guaranty publicly made; what he is still prepared to do, and what sacrifices, he is now willing to make; to preserve the peace and honor of the nation. He is no boasting braggart, seeking to win fame by plunging the country into war. The bloody laurel, if he could win it, would ill become his peace-

ful brow; the olive wreath sits more gracefully upon it. He has not been borne to his present high and distinguished position upon the sighs and groans of widows and orphans, which render it necessary to finish his race of glory in blood and carnage. He will do all that can be done, consistent with justice and honor, to preserve peace. This the country expects; this his Message proclaims; and if war shall come, it must come in defiance of his honest efforts to prevent it by every honorable sacrifice. I know that there are misgivings here, and misgivings in the public mind, which have arisen in part from the construction placed upon the spirit of recent correspondence of the negotiators, but particularly from warlike speeches, made by friends of the President, who are supposed to have his private ear and to speak his private thoughts. I raise my protest against such judgment, while the Executive is in daily communication with Congress. When the people shall find his public and his private acts in conflict with each other, characterized by disguise and dissimulation—the President weak and vacillating—driven from his dignified and peaceful position by inflammatory speeches in Congress, it will be time enough to convert public applause into public reprobation.

The spirit, feeling, and character of this debate have been well calculated to make us all duly consider not only the question itself, but what may be the probable result of our final action upon it. The ardent and uncompromising, stimulated by personal courage and national pride, have drawn rich pictures of the future, made us gaze in rapture on our laurelled warriors planting the standard of freedom on the shores of the Pacific, and trampling in contempt the foul pretensions of an ambitious foe. The prudent and the cautious, desiring to abate the kindling fires of war lit up by such flattering presentations of national glory and renown, have reversed



the painting, and make us contemplate scenes of desolation and woe. Ravaged coasts, plundered cities, an exhausted treasury, a subverted Government, have been the figures of the horescope; while we have been made to stand, amid the groans of the dying and stillness of the dead, to look upon the country's flag trailing the dust in dishonor and disgrace. Without permitting my feelings to be spurred on by the untamed ardor of the one, or fettered by the yielding emotion of the other, I shall consider this question in the spirit of firmness and prudence.

Is Oregon, in truth, honor, and justice, a territory of the United States? Is our title unquestionable to the whole country to the 54th parallel of latitude? Is there no encumbrance resting upon it? If we respond in the affirmative to these questions, we impose upon ourselves the necessity of maintaining these rights, regardless of consequences, or subjecting ourselves to the imputation of basely yielding them in terror of British power. Let the question assume as many aspects as it may, the whole controversy settles here: whether there be any doubts as to the strength, clearness, and justice of our title? If there be none, we should support that right, "peaceably if we can, forcibly if we must."

It has been the business of some to describe the commercial and agricultural importance of Oregon; while it has been the task of others to depreciate its value, and represent it as unimportant and sterile. Its value does not legitimately enter into a discussion involving a mere matter of right. If every acre were a garden, every river a stream of wealth, every bay and harbor a safe and prosperous mart for the world's mighty commerce,—if it be not ours, justice demands that we abandon our pretensions. But if our title be clear and unquestionable, unencumbered, to the whole of Oregon,—though it were a waste and rocky desert, scarcely inhabitable by the mountain goat, honor commands us to make no surrender, unless the title first be cancelled by the last will and testament of the Republic. In the discussion of this question, I shall divide the issues which have been presented in the debate. In my conception, blending the question of notice with the asserted claim of unquestionable, indisputable, and uncompromising right to the whole of Oregon, has placed some distinguished statesmen in an improper position before the country. Taking the questions together—notice, and *uncompromising right* to the whole territory, to be asserted now, and enforced hereafter,—leave but the alternative of war, or an absolute surrender for fear of war upon the part of the British Government. Nobody believes that such unconditional surrender will be made; and hence the question of notice by this improper junction, with the assertion of our uncompromising right, has been resisted, and argued as a question of peace or war. Divide these issues, and we can all stand together, the advocates of notice as a peace measure, a measure of unquestionable right, sanctioned by the express stipulation of the treaty itself. The whole controversy, then, upon the decision of which would rest the probabilities of war or continuance of peace, would be, whether our title to Oregon is so *indisputable* that we could not, without a sacrifice of national honor, make

any compromise with Great Britain as to boundary. I apprehend, sir, that when this issue alone is made, you will find the great body of American people in favor of a just and peaceful arrangement. I know that it has been asserted here, and elsewhere, that we must go to war and fight before we give up one inch of Oregon. I appreciate highly that patriotic ardor, which urges onward the citizen and the statesman to the frank assertion of national rights, even though their extended claim should reach the limits of doubt and uncertainty. Their errors are pardonable, if not lovely, because consecrated to freedom; their rashness captivating, because it is the heated outburst of devotion to their country. Their most daring flights of oratory are exciting, because it is the sparkling spray cast beyond its legitimate bound, by the heaving waves of honor and courage. I am in favor of the notice, believing it a right, *unquestionable, peaceful, and necessary*. I am in favor of an honorable treaty, if such can be made, because I do not consider our title to the whole of Oregon so clear and unencumbered as to exclude the propriety of negotiation. To say so, would place me in direct opposition to the wisest and most patriotic men that have ever, by their counsels, given direction to the onward march of the Republic. I have no taste for hearing American statesmen make an argument favorable to British claims upon the northwest coast of America while the tide is in controversy; and I shall make none, I am sure. It is enough for me to offer the best arguments I can favorable to our entire claim; while I am compelled to admit that there are grave questions of controversy which forbid the declaration that our title is too clear for debate, and too indisputable for negotiation. No matter how strong my convictions may be in favor of the validity of our claim, I am too well acquainted with the structure of the human mind not to concede that my own wishes may have influence upon my opinions, and that the interest and wishes of the nation may strengthen the decisions of my judgment. The friends of a claim, whether interposed by individuals or nations, are rarely found searching arguments for its defeat, or giving full force to testimony which contests its validity. There being no arbiter to whom we can submit the decision, upon whose impartial judgment we can rely, Great Britain and the United States stand in the attitude of both judge and advocate in their own cause. In such a contest, we can easily foresee the improbability of an agreement between them, if each insist upon the full extent of the claims they present. Compromise is the only means left for a peaceful settlement, and if this fail, the victor's sword must turn the balance of justice. I should have rejoiced that this Oregon question had been settled by a treaty of compromise; and shall still feel gratified if such shall be its termination. It is idle to boast of national honor, and vainly imagine that it consists in adjusting for ourselves the extent of our rights, and treating with contempt the claims set up by others. In every such contest, compromise is the honorable and magnanimous mode of settlement. In the affairs of private life, he who would refuse a reasonable proposition for settling a dispute, where there existed no tribunal to adjudicate the ques-

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tion, might win for himself the character of obstinate and fearless courage, but would forfeit the prouder characteristics of "wisdom, justice, and moderation."

There are several questions of international law, to expound and determine upon which, our own wise statesmen differ. There are several questions of facts presented, which require careful examination, and upon which honest minds may arrive at different conclusions. Is discovery alone a sufficient foundation for title? If so, must the discovery be made under authority of Government, or is it sufficient to have been done in the prosecution of individual enterprise? Will gentlemen say that these questions are so well settled as not to admit debate? How long after discovery will civilized nations wait for the discoverer to occupy and settle? Where a settlement is made, what must be its character in order that it shall enure to the benefit of that country from which the settler hails? How distant from the located settlement will an unquestionable title extend? Are not these grave questions, upon which wise and patriotic men have and may continue to differ?

The honorable Senator from Indiana [Mr. HANNEGAN] must perceive that he did not touch these questions, in his eloquent speech delivered on yesterday. His argument assumed the question settled; that discovery gave a good title; and sought to prove, that by our own and the discoveries of Spain, the title was in the United States. I shall sustain his assertion by a short argument; and yet I cannot say that the question is settled beyond debate or difficulty, either by law writers or the universal usage of nations.

It amounts to very little that the Senator and I should say, that settlement and occupancy are not necessary to a perfect title, no matter how strenuously we may insist that our opinions are unquestionable and beyond dispute. Whenever the nations of the earth shall constitute the Senator and myself the indisputable expounders of international law, then we will issue authoritatively our opinions, over which none shall dare pass but at the point of the sword. But it may happen that among the many distinguished minds of the past and the present, the Powers of Europe may chance to pass us by as unquestionable authority, and our fixed opinions weigh but little in settling long-contested points of international law. When gentlemen proclaim with so much emphasis that our title is unquestionable, they certainly intend no more than to assert, that in their opinion we have the better title. In favor of our claim, I contend that discovery alone gives us a right to the country. I may be mistaken, for it is certainly controverted, that, since the discovery of America, discovery and exploration secured the title to the nation making it. In the decision of a case reported in the eighth volume of Wheaton, page 464, the learned judge says that "discovery is the foundation of titles to land in America. The nation making the discovery has the sole right of acquiring the soil from the natives, and establishing settlements upon it. With this principle of right, no European Power can interfere. It is a right which all have asserted. The relations which were to exist between the discoverer and the natives were to be

regulated by themselves. While the different nations of Europe respected the rights of the natives, as occupants, they asserted the ultimate dominion to be in themselves, and claimed and exercised, as a consequence of this ultimate dominion, a power to grant the soil while yet in the possession of the natives. These grants have been understood by all to convey a title to the grantees, subject only to the Indian right of occupancy." "The United States maintained, as all others have maintained, that discovery gave an exclusive right to extinguish the Indian title of occupancy, either by purchase or by conquest; and gave also a right to such a degree of sovereignty as the circumstances of the people would allow them to exercise." This I have conceived to be the doctrine of the United States and the nations of Europe. Recognising, as they do, the right of occupancy by the natives, it seemed to me to exclude the necessity of settlement in order to complete the discoverer's title, as between the nations of Europe. Settlement and occupancy would not interfere with dominion and sovereignty, according to this established usage among European Powers. Hence, I had supposed the British Minister did well to place his principal reliance upon the rights acquired by his Government under the Nootka Sound treaty. Whether that treaty was such an one as was abrogated by the war between Great Britain and Spain in 1796, as asserted by our Secretary of State, may afford another point for discussion, and probably of doubt. The convictions of my own mind are decidedly in favor of the American side of the question; and yet I am free to admit that another may very conscientiously differ with me upon the fact. Treaties do not, *ipso facto*, in general become extinguished by war between two Governments. Those treaties particularly which stipulate for territorial arrangements and national rights, are only suspended during war, and are again revived upon the return of peace, unless waived by the parties, or new and repugnant stipulations are made. It depends, then, upon the construction we give to the treaty. Viewing the Nootka Sound treaty as a commercial treaty only, by which commercial privileges were secured to Great Britain, I insist that it was annulled by the subsequent war. But making due allowance for the interest I feel for all that appertains to the growing institutions of the country, I would not say that this opinion is so unquestionably correct, that I would neither admit debate nor compromise. Especially would I express the clear convictions of my own mind with diffidence, when I consider the continued relations that existed between Spain and Great Britain upon the northwest coast of America, and our own treaty made with the latter in 1818, prior to our purchasing of the former her title to the territory. Though the tacit acquiescence of Spain in British subjects acting after the war as they had done before the war, could not revive a defunct treaty, if indeed it had been annulled; yet our seeming recognition of her rights by our own treaty, and our subsequent purchase of Spain while Great Britain was in their unmoested exercise, would at least justify, if it does not require, that we make some sacrifice for a peaceful adjustment. But if the Nootka Sound treaty be in full force, while it constitutes an encumbrance to

our title, it does not, in my opinion, interfere with either sovereignty or jurisdiction.

The arguments contained in the letters of Mr. Buchanan to the British Minister on this branch of the subject are, to say the least of it, *strong* if not unanswerable. Mr. Pakenham did not gainsay their truth nor deign to make to them a reply. That the construction which our Secretary has given to the Nootka Sound treaty, is correct is abundantly strengthened by the action of the British Government, both in the procuring and accepting that treaty. On the 6th of May, Mr. Pitt delivered a message from the King to the House of Commons, in which it is said that "His Majesty has received information that two vessels belonging to his Majesty's subjects, and navigated under the British flag, and two others, of which the description is not sufficiently ascertained, have been captured at Nootka Sound, on the northwestern coast of America, by an officer commanding two Spanish ships-of-war; that the cargoes of the British ships have been seized, and their officers have been sent as prisoners to a Spanish port." "The captain of one of these vessels had before been notified by the ambassador of his Catholic Majesty, by order of his Court, who, at the same time, desired, that measures might be taken for preventing his Majesty's subjects from frequenting those coasts," &c. In consequence of this line of communication, a demand was immediately made by his Majesty's order for adequate satisfaction, and for restitution of the vessels, previous to any other discussion. To this demand, the Court of Spain gave information that these vessels and their crews had been liberated by the Viceroy of Mexico, upon the supposition that the trespass upon the rights of Spain had been committed in ignorance of those rights. In noticing this reply, the King's message declares that "no satisfaction is made or offered, and a direct claim is asserted by the Court of Spain to the exclusive rights of sovereignty, navigation, and commerce, in the territories and coasts and seas in that part of the world. His Majesty has now directed his Minister at Madrid to make a fresh representation on this subject, and to claim such full and adequate satisfaction as the nature of the case evidently requires." The King then proceeds, and asks for a proper armament to sustain him in this movement. It will be seen, that while Spain asserts her exclusive jurisdiction, not only to the territories, but to the commerce and navigation of the seas and bays bordering the entire northwest coast, that neither his Majesty nor the Ministers for the crown seriously controverted this position, demanding only adequate redress for seizing British vessels. While they negotiated for redress, it is true they were careful to obtain something more—not *sovereignty*, however, but the privilege of fishing, *navigating and trading*, and making settlements for those purposes. If the British Government had any covert design of obtaining any title or permanent foothold on the northwest coast, it was concealed from Spain and the world. She had no title, nor does she pretend to have had, anterior to the treaty of 1790. What was the object of this treaty, and how much was gained by its execution? The demand upon Spain was to make full satisfaction for cap-

turing British vessels. The reparation was made, and the treaty executed to prevent future difficulties.

The King, in his address to Parliament on the 26th November, after the treaty with Spain had been executed, speaking of the adjustment of their difficulty with that Government, said: "The objects which I have proposed to myself, in the whole of this transaction, have been to obtain a suitable reparation for the act of violence committed at Nootka, and to remove the grounds of similar disputes in future, as well as to secure to my subjects the exercise of their navigation, commerce and fisheries, in those parts of the world which were the subject of discussion." These were the objects of the treaty, and by which they acquired rights never before claimed by them. On the 14th of December thereafter, an address was presented to his Majesty by his faithful Commons, in which they say, "that they are eager to embrace the first opportunity of offering to his Majesty their cordial congratulations on so satisfactory an issue of the late negotiation, which has continued to these kingdoms the blessings of peace, has maintained the honor of his Majesty's crown, by providing an adequate reparation for the violence which was committed at Nootka, and has secured to his Majesty's subjects the exercise of their navigation, commerce and fisheries, in those parts of the world which were the subject of discussion; and that they observe at the same time, with peculiar pleasure, the happy prospect which is afforded by this amicable arrangement, avoiding future occasions of misunderstanding with the Court of Spain, and of preserving that harmony which must so essentially promote the interest of the two countries."

The objects proposed to be obtained, and the objects confessedly attained by the treaty, made no acquisition of sovereignty or soil. They gained something by the treaty, which was, the uninterrupted privilege of fishing, navigating, trading, and making settlements for these purposes. So well was this understood in the British Parliament, that the opposition members contended that it was a treaty of concessions, rather than a treaty of acquisitions. They insisted that the claim of Spain to exclusive sovereignty was preposterous, and repudiated it, because they denied that *discovery and exploration* amounted to such right. Mr. Fox said, "that the discovery of any place, and making it the possession of this or that King, by setting up a cross, or any other token of having been there, was equally exploded." "That *occupancy and possession* should be considered as the only right and title." Having these views, differing from the opinions I have expressed as to the discovery of lands in America, and differing with his own Government in what they admitted in the discussion with Spain about the Musquito shore, he condemned the treaty as a treaty of concessions. He said, "Our right of fishing extended to the whole ocean; and now it, too, was limited, and to be carried on without in certain distances of the Spanish settlements. Our right of making settlements was not, as now, a right to build huts, but to plant colonies, if we thought proper." "Surely these were not acquisitions, or rather conquests, as they may be consid-

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'ered, if we are to judge by the triumphant language respecting them, but great and important concessions." In the cotemporary debates of Parliament, these were the views presented by the Crown, Ministers, and the Opposition—neither claiming soil or jurisdiction by the convention of 1790.

Another fact, which may give force to this construction, and which affords an argument in favor of the Spanish title, is the universal usage of all Europe, until the sixteenth century. The Christian religion then, as now, had much to do with the law of nations. Spain claimed this entire territory which is now in dispute, by virtue of a grant from the Pope. When the grant was made, not a Power in Europe doubted its validity. All acquiesced in its propriety, and submitted to its binding force. The Roman Pontiff was recognised by all to be the sole disposer of earthly kingdoms. Kings, emperors, and sovereign princes, were subject to this Apostolic Court. Their crowns they received from his hands, and their possessions were held by his grants. From the time when this grant was made to Spain in 1493, until the Reformation by Luther in the sixteenth century, no European Power ever doubted the right of Spain to the country. This question, then, arises: Can England now dispute the validity of a grant which she acknowledged, which all Christendom acknowledged, was valid by the law of nations at the time of its execution? Can she now, because she has changed her religion, annul grants made by the Pope, while she still enjoys dominion derived from the same authority? The conquest of Ireland under Henry II., was made by express grant from the Pope. Being a good Catholic, and the Irish being in their belief infidels, he asks leave of the Holy Father to make this conquest, in order, as he says, "to extirpate the vices of the inhabitants, and bring them into the way of truth." "*Rogavit Papam Adrianum, ut sibi liceret Hybernia insulam; hostiliter intrare, et terram subjugare, atque homines illos, bestiales, ad fidem, et viam reducere veritatis, exterpati ibi plantariis victorum.*"

Ten years after the discovery of America by Columbus, and by authority of the Pope's grant, Ferdinand assembled the most eminent lawyers and divines in Spain, upon the manner of taking possession. It was by them determined, that as soon as they arrived they should require the natives to subscribe to the articles of the Christian faith, and the supreme jurisdiction of the Pope over all the earth; which, if they did not do, they were to be reduced to slavery by fire and sword. The operations of Ojida, under these instructions, as the servant of the kings of Castile and Leon, I need not detail. The validity of such grants was first contested by Elizabeth, near a century afterwards. Mendoza, the Spanish ambassador, made complaints against Drake for sailing in the Indian ocean. To this complaint the Queen replied, that whatever appeared to be taken by robbery, should be restored; but as for commerce in those seas, the Spaniards had prohibited it "contrary to the law of nations." "That she could not persuade herself that they possessed any just title by the Bishop of Rome's donation, in whom she acknowledged no prince in such cases, so as to lay any tie upon princes who owed him no obedience."

If by the Reformation the law of nations was so far changed that grants, which had been admitted valid for almost a century, were no longer binding, it will nevertheless tend to show the true character of the proceedings at Nootka, the cause of the difficulty, and the probable object of the treaty.

Upon the true construction of the Nootka Sound treaty, there is, however, a difference of opinion among our own statesmen; and I must suppose that, if we differ, whose interests are identical, those who advocate an adverse interest will not likely admit my construction unquestionable. But if this construction should be admitted, and the decision should be made in our favor, that neither soil nor jurisdiction were acquired by Great Britain to any of the northwest coast of America by the Nootka Sound convention, still, if the treaty were not annulled, there would at least exist an encumbrance upon the title we derived from Spain. The uninterrupted right of navigating, fishing, and trading, were beyond question secured to British subjects by that treaty. These rights would constitute an encumbrance to our title. To rid ourselves of this encumbrance, we assert that the treaty itself was abrogated. While I take part in urging our claim to the whole country, I cannot, I dare not say that our title is so clear and so unquestionable to every inch of it, that this Government would be guilty of dishonor to compromise the question by negotiation. Let it be borne in mind that the only issue presented, the determination of which must inevitably produce war, is, that our title is so clear, so free from doubt and encumbrance to the entire territory, that we cannot, without dishonor, submit to any compromise. It is true the gentlemen who oppose all compromise declaim, they "wish no war!" "God forbid," they say, "that we should have war!" "But then we must have every inch of Oregon!" "There must be no negotiation!" "No compromise!" "The British must leave Oregon!" "She can't fight!" "We must have it all, now or never!" "We are cowards if we yield an inch!" "And war, war, war to the knife, unless British subjects leave the territory without delay!" And yet they wish no war, and hope for peace. To me, the language is strange and inconsistent. I shall submit no argument adverse to our claims, but stand prepared to urge arguments in their favor. Our rights have not suffered in the hands of our negotiators; they have shown themselves able advocates, and with them, for the present, I am content to leave them.

But I may be permitted to ask, what would be the condition of our Government, in the estimation of all Christendom, if we now publish to the world that no proposition for compromise can be entertained?

The honorable Senator from Indiana [Mr. HANNEGAN] read, for our edification, a few pages from an imaginary history, yet founded on facts, comparing the courage, patriotism, and sufferings of our revolutionary fathers, in their mighty struggles for independence, with those fears and apprehensions, entertained and expressed, of going to war in 1846. He recounted the battles of Lexington, Concord, Monmouth, and other bloody fields, on which were displayed the mighty valor of American arms.

The names of the heroes who fought, and the gallant, who fell, were recalled, to shame the timid hearts of to-day. The deeds of daring in the last war, with the honored names of American commanders at sea, were mentioned by the Senator, to stir up to strife and war the coward blood of degenerate sons. Not feeling myself capable, if I dared, to speak so eloquently of departed worth, I may be permitted to follow in his wake, and give my sincere sanction to his heart-stirring description of their valor and achievements. I concur in the eulogy he has so justly delivered. Every Fourth of July, the orator of independence finds himself cheered on, while he swells the proud anthem of praise to their memory. He is right; we are more able to fight now, and have less cause through fear of war, to yield anything in dread of British power. I have no apprehension as to the courage or ability of my countrymen. They can and will fight, when honor or duty calls them to the field. They will not be found unworthy of their illustrious sires. But when these pages of history to which the Senator refers, shall be read by posterity, has it never struck his mind that an inquiry may be made, what had all this to do with the question in debate? The true issue upon which it seems these chronicles were made was not whether the people were brave and able to defend their rights, but whether the fixing definitely an *unsettled undetermined boundary* between two nations was a proper subject of negotiation. This the Senator denies; and upon it has read us an eloquent chapter, exhibiting the all-conquering spirit of our fathers, that it may stimulate to battle their degenerate sons.

Let me suppose posterity to read the pages of history, which shall record the transactions of this country in reference to the case in point. They will find that, prior to 1790, British subjects were attempting settlements upon a part of the coast of Oregon. In that year Great Britain made a treaty with Spain, securing to her subjects some rights there. That from that period, irrespective of the war of 1796, her subjects continued the enjoyment of those rights. In 1818, the United States recognized the claim by making a treaty with her. That the next year, the United States purchased Spain's title to the territory, while Great Britain was in the possession and enjoyment of those rights. That from that time until 1846, she continued their enjoyment. That during that time, frequent efforts, which failed, were made to define a boundary. This will be a summary of the page upon which may be written the entire transactions. To follow the example of the Senator, I will say that is the first chapter. The second chapter shall be the record of the policy he recommends. It declares, first, that our title to every foot of Oregon is clear and unencumbered, and is not subject to debate. Secondly, that negotiation and compromise will be national dishonor. And, thirdly, that Great Britain must get off at once, without parley or debate, because we are the sons of fighting and conquering ancestors. How will such a history exhibit our justice and honor? How will it delineate the character of a nation, boasting of magnanimity, forbearance, and virtue? No matter how flimsy the British claim; it should be

treated with becoming respect. The action of our own Government demands it. Respect for the best men this country has ever boasted requires it. Respect for ourselves imperatively commands it. Shall we *arrogantly* publish to the people of the United States that they have now, for the first time in thirty years, a wise and patriotic President, backed by an unparalleled Congress; who know their rights, and will fearlessly maintain them? Shall we insist that those great men, whose names are written upon the brightest pages of our country's history, were either ignorant of their rights, or, knowing them, from coward fear, failed to assert them? May not the people pause to inquire, while we are puffing our wisdom and patriotism, who we are that have outgrown the chivalry and fame of the bravest and the best? May they not be rude enough to make odious comparisons between the conduct of their old tried statesmen and the resolves of those who are struggling to clamber into favor? May not such an inquiry excruciate, rather than flatter, our vanity? If we pass by all others, the whole country will grant that there was a Chief Magistrate who presided over the destinies of this country for eight years, whose enemies were forced to admit that his heart never quailed, that his nerves never palsied, in either asserting or defending the rights or honor of the nation. But for the doubts that lung about the question of boundary, it would not have passed his Administration, with British subjects usurping American dominion.

This Government has frequently sought to settle this Oregon question by negotiation. Liberal offers have been made for its adjustment, and met no rebuke from the American people; but now we wish it established that negotiation is dishonorable. The President is to be censured for having made an offer of compromise—censure the most *darning*—by condemning the past, and giving him instructions as to the future. Are the friends of this Administration prepared to pass such censure upon it? Is the country now prepared to reprobate all negotiation, and resolved to settle this controversy in no other way but by an appeal to arms? With due deference to the opinion of others, I think not. An attempt is made to show that the President's opinions and feelings are in unison with those of his friends who deny the propriety of negotiation and compromise. For this purpose they refer to his Message, which declares our title "clear and unquestionable" to the whole of Oregon. They argue, if the title be *unquestionable*, as he asserts, then we are bound to maintain it. They insist on treating this declaration as though the President considered the boundary fixed, run, and unalterably settled. He could not have been guilty of such an absurdity. He could not have intended to be understood, in a strict and legal sense, that our title was *unquestionable*, when he knew it had been matter of dispute and controversy for twenty-five years! It is but the strong language of common parlance—asserting our claim, and his convictions of its justice. His actions are the best commentary upon this language. In order to have an undisputed boundary and preserve peace, he offered to compromise for less than what he considered in justice we had a right to demand. No

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matter what considerations induced him to make the offer, he deemed them valid, and acted upon them.

I should have been glad, had circumstances permitted me, to have confined myself to the only question properly before the Senate—the question of notice. But the efforts which have been made to prejudice the public mind against negotiation, and to condemn in advance the President if he should make a treaty, have rendered these remarks necessary. What I have said in the advocacy of our claim to Oregon has been confined to the right of prior discovery, since by that alone we can urge it consistently to parallel 54° 40'. The other international law questions to which I have alluded, no matter how decided, would compel us in justice to abridge our claim. I give to the Executive an honest and disinterested support—a support connected only with what I conceive to be the best interests of the country. I abominate those attempts which have been made to stir up sectional jealousies, by the ridiculous taunts cast upon the South, charging them with eagerness for Texas, and aversion to Oregon. That man's patriotism is of but little value whose only motive for supporting the annexation of Texas was to gratify the South, or to found a claim for southern aid to carry some other measure.

Texas and Oregon are both national questions, and should be supported, according to our convictions of public good. The boundary of Texas is yet unsettled, and we have exhibited no great impatience to have it settled. The boundary of Oregon is unsettled, and I am anxious that it should be without delay. Let these unjust taunts cease; for some gentlemen who make them exhibited some reluctance to give their support to Texas at a very important crisis.

[Mr. HANNEGAN asked leave to say, that he was gratified to have this opportunity to state his reasons for having supported Texas with reluctance; that Texas and Oregon were both cradled in the Baltimore convention, and that he anticipated a Panic war; that, if Texas was acted upon first, he foresaw how his friends would act towards Oregon.]

I must laud the Senator's sagacity; for, if it were true that Texas and Oregon were both cradled in the Baltimore convention, his foresight would have been as unfortunate as the militia captain's, who halted in sight of the enemy, and instructed his soldiers to march on, give battle, and then retreat; "but, as I am lame, I'll retreat now." Such recant may have exhibited very good foresight, but not patriotism. This sagacity was peculiarly unfortunate, inasmuch as his reluctance to support Texas was before the meeting of the Baltimore convention.

[Mr. HANNEGAN spoke out, saying, "No, sir; no, sir."]

The Senator has forgotten; and the record will doubtless satisfy him of his error.

It is not my purpose, however to bandy words; only desiring to put a stop to such sectional taunts, which "engender strife to no profit."

I will now offer some reasons to the Senate for sustaining the President in his recommendation to give notice for terminating the existing treaty. While the present treaty continues, Great Britain has no inducement to make a treaty for boundary.

She puts up no claim to exclusive jurisdiction, and she can therefore desire nothing better than the existing treaty, which gives her joint privileges with us. But when we speak of giving notice, we are told that we shall thereby close the avenue to a peaceful arrangement, and leave no alternative for settlement but the sword. I do not feel myself capable of predicting what may or may not be the certain result of terminating the treaty; but this I do know, that giving the notice for that purpose is neither a just cause of offence nor of war. It is a measure absolutely necessary for the preservation of peace, or I mistake the probable result of a conflict of interests in Oregon. The present treaty was intended to be temporary. The treaty of 1827 was limited to ten years; the treaty of 1827, to exist only at the pleasure of both Governments. Why was the first limited to ten years, unless the negotiators supposed that a change of circumstances would render it improper that it should continue longer? Why was the last to exist no longer than its propriety was sanctioned by the judgment of both Governments, unless the ambassadors felt uncertain as to the time when a common interest would no longer justify its continuance? That time has arrived, in the opinion of this Government; and, by giving notice, we make this public declaration, and no more. If the two Governments can settle the question, does giving notice interfere with negotiation? This controversy has been continued long enough. If a treaty can be made, is not twelve months a sufficient time for its accomplishment? But the fear is, that we shall excite the ire and arouse the pride of a great nation, and that she will refuse to negotiate. I should certainly very much regret to wake up her wrath, and incur her displeasure; and would vainly hope that she is not so quick tempered as to be offended, when no cause is given for irritation. If Great Britain desires peace, nothing is more certain than that giving notice under the treaty will not offend her pride. We shall do no more than she has the right to do, and what, she will know, one or the other Government must do at some period, sooner or later. If she desires war, this may serve as a pretext for her animosity; and she may, doubtless, with an affectation of insulted dignity, refuse to renew negotiations. I confess I cannot see the propriety of anticipating such fastidiousness, and feel no disposition to honor a temper so whimsical. Great Britain is not yet in the condition of the invalid, related by Mr. Windham, "who could swallow nothing, and even that would not stay upon his stomach;" or to express it more classically,

*Nil habuit Cordus, attamen infelix ille,  
Perdidit totum illi!*

But we are told, when this country shall proceed to assert her rights, that war is the result. To my mind, this argument amounts to this, that the present treaty must be perpetuated, in order to preserve peace; for, according to the argument, notice will produce war, whether given now, or ten years hence. We have had many years in which to negotiate, and the question is still unsettled. Twelve months after notice, with the attention of both Governments called directly to the necessity of an adjustment, is still before us. If a satisfactory ne-



gotiation cannot be made, what guaranty have we that any can be made ten years hence? If, after years of longer delay, and no settlement, we should dare intimate our will to determine the convention of 1827, will not Great Britain have as much right to be offended then as she has now? Will not war be as inevitably the result of giving notice then as it is now? What, then, must be done? Will not future Senators be as anxious to preserve the peace of the country as we are now? Will not war be as desolating in 1850 as it will be in 1847? Will it not be as expensive? Will it not have the same effect upon our form of government? The answer to all this is concentrated in the reply, that, by that time, we shall have colonized the country. Our emigrants will have filled up the territory, and it will be ours by population.

Pass over, for the sake of argument, the conflicts which may arise, and which it is almost certain will arise, between settlers actively seeking the most favorable locations, without any other regulation than claims to be defended by force. Let us examine a moment the probable results of ten, fifteen, or twenty years emigration and settlement. Suppose that the most sanguine wish of the friends of this mode of acquiring Oregon be fulfilled, and that ten years hence we have in that country ten times the number of American citizens that there shall be British subjects: will the contest be thereby settled? Will the question of national right be adjudicated by the number of the population? Will the provisions of the treaty, which are to be continued, be superseded and annulled? Or will this Government then, from a consciousness of superior strength, which she may by this process acquire, claim as a right what she dares not now assert, and resolve to defend? I will not believe that this Government will concede anything from the fear of foreign power, nor will I grant that, having more power, she would not be as generous as in the days of greater weakness. She would not dare claim of Great Britain, if by any process she might have the advantage in position or in power, what she did not unyieldingly assert when the advantage, if you please, was against her. We should, in that event, gain no just advantage by the delay. The whole question would still be open; and the same arguments for peace or war would be tendered to arrest its final adjustment. Thus, I have looked at this question as though Great Britain should close her eyes to our efforts in populating the country. If you can satisfy me that she takes no interest in the bays, rivers, and harbors upon the Pacific, then I may conclude, that while you are *artfully* peopling the country, building forts, occupying posts, and disciplining an army of emigrants for future operations, she will idly, with folded arms, gaze upon the scene, and wait the consummation of your avowed plan of obtaining the country by population. If this plan were to have been adopted, it should have been executed *stealthily*; for, perhaps, British statesmen may profit by this public avowal of your purpose. While our emigrants are going to Oregon, travelling at so much risk through a wild country, and enduring so much hardship, and all at their private cost, it may be that Great Britain, having understood your policy, may think it necessary to pour in thousands

of her starving subjects at public expense. The two governments may make a colonizing war; and I am apprehensive that Great Britain would have the same class of advantages in such a contest as gentlemen suppose she would have in transporting troops and munitions of war.

But has Great Britain at any time needed these promptings of wisdom? Has she been less active than this country in the lauded system of "masterly inactivity?" We are told, that she has the advantage at this time, upon the score of preparation! The very existence of the treaty has, in part, enabled her to throw the mighty energies of the Government to the upbuilding of a company there, that has outstripped and defied your successful competition. If she has beaten you heretofore in that system of policy, which you now publicly pronounce is the wisdom of this country to adopt, can you reasonably suppose she will, for your *special accommodation*, relax her efforts, and permit you to overreach her, in preparing for a future breach. I confess I am a little incredulous as to the soundness of this calculation. In this contest for pre-occupancy, the line will be drawn according to the advantages at present possessed. It will be unpleasant, if not unsafe, for an American citizen to locate north of the Columbia; he will be surrounded by foreigners; and, as a matter of convenience, comfort, and choice, he will settle among his own countrymen on the south of that river. Ten years hence, the river will be the dividing line, if this controversy is to be determined by emigration and settlement.

No advantage can or will accrue to this country by continuing the treaty. The pretensions of Great Britain are growing stronger by age. The strongest and most plausible argument offered by her Majesty's Minister now, for a partition of the Oregon territory, is, that by *your own treaties*, you have allowed them *equal privileges* there, and that you have sanctioned for years an equality of rights to that territory. In vain are they told by American statesmen that title and sovereignty were expressly left undetermined. They reply, it is too late, after having admitted them to equal rights for a quarter of a century, to deny now that they have any rights to the country. This is the argument, and upon it base a proposition to run a line giving up to the British Government the most valuable part of the country.

If length of time is now the argument offered as a reason for dividing the country, the sooner we terminate this copartnership the better. By so delaying notice until the close of a colonization war, greater demands will be made, and large concessions must be granted, in order to escape the horrors of war.

It is said, with great emphasis and confidence that Great Britain will not be enabled to colonize Oregon. That our western pioneers may be better suited to this region than British subjects, shall not dispute; but that Great Britain cannot colonize Oregon, I am not prepared to admit. It is an assertion which can only be tested by time and effort. In the mean while, our rights are to be held in abeyance till the solution of the problem. I am free to admit, that we may have war, after the expiration of the notice, unless the question

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shall have been settled; but I feel still more confident, that war must result from a continuation of the present treaty. It is not in the nature of things, that with rights in common—no fixed homes, or settled titles to property; with a double-headed Government, or no Government at all—peace can be long preserved. But suppose war come: shall we refuse to exercise an undoubted right, in itself legal and peaceful, for fear that a grasping, avaricious neighbor may take offence, and compel us to engage in a war? Is war but a pastime amusement with Great Britain, that makes it necessary for us to be careful lest she invite us to this her holiday sport? Has she less horror for its desolations than the United States? Has she an anxiety to engage in such a conflict, with her oppressive debt, her tax-impooverished subjects, and her millions of restless, grumbling, down-trodden people? Sir, I think not. I believe that Great Britain has us much to lose by a war as we have; that a field of carnage is as appalling to the sensibilities of an Englishman as an American; and conclude, that if we *reluctantly hazard* a mere prospect of war for the maintenance of our rights, she will not anxiously seek one to enforce a wrong. The fear and strength of her arms, coupled with the sagacity of her statesmen, have made an island, through its commercial system, the colossal power of the world. I cannot believe that her wise and prudent statesmen will readily hazard, in a war with the United States, the very pillar of her greatness. Strip of her commercial power, and she sinks at once to a rank with Corsica. In a war with this country, no matter how much we may suffer, she must feel its effects through every avenue of her interest. Her manufactures will be paralyzed, her exchanges arrested, her social order disturbed, her fundholders ruined, capital diminished, and her eminent artists forced to seek employment in other parts of the world. The internal industry of the kingdom, destitute of those necessary supplies which this country alone can furnish, will fail to supply those cargoes for her commercial fleets which constitute her revenue, her riches, and her power. Great Britain cannot desire a war in which she must lose much, and can, if eminently successful, gain but little. I apprehend no war. Commerce and free trade will prevent it, if nothing else.

It is not only the policy of the United States to avoid war, but peace with all the world is the very genius of our Government. But while we justify, and discharge firmly our duty, we have no necessity to be alarmed about offending the pride and provoking the wrath of any Power. Oregon we claim as ours, and desire the boundary settled. We are anxious to facilitate the enterprise of our citizens in planting firmly there the standard of freedom, and of unfurling her flag on the bays and harbors of the Pacific. While European Governments are publishing their edicts about balance of power on this continent, we should scan with care the situation of our own Republic. The extension of our laws and institutions, if they were spread over this entire continent, should be no cause of alarm to a single nation of the earth. With free and liberal commercial arrangements, the whole world would receive the benefit. The lesson taught by

our own Revolution should instruct England that the commerce of a nation of freemen is of far greater value than a country bowing beneath the fetters of colonial vassalage. She ought to hail with joy the onward march of our Republic, the progress of free-trade principles, and the establishment of our institutions throughout the continent of America. Not a nation on earth will suffer peril from the enlargement of our borders. We wage no war upon their forms of government, while their prosperity will be increased by the industry and energy of a people stimulated to effort by a consciousness of freedom.

Notwithstanding the advantages that would accrue to England and the world from the progress of our Government, her ambition, coupled with the aunts of our statesmen, may induce her to wage a war for a doubtful right in Oregon. While the lending monarchies of Europe are careful to preserve the balance of power, it is important that the United States should assert all her unquestionable rights, and drive back every unjust encroachment upon our borders.

I foster the American feeling so well exhibited by the honorable Senator from Ohio, [Mr. ALLEN,] that rebukes any farther European colonization upon any portion of the continent. While wisdom and true policy may forbid speaking in the authoritative language of legislation, the ardor of my feelings in opposition to European interference in the affairs of either North or South America, their suppression but strengthens the resolve to assert fearlessly every right which justice and honor will approve. For more than a century England has been seeking to establish her dominion in various places in South America. Though often frustrated, she has never abated her desires nor relinquished her hopes. Every position she could command, bearing immediately or remotely upon the commercial interest of Spanish America, she has occupied, or attempted to do so. Her whole policy has been unceasingly directed to the augmentation of her commerce, whether conducted under the garb of philanthropy or the bloody auspices of war. Spain, that was once the clothier, the armorer, and mighty arsenal of all Europe, has been, by British alliance, British negotiation, and through fear of British arms, reduced to the condition of Naples. Her looms and workshops fell, her navy was shattered, and her commercial power destroyed, to prevent her rivalry in English enterprise. English blood and treasure were lavished in the Peninsula, but to destroy her wealth and her power. Under the garb of friendship she kept Spain under the dominion of Ferdinand, as the surest guaranty of the nation's wretchedness and imbecility. She has been persevering to carry out on this continent her successful policy in the East. She entered India with a cargo of haberdashery; in thirty years made herself an armed ally, and, in less than seventy, became the undisputed sovereign of one hundred and thirty millions of people. Fostering missionary societies, encouraging the Bible cause, furthering the views of abolitionists for negro emancipation; she lent her aid to the Barbarian Moslems to repress the struggles of Christian Greece. Under the kind pretext of protecting the Cephalonian Isles, she held a posi-



tion on the borders of Greece, to keep open to her commerce the strait of the Bosphorus, to shut out Russia from the vast basin of the Euxine, and to be enabled, by passing through the Propontis, to give law to the Grecian Archipelago and the Mediterranean coasts. Reckless of their boasted love of liberty, in defiance of every feeling of philanthropy and Christian charity, at the sacrifice of all, to cripple the rivalry of her commerce, the naval power of Greece must be confined by means fair or foul within the Pillars of Hercules. Russia must tread lightly upon the soil of the Turks, and listen respectfully to the British Minister at the Porte, while he declares that Great Britain will not be an indifferent spectator of an attempt upon Thrace. The nefarious plans of Miranda, and the proclamation of Picon, stirring up Cumana and Caraccas to revolt, are strong testimonials of her unscrupulous designs to have power and control in South America. The present interference in the affairs of the Argentine Republic is but the renewal of a determination to carry into effect a policy, in which heretofore she has been but partially successful. While she was cunningly courting and conciliating Spain, she was urging Chili to revolt, with the hope of independence. Secretly controlling, or giving tone to the councils of Madrid, her generals were engaged in destroying Spanish authority at St. Jago, Montevideo, and Buenos Ayres. She sought then, and still seeks, to establish great bastions on the borders of the South American continent, by which she may command the commerce of the entire coast. Why her present armed interference at Buenos Ayres? Can there be a justification formed, by which she can stand excused in the eyes of the civilized world? And yet everything must bend to the benefit of her commercial policy. With the Archipelago of Chiloe as a safe rendezvous in the south and west Pacific; with Trinidad and the mouths of Orinoco and Maragnon on the east and northeast; with Montevideo and Buenos Ayres on the southeast, as points of surveillance; with the Gulf of Paria and the sea to Cape Verde on the north; with Panama and the Bay of Honduras on the west,—she will have possessed herself of the most important commercial positions on the flanks of the continent. It matters but little, whether all these points be included in her domin-

ions or become dependencies on her guardianship; the same object is accomplished, and the same results must follow. Her efforts to prevent the annexation of Texas to the United States, by becoming the mediator with Mexico for her independence, and placing the gallant little republic in a state of wardship, are all manifestations of her mighty and unscrupulous efforts for commercial greatness and power. I will not now speak of her indefatigable labors to obtain commanding influence over the counsels of Mexico! Amid all the convulsions and revolutions of that distracted republic, she has pressed her influence to profit by its vicissitudes. With the Senator from Ohio [Mr. ALLEN] I feel much; and the whole country must feel, while these great projects are in a train of complete execution upon our borders. It is impossible to look with indifference, while the chains of kingly power are drawn around the arms of freedom. Is it a time to parley about the assertion of unquestionable rights, lest we provoke the wrath of that terrible power, "whose morning drum beats round the world?"

We must not, we will not falter in taking every justifiable step to prevent and defend our own. While we refrain from thrusting ourselves into the difficulties of others, the best feelings of our hearts, and our strongest sympathies are awake, to the wrongs of a sister republic. With these feelings swelling the American breast, we are not likely to be more forbearing as a nation, nor more yielding as a Government, than honor, and a proper regard for justice, will require. We will give the notice, and leave the negotiation with the proper authorities, confiding in their ability and willingness to preserve the honor of the nation. There are but few people in the United States who desire peace at the sacrifice of national honor; and none, who wish war, for the sake of exhibiting our prowess in arms. The more just and liberal the Administration shall be found, in its efforts to preserve peace, the more will the affections of a virtuous people elude in confidence around it. But when all shall have been done which duty and honor require us to do, if Great Britain exacts more, thousands of swords will be found glittering in the uplifted hands of a brave and determined people, to light us in safety through the darkness and desolations of war.

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