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SPEECH

OF

HON. WILLIAM H. HAYWOOD,

OF NORTH CAROLINA,

ON

THE OREGON QUESTION.

DELIVERED

IN THE SENATE OF THE UNITED STATES, MARCH 4 & 5, 1846



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## THE OREGON QUESTION.

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The Joint Resolution for giving the notice to terminate the convention between the United States and Great Britain relative to the Oregon Territory, being under consideration—

Mr. HAYWOOD addressed the Senate as follows:

MR. PRESIDENT: The subject before the Senate is an important one. Viewed in connexion with the topics that have been brought into the discussion of it, it is one of momentous interest; and I confess that its magnitude oppresses me. My want of experience in political affairs naturally made me reluctant to enter into it as a speaker, when I must necessarily feel, in addition to the high responsibilities of the occasion itself, the embarrassment of addressing those who are my seniors in age and in political knowledge. Besides, I have thought that a *silent* vote, could it have been obtained, would be much more imposing. But the occurrences of the last few weeks have left me no choice. Silence would now be a compromise with my conscience and my duty to the country, and I must speak. It will take me some time, but I throw myself upon the patience of the Senate, with a pledge that my heart shall be opened sincerely, at this the council board of our common country; I have no actions of the past to explain, and no aspirations for the future to restrain me; and if God gives me strength and utterance for the work, I will do my whole duty according to my poor ability.

The President of the United States, who is authorized by the Constitution to make, but not to unmake treaties, has a negotiation on foot which was commenced or opened before his term of office began. The object of it has been to fix a line of division by compromise between the United States and Great Britain, and thereby to adjust the conflicting claims of the two Governments to the territory lying west of the Stony mountains, commonly called OREGON. I assume for the present—hereafter I will demonstrate—that in the view of our President, as well as the British Minister, the negotiation is still a pending one. The assumption is warranted by every incident of the subject in this country and in Great Britain, except the absurd conclusions and unauthorized constructions given by some of my own party friends to the Message

of the President. And it is confirmed beyond all fair doubt by the *silence* of the President upon that point, when, *if the negotiation had terminated*, Executive silence would be unpardonable—the more especially as *his* jurisdiction over the subject will cease the moment negotiation ends. The negotiation once closed, concluded, put an end to, by the Executive, and all the remaining questions about OREGON will become forthwith subjects of legislation by Congress exclusively.

But to proceed. At the meeting of Congress in December, the negotiators of the two Governments had been unable to agree upon a compromise of their conflicting claims, and the President, believing that, under the existing convention of 1827, the United States cannot “rightfully assert or exercise exclusive jurisdiction over ANY PORTION of the territory” without giving a year’s notice, declared to Congress that, in his judgment, it would be proper to give the notice; and thereupon by his Message he recommended that provision be made by *law* for giving it accordingly, and terminating “*in this manner*” the convention of the 6th August, 1827. This then is the question: What shall we do?

The Message of the President was accompanied by a copy of all the correspondence which had taken place in the negotiation; and we have subsequently been furnished, by our request, with such further correspondence as had taken place in it up to February, 1846. In the meanwhile, various propositions in the Senate, emanating from individual Senators, but *not from the Executive*, have been offered and proposed; and it is true, as some honorable Senator said the other day, that we have exhibited the singular spectacle in this Capitol of a discussion by Congress with open doors of nearly all the foreign affairs of the nation, and more especially of our affairs with Great Britain upon this very subject of the Oregon territory, although, at the same time, negotiations have been going on at the Executive department with the British Minister; and it was rather intimated than charged, that the President was to blame for it. Now, in the spirit of kindness which characterized this complaint, suffer me, a friend of the Administration, to answer why I do not concur in it, and how I suppose the sending of this correspondence here may be vindicated.

The President, believing that the convention of

1827 had better be abrogated, we know that he could do that in either one of two ways, but in no other. Either he must get an agreement with Great Britain to abrogate it by mutual consent, and then Congress need not be applied to at all: or he must get the mandate of a law, authorizing him to give a year's notice. The first mode was not attempted.

The other manner of doing it is by a law of this Government; and the President recommended to Congress—Congress alone being competent to enact it—that provision be made for giving the notice accordingly, and for terminating, “in this manner,” the convention of 1827. Can it be said that the President erred in choosing “this manner” of terminating the convention, it being the only mode by which that object could be legitimately accomplished without closing his negotiations for a compromise? The complaint against the Message implies he had no intention to do that. It being indispensable to apply to Congress for a law to give the notice, was it not both proper and necessary to communicate to Congress everything that had taken place in the negotiation, as far as it had progressed when the President made his recommendation?

The case is a peculiar one; but that peculiarity did not arise out of anything that this Administration has done, but altogether from the convention it is desired to abrogate, and the limited constitutional power of the American Executive. Look to the Message itself, and you see nothing in it either more or less than what the President was, in a great degree, obliged to disclose to the legislative department under the peculiar circumstances of the subject. That Congress might determine this question of notice, they must know the state and condition of the negotiation. They would know that best by sending up all the correspondence; and in order that they might see and judge for themselves, the President communicated to Congress the whole correspondence which had taken place. He has done no more, and he is responsible for nothing more.

Had he any right to suppose that this would be made the foundation for violent invective and irregular discussions, and for all the propositions that have followed it? If he had apprehended any such consequences, would that have authorized him to withhold the recommendation of a measure of legislation which he deemed to be essential to the interest of the nation, and which he may have supposed to be important to the peace of the country? Upon making such a recommendation, how could he conceal the information that was necessary to aid Congress in considering it? Had he any means of fore-seeing that this simple act of necessary duty on the part of the Executive would be perverted into an occasion for debating, not the question of notice or no notice, which properly belongs to the Legislative department, but also our negotiations with Great Britain, when her Minister is in the city and even in the lobby of the Capitol, and our foreign relations and our grievances, real or supposed, with all the kingdoms of the earth, which legitimately belong to the Executive department? Perhaps, he felt a strong reliance upon the prudence, moderation, and wisdom of Congress—the assembled Representatives of the people and the States—and hoped that they

would in such a case talk less, but deliberate and then act. Perhaps he thought that, upon a question of this kind, the necessity he was put under to disclose what was done by the Executive before he had terminated negotiations would hardly be made a pretext for snatching negotiations out of his hands, which he did not recommend, instead of enacting a law to arm him with a notice that he did recommend. How far he was mistaken, if he did so feel and so think, need not be said to this Senate. The events of the last few weeks speak for themselves. Believing that, so far as the President has been concerned, the British Government has got no advantage of us, I confess I did feel mortified in reading the news by the last steamer at the necessity of conceding to the debates of the British Parliament a decided superiority over those of ourselves in their dignity and moderation; and it would be quite a satisfaction to me to get news by the next packet of an outrageous debate in the British Parliament; at least sufficient to put us even with them on that score. I cannot help wishing it may be so.

[Some Senator: “’Tis likely you’ll be gratified.”]

But surely the fault is not altogether that of the President. Had he known ever so well that his recommendation to legislate, if Congress saw fit, so as to help his progress in negotiation, would be misconstrued into an invitation for all sorts of interference by Congress with the more appropriate duties of the Executive, he would hardly have been justified by it to omit all or any one thing which he has done. He has, as I understand his Message, but done his duty, and no more, and he dared not do less. I hope Senators will see in all this an excuse, for the President, if they do not find in it a justification, for his Message to Congress communicating the correspondence with the British Minister. That the President sent this Message to Congress might be excused indeed for other reasons, without a heavy tax upon our charity. He was bound to presume that Congress are wise and prudent legislators; that they would say nothing to embarrass negotiations unless Congress really wished to defeat negotiation; and even in that case, he may have thought that, as by the Constitution treaty-making belonged to the President under the advice of the Senate, his own “friends,” without any recommendation from him, would long ago have proposed and voted directly “that the President shall be advised by the Senate that he is mistaken in supposing the nation committed itself to any compromise, and that the negotiation upon that basis ought to be concluded, if that indeed be the decision of the people.” That would be DOING something.

I do not affirm that the President thought all this, or any of it. Yet another thing has struck my own mind with some force, and possibly it might not have been without its influence upon the President. When he came into office, he declared his belief that our title to Oregon was “clear and unquestionable.” In prosecuting the negotiation, he found it to be his duty to offer a line of compromise at 49, and to give up James K. Polk’s opinion to the President’s obligation to preserve national honor. From some cause or other the public mind had been pre-occupied with the belief that this offer had not been made by him. But as it

had been made, the President might have felt, and probably he did feel, a solicitude at the meeting of Congress to tell the whole—to let out the *secret*—and to prevent, if he could, clamors or calumny upon the subject. Had the President dreaded the same clamors, and sought to avoid, by such a disclosure, denunciations like those which have been unceasingly poured out upon the heads of the great men who negotiated and voted for the Washington treaty, I am sure the Senate would not blame him much for it—not *very much*. That Washington treaty seems to have become a favorite hobby. Perhaps it is to be kept going until it can get company. It may be that the President did not wish to furnish the companion for it by keeping his “friends” unapprized of the important fact that he had offered a compromise. I should not wonder at it, if he did not. As it is, that thunder will all be spoiled, as far as *concealment* goes.

I have seldom heard a discussion, Mr. President, about our territorial rights in any quarter, that BENTON'S speech against WEBSTER'S treaty was not re-produced. A new edition of an old speech, abridged to be sure, but not improved. Our politicians seem determined to convince the world abroad, and the people at home, whether or not, that our nation is always overreached, cheated, and disgraced. But why do this, if at all, long after a treaty has been solemnly ratified by a vote of 39 to 9! in the American Senate? Let not Senators give their aid to it, I say, as we love one another or the country. I utter no complaints against the speech itself of my honorable friend from Missouri, [Mr. BENTON.] Like everything else that comes from him here, it was eloquent. It was in season and at the right time when he made it. The occasion which called it forth has now passed, and along with it the strong excitements under which the speech was made. The constitutional authorities of the Government overruled his objections, and it is no disparagement to the fame of the speech or of that Senator to believe that his noble and generous heart would be able to see now (and his manly character would let him own it) that there was quite enough of invective and suspicion in the speech when it was made. I know not how he feels under its repetition, with or without notes, but I have admired the patience of Senators implicated by denunciations about the Washington treaty, and wondered how they could silently endure it. Certainly, when such things are introduced *here*, they are in exceeding bad taste, and very like what a venerated friend of mine used to call the dullest thing in the world to listen at—“*old psalms sung over dead horses*.” Out of the Senate, it is the game by which great men of this nation are to be killed off, and more room left for exalting *little* men to *big* offices.

But, Mr. President, let all this be as it may, and let it be right or wrong in the President to have sent his Message, and the information in it, to the Congress of the United States: he has done it—the act is past recall. The subject is before the Senate, and with all its embarrassments, it has become necessary for the Senate to act upon it, and, in my judgment, the sooner we do that, the better for the country.

In order to act aright we must look to the President's Messages, and see for ourselves what po-

sition he occupies. I agree entirely with some other Senators that we cannot take our position upon this question of the notice until we see the position of the President. See it, I mean, with a reasonable certainty; as positive certainty cannot be arrived at, and cannot be expected. If he means to negotiate for a compromise, or if there be a *pending negotiation*, it would be unwise, unprecedented, and indelicate, for the President, either himself directly, or indirectly through another person, to declare beforehand any determination of his own mind upon questions to arise in the further progress of such a negotiation. I shall, in justice to him, have occasion to point out to the Senate hereafter how I think this silence—this necessary silence—proves almost of itself that his “thoughts are turned on peace.”

But what is the position of the President in this negotiation? About it there would be less doubt if there had been less effort to assign the President an extreme position, and a false position. What say the “records?” Where does he stand? We must see before we fling him the notice to terminate the convention of 1827.

First, we all know that the President—whose assent is indispensable—will not agree to an *arbitration*. I do not stop to defend or to accuse him for this; it belongs to some other occasion. If, in the Providence of God, this Oregon controversy should terminate in a conflict, the responsibility of having rejected *arbitration* will be a fearful one, and he will have to meet it. But the responsibility has been taken by him. The Senate, therefore, must now proceed upon it as a fact, a “fixed fact,” that arbitration is out of the question. We cannot help it if we would, and I owe it to candor to say, that *I would not if I could*.

Well, then, we have seen in his Message that Great Britain made an offer of compromise, which was rejected by the American Government, in August, 1844, and the President has informed Congress plainly and distinctly that this British proposition to us cannot be entertained by him, but that it is “wholly inadmissible.” So far there is no difficulty. Everything is plain and directly to the point, as it ought to be.

Next, we are informed by the Message that the President himself made an offer to Great Britain by which the territory of Oregon between the parallels of 42° and 54° 40' was proposed to be divided by a *compromise on the line of 49°*, and that the British Minister rejected it without submitting any other proposition, &c. This offer of our President was made on 12th of July, 1845—refused on the 29th of the same month. But on 30th August, 1845, the President withdrew his *rejected* proposition, and reasserted, by his letter to the British Minister, our claim and title to the whole of Oregon—which letter has not been answered!

The President does not say that the negotiation has been abandoned, nor that it will be concluded by him without waiting to receive another offer. No such thing. He does not inform Congress that he will or will not *renew*, or that he will or will not *entertain*, his own offer, which he adopted as that of the nation, for a compromise. I repeat, that it was, under the circumstances, impossible for him to do that, provided he considered compromise still ADMISSIBLE. But he does say that he has receded, notwithstanding his opinion as to title, to



the line of 49° as a *compromise*, and his reasons for it are given—reasons quite as conclusive in favor of *accepting* the offer now as they were for *making* it last year! And as I understand the President's position, he stands this day upon that line of 49° as a *compromise*, if COMPROMISE is to be had. Once for all, let me explain, that when I have spoken or shall hereafter speak of the "*compromise line of 49°*," I do by no means intend to be understood *literally*. But I mean that line in *substance*—not "*every inch*"—I mean the same compromise *substantially* which this Government has frequently offered without regard to slight variations; which may be left for settlement by "*equivalents*." I do not measure my own or other people's patriotism by the "*inch*." I shall not recognize that measurement in deciding upon the merits of the Administration or the wisdom of a treaty—not at all, at all.

Mr. President, *I disavow any authority to speak FOR the President*. I have already said that he could not speak for himself, nor authorize another to *speak* for him, so long as negotiation was pending, or not concluded. Oh! I wish it were so that he could speak out. But I must be allowed to *speak* for myself since the Administration has been so perseveringly put where I ought not to stand by it; and I will dare to speak to the President, and of the President and his Messages, from my station upon this floor, as I judge him and them. And I say, in answer to certain Senators of my party, that the President did right, exactly right, in continuing this negotiation for a compromise which he found on foot, and in renewing the offer of 49° as a line of compromise. And in reply to them further, I say that he ought not, and my convictions are as strong as death itself that he cannot, will not, disgrace himself and his Administration by refusing his own offer, should it be returned upon him—refusing, I mean, to *entertain* it; repulsing it, and rashly putting a final termination to his negotiation for a peaceful compromise; and madly forcing his country into a war, without even consulting his constitutional advisers, the Senate; who are this day assembled. Yet that is said of him day after day in this Senate. *A war for what? Why, Mr. President, a war between two great Christian nations upon the meaning of the word settlements in the Nootka convention!* A war, perhaps, of twenty years, to determine which of these Christian Governments shall enjoy the privilege of cheating the poor Indians out of the largest portion of Oregon. No, sir; no, sir. The President will not do that. As he loves his country, and values his own fame, he dare not think of it.

But I have said the President did right in offering a *compromise* of this controversy. Other friends of the Administration have said he did wrong, particularly the Senators from Ohio, [Mr. ALLEN,] Indiana, [Mr. HANNEGAN,] and Illinois, [Mr. BREESE.] Friends and enemies, (if he has an enemy here,) will you hear another friend in his defence? It is a serious charge, if it be true. What are the facts? Let him be tried by these, and there can be no doubt of the decision. Hear them.

He found it in our own history a fact, an undeniable fact, that, so long ago as forty years, in negotiations between this Government and Great Britain, the United States had maintained and asserted that the true line of our national rights, west of the

Stony mountains, was at the 49th parallel on the north, in virtue of the treaty of Utrecht, and of our treaty with France in 1803. He found that it was urged by our Government upon the opposite party as a fact, too, that commissioners had been appointed to designate the line west of the Stony mountains, constituting the south boundary of Great Britain and the north boundary of France, who sold us Louisiana; and that that line had been settled at 49°; and this fact was assumed as the basis of very important negotiations at that time in progress between us and Great Britain. He knew that this was in the days of Jefferson and his compatriots.

*Nobody, I believe, ever suspected Jefferson of being "British!"*

He found that, in subsequent efforts to adjust this long-pending controversy, to wit, in 1817, the American Government had proposed this same compromise line at 49° (substantially, I mean, not in all its details.) And although our Ministers were instructed to insist upon it, they were unable to get the consent of Great Britain; and that negotiation finally terminated in a convention for what we call a joint occupancy of the whole territory, entered into, I believe, by our request, and certainly done with our consent, which convention was to continue for ten years, and no longer. That convention was sent to the Senate, with all the correspondence, and it was ratified and approved by a vote of ayes, 38; noes, none—all "*British!*"

He found that this convention was not satisfactory; but the Government of the United States grew anxious to settle and adjust the line of division between us and the European Governments claiming territorial rights west of the Stony mountains. Russia and Great Britain both asserted rights there. Russia furnished pretty strong signs of the Emperor's intention to maintain hers against all the world. The American Government, (after a long delay, growing out of our policy towards Spain, whom we did not wish to offend by setting up our claims prematurely,) finally acceded to a proposal of opening negotiations with Russia and Great Britain about 1824, for a line of compromise. Our Ministers were instructed to get this line adjusted upon a compromise with both nations at the 49th parallel, and we hoped at one time to unite Great Britain with us against Russia. But Great Britain, although a "joint occupant" with us, managed her diplomacy better than that, and after the United States had agreed with Russia to abandon all our rights, viz: "not to settle" north of the parallel of 51° 40', his Majesty the King of England, &c., made a separate treaty with the Emperor of Russia, and took to himself a large share of what we had surrendered! [Our 54° 40' friends ought to go for it all back again, according to their doctrines, and perhaps England, with Russia to help her, would favor us with a fight, and that's something.] In our negotiation of that convention with Russia, and in our attempts to negotiate at that time with Great Britain, the American Government yielded up her claims between 54° 40' and 61° unto Russia. (What an unconstitutional and disgraceful dismemberment!) And the same old compromise line, substantially that which the President re-offered in 1845, was tendered to Great Britain and declined—urged and refused! [How



one's *American* blood boils at the thought of ceding an inch!] The treaty with Russia, which, in the view of Senators, so dishonorably and unconstitutionally dismembered the national domain, (for the benefit of crowned heads too!) was submitted to the American Senate, and, *with a full knowledge of the correspondence*, the Senate approved it all, by a vote of ayes, 41! no, 1!

["Who was it?"] exclaimed several voices. "Where was he from?"]

*Ans.* Rhode Island. His name was D'Wolf. All "*British*," save one!

In passing, the Senate will suffer me to say that this treaty with Russia was made within the very year succeeding the famous declaration of President Monroe's Message against new European colonies on this continent! Made by him. It is of itself a contemporaneous construction of the meaning attached to that declaration. Attention is due to the names of the FORTY-ONE Senators who approved of it! There are illustrious names in that list; but I have not time to go into such details; and if I had, the Senate would hardly have patience to hear me through.

The President further found that our impotency to fix upon the line of 49° as a *compromise* was again manifested as soon as the convention of 1818 was likely to expire; and that, in the correspondence preceding that identical convention of 1827, which it is our present wish to abrogate by a notice, the American Minister was instructed to adjust the controversy at this same line of 49°; and the convention was made *only* because that *compromise* line could not be got. That correspondence also was laid before the Senate along with the convention of 1827, where, in despite of the opposition of my honorable friend from Missouri, [Mr. BENTON,] and in defiance of his predictions, the convention was approved by a vote of ayes 31, noes 7.

The "*British*" party seems to have been still a strong party in the American Senate! The names of some of them stood high on the rolls of Democracy, and some are now in high places. I will not tax the patience of the Senate by reading them over.

He found that, under the Administrations succeeding the ratification of this convention—all of them—Adams's, Jackson's, Van Buren's, Harrison's, and Tyler's, too—we made no complaint of Great Britain about Oregon, and sounded no alarm to the people to prepare for a repudiation of our own offers to compromise "an inch" below 54° 40'; but quietly submitted to let things remain as they were, until October, 1843, when the Message informs us that our Minister in London was authorized to make an offer of compromise similar to those made by us in 1817 and 1827; in other words, to renew our offer of the compromise line of 49°. Thus stood the question when the negotiation was transferred to Washington. Here I beg the Senate to observe that Mr. Tyler's Message, in December, 1843, informed Congress that "the negotiations for an adjustment and settlement had again been proposed, and were in progress to a resumption." Yes, proposed by us; and the President said that "every proper expedient would be resorted to for the purpose of bringing it to a speedy and happy termination." And again, by his Message to Congress, in December, 1844, he said, "A

negotiation has been formally entered upon between the Secretary of State and her Britannic Majesty's Minister, &c., residing at Washington, relative to the *rights* of their respective nations in and over the Oregon territory. That negotiation is still pending." This, too, after Mr. Polk's election—after the Baltimore Convention of 1844. But nowhere could the President find that any of the "true friends of Oregon" had recorded their opposition to it by their VOTES IN CONGRESS. If he did, it is more than I can find. The Senators from Ohio, Indiana, and Illinois, [MESSRS. ALLEN, HANNEGAN, and BREESE,] were all Senators at the time. No, Mr. President; the Senate did not *advise* nor *protest* against negotiation when it was only "in progress to a resumption," nor had Senators brought themselves up to the point, so far as I know, of only moving, so late as two years ago, whilst there was time and opportunity for it, to stop the negotiation itself, which has now become so unconstitutional and so dishonorable to the nation.

But again: He found that these persevering efforts to fix our northern boundary in Oregon at the forty-ninth parallel by a *compromise*—these well-considered instructions to our Ministers, and often-repeated propositions to the adverse claimants for a compromise—made before Spain had released her rights, and repeated afterwards—were long since exposed to the public eye; and that neither the People's Representatives in Congress, nor the States, nor the People themselves, had complained against the Presidents, and Statesmen, and Senators, who had been endeavoring to accomplish a *compromise* at 49° for nearly half a century. No, sir. Until very recently, indeed, the complaints, when made at all, were aimed at *Great Britain* for refusing to accept this reasonable and just *compromise* of our conflicting claims. Memorials, when sent at all, were applications to settle and adjust the controversy; and our efforts to legislate over the subject were confined to the valley of the Columbia river—this side of 49°.

Well might the President pause, then, notwithstanding his own individual opinion that our title to the whole of Oregon was "clear and unquestionable," ere he took the responsibility, in view of all this, of abruptly putting a stop to the negotiation which he found on foot, as it had been begun by his immediate predecessor upon a *negotiation for a compromise*. Well might he feel that the NATION was committed to a compromise. Well might he dread that, for him to put his personal opinion upon the strength of our *paper title*, however "clear and unquestionable," against all these solemn acts of the Government, and against this concurrent action and acquiescence of all our Presidents from Jefferson inclusive, and of all our Statesmen, and of all our Senators, (except Mr. D'Wolf,) and of all our People and their Representatives for two generations—constituting, as it were, a NATION'S OPINION—would be sacrificing the faith, consistency, sincerity, and honor of this country to preserve the personal consistency of himself—a single man! A mere POLITICIAN might have halted, but a STATESMAN could not. He lifted himself above himself, and showed how well he merits the office his country has appointed him to fill. God grant he may stand firm to his position!

And what "commits" a Nation but its honor?

Honor! National honor! But its obligations must be felt, and are not a topic for *argument* and debate in an American Senate. I have imperfectly grouped the facts from our own history. Senators must determine for themselves. Appealing to their hearts as monitors, I ask whether I was not justified in asserting that the President did right in offering the line of 49° as a *compromise*, because the Nation was thus committed to it by the past.

But the Senator from Illinois [Mr. BREESE] has said, the question was "a *new one* so far as it concerned the President," because he had a clear opinion that our title was good, and gave that opinion before his nomination; and he seems to think that the Baltimore Convention of the Democratic party had resolved this matter out of the general rule and made it a *new one* to this Administration. Strange proposition! Passing strange! Of the Baltimore Convention I shall speak hereafter. And now as to Mr. Polk's opinion upon our title. However clear and whensoever entertained or expressed, let me say that Mr. Polk's opinion, nor the opinions of the Baltimore Convention, nor those of the People themselves, upon the *title to Oregon*, touch this question. All that, has just nothing at all to do with it. If the character, and sincerity, and faith, and honor of the Nation, were committed to a compromise before Mr. Polk was elected, they remained so, notwithstanding his election, and notwithstanding his opinion, or anybody's opinion, upon our *title*.

The men who become Presidents of the Republic are always changing; they live and die, but the Republic is the same at all times; and once committed by the public faith and honor to do or not to do, even the People cannot release the obligation by anything short of Revolution, if they could by such an *extreme* measure as that. The question, then, is not, and was not, a "new one to this Administration." The sovereignty of a nation—the People themselves, have not a right to do, much less to COMMAND another to do a *dishonorable* act—I mean an act dishonorable to the Nation in her intercourse with other nations. All power rests with the sovereign authority; but in a Constitutional government like ours, even the People may bind themselves against doing wrong. If they would set about taking off that shackle, they must revolutionize and strike at the Constitution. After that, if they choose; but even the People have no right to do wrong to other nations, and leave the *Constitution as it is*. I honor that statesman who can go whither the *honor* of his country carries him, forgetful of himself and his personal convenience, or the consistency of his mere opinion. Had Mr. Polk repeated his opinion of our "clear and unquestionable" title for an *Amen* to his daily prayers for years and years together, it would still have been the duty of the PRESIDENT to go to the line of 49° as a compromise, if he believed, as he says he did, that his country was "committed," and the honor and faith of the nation bade him go there. It is still his duty to do it, if he sincerely believes what he says. Talk what you may of the People—flatter them as you please—yet in spite of all the one-sided arguments upon our *title to Oregon*, and the unfairness of precluding a debate upon it here by the clamor of "British" against every one that doubts it for an

*inch*,—only let this question go to the People of the United States, whether the honor of the nation is not dearer than "every *inch*" of Oregon on the other side of 49—let the people hear and understand the motives and the policy and the honorable necessity under which the President has acted, and from the mountain valleys of the West to the shores of the Atlantic, they will respond that the President has done right—the honor of our country before everything else! If honesty and patriotism did not sustain the President, prudence and peace would lend their aid; and all the world would see that a war for the whole of Oregon, when we are ourselves divided in opinion upon the question of right to the whole of it, and the Chief Magistrate himself believed that it was not honorable to go for our extreme right, would be *madness*. How could we pray God to bless us and to aid our arms in such a conflict?

But Senators, who are relying upon the President's Message to Congress as a declaration of hostility to further negotiation and the pledge of a determination on his part not to *settle* this controversy at all by a pacific compromise, even if his own offer should be returned upon him, may find themselves disappointed. I warn them that they have been deceiving themselves by their own misinterpretation. Even if there could be found in the "record" (as the Senator from Ohio has called his Message) a line or a sentence to stimulate the hopes of some Senators or to excite the suspicions of others, I hope to dissipate them all by a review of his *acts and omissions*, and of the *words* of that Presidential "record." For I undertake to say, that if there be truth in logic, faith in the integrity and virtue of public agents, and meaning in English words, it can be demonstrated from the course of the Administration, from its acts of commission and acts of omission, and the language of this "record," that the President will not, as he ought not to, repel and refuse to *entertain* an offer from the British Minister for a compromise, substantially the same that he himself has heretofore proposed; and that whilst the Senate are in session, he could not think of such a thing *without their advice*. For he must know;—we do know that a constitutional majority of that body would prefer a compromise at the line of 49° to an "inevitable war" for the line of 54° 40'.

Upon this subject of a *war*, suffer me to say a word before I proceed to this demonstration.

To deprecate war, as a calamity, by any labored remarks in the nineteenth century, and in an American Senate, would be a trespass upon your time, and I fear an insult to your understanding. But it has been thought that Great Britain will not fight for Oregon; and the Senator from Illinois, [Mr. BREESE,] speaking for the "true friends of Oregon," would almost seem to think that the only use of any negotiation about this matter, (and that he does allow of,) is, to let her get time to quit, so as to avoid being *kicked out* of the possession all the way up to 54° 40'. These are not his words, but this is hardly a caricature of the impression they made upon the minds of his hearers. Now, without going at all into the question of which country has the best title above the line of 49°, let me ask the Senate to look at the map of Oregon printed by your order. To cast your eyes over it above the 49th parallel—to see

Frazer's river occupied and fortified from its mouth to its source; all English forts!—to recollect that Great Britain has held possession there for forty years and more!—to bear in mind that an American settler's foot (so far as I know) never trod that soil!—not to forget that we have been negotiating for forty years, and always offering to Great Britain to compromise for all below Frazer's river!—then to turn to the Sixth protocol of the negotiation this day pending and undetermined, and there read what the British Minister said, to wit, on the 24th of September, 1844:—"He was for the present obliged to declare that he did not feel authorized to ENTER INTO A DISCUSSION respecting the territory north of the 49th parallel of latitude"—ay, not authorized to discuss the British claims on this Frazer's river!—and then tell me if national pride, national honor, and every consideration that can stimulate a nation to war, would not compel Great Britain to resist, should our Government undertake to dislodge her settlements there, after first rudely terminating the negotiation, and boldly declaring that compromise is inadmissible—yes, even our own offer, for two generations, out of the question—"All or none"—"The whole or a fight." In such a case, Great Britain must fight; she ought to fight; and she would fight. If the Senator will permit me to suppose him an Englishman, to him I put the question, then: Were you an Englishman, would you not resist; would you not fight? And if you would fight were you an Englishman, what, being an American Statesman, have you done with the golden rule—what with the Jackson rule—whilst you are thus "demanding what is not right?"

I propose now to call the attention of the Senate to the acts of the President having an immediate connexion with the inquiry of what is his position.

His acts of commission: What are they? Look to the "records" and see. Therein you find that he himself offered the line of 49° as a compromise last August. He made that offer notwithstanding his "settled conviction" individually, then as well as now, that our title was "clear and unquestionable"—not unquestioned, but unquestionable—not the only claim, but "the best in existence." He admitted in so many words to the British Government that he felt "committed" as a Chief Magistrate of the Nation. He tells Congress that he was "committed." "Committed," I say, by every thing but the Bond of the United States! I have already shown that, in saying and in doing all this, he only did what it was right in him to do as a President of the United States. At all events he has solemnly declared to the world that such was his opinion. Having "committed" himself by his own declaration, and by his correspondent act, who is a "friend" of the President in this Senate and yet will dare to say of him, or having said so, will, on that account, adhere to declaring that he ought, or that he can, be understood now as speaking to us for himself by the same "records." Such language as this, "I recant it all." "True, my Country was committed by the acts of my predecessors." "True, I have in my own person offered to redeem her honor by a proposal to yield some portion of what I believed to be her strict right." "But should the offer of my predecessors already adopted by me, as that of the

nation itself, happen to be returned upon me, I will not entertain it!" "There shall be no compromise"—"No consultation with the Senate"—"All of Oregon or none"—"54° 40', fight or no fight!" Oh, my God, what an attitude is this for a man's friend to assume for him!

I hear a Senator behind me say from his seat, "The President has put himself there!" Never! never! He has not said it. It is nowhere on the "records." This kind office has been performed for him by his "friends," who seem determined to have his company; and because they go for "All of Oregon or none," to take the Administration along with them by construction, at any and every peril, to its consistency and to the peace of the United States. No, sir! no, sir! The President has not put himself into that position. Had he done it, or if he should do it; I for one do not hesitate to declare that it would compel me to turn my back upon him and his Administration. I have not that friend upon earth whom I would support in a position so inconsistent with his own professions of high devotion to his country's honor—so injurious to this great Nation's fame—so perilous to the world's peace. The President made not a manly offering to the committed character of our country and to the peace of the world, that he might ingloriously snatch it back again before it could be accepted, simply and singly because it was not seized upon in the day, or month, or year he offered it. I ask his pardon for the supposition that he could. For one, I do not doubt him. Before I will do it, he must sign a plain recantation. I would hardly believe that. He must DO THE FOUL DEED before I surrender my faith.

What if it was *withdrawn* after its last rejection? That is nothing, for it had been in like manner *withdrawn* by his predecessors. If their withdrawal in 1817 and 1827 left the Government still committed, how could it be otherwise because he withdrew the same offer in 1845? This plea would be a miserable subterfuge, and no Senator will adopt it in the name of the President; none can do it, and call it an act of friendship to him.

Mr. President, ought not this one act, of itself, to be conclusive against these false constructions of the Message? But it is not all. We are in possession of more—much more—in these "records;" for it is to them I speak. The President knows his own purposes best—where he intends to stop, and whether he has, in truth, already terminated his efforts to negotiate a *compromise*. He knows that, if he terminates negotiation, and rashly encounters the hazard of asserting our extreme claims to the whole of Oregon up to 54° 40', the United States must either retreat ingloriously from her pretensions or prepare to dislodge Great Britain and to defend herself by force of arms! That I think I have already proved. And yet, oh! what an OMISSION! No notice has been given for this necessity to Congress or the people plainly and directly, as it ought to have been. No recommendations to Congress to prepare for our defence, or for the forcible assertion of our rights, are in these "records!" To prepare now—to-day. No estimates have been sent up to us for that object. None. Nothing of the kind. The estimates are lowered, not increased! What is the inference? What does he mean that you shall understand by this? That there is, on his part, no intention to

compromise? That negotiation has come to an end, and will not be pursued by him? And will not his friends permit themselves to see, when they thus misconstrue his Message, that they involve the President, were it true, in a guilt too deep for decent utterance?—An inexcusable, treacherous, cowardly, criminal concealment of our country's danger; when, if in reality there is to be no further negotiation on our part, there can be no excuse—no reason—no pretext—for silence. But the construction is false: President Polk would not betray his country thus. Depend upon it, he would have told you plainly and directly of it, if he had abandoned negotiation on his part; not daring thus to bring you to an "inevitable war," or a worse alternative, for "All of Oregon or none," against your consent, and without notice to prepare for it. That he has not so warned and so informed you plainly, is, to my mind, conclusive.

Nor is this all. The President knows, as well as he knows the faces of Senators, that a very large proportion, I will not say how many, of those who expect to vote this notice into his hands are favorable to negotiation for a *compromise* at 49°; and that we would not do it, NOT FOR AN INSTANT WOULD I THINK OF DOING IT, if we believed the construction that has been placed upon his Message by the Senators of Ohio, [MR. ALLEN,] Indiana, [MR. HANNEGAN,] and Illinois, [MR. BREESE,] and, perhaps, also—I am not certain—by the Senator from Michigan, [MR. CASS.] He must know—he does know—that we would not vote for it if, on the contrary, we did not confidently believe, from his *past conduct*, and the absence of any plain recantation in the Message, that this notice will be used as a means of pursuing the pending negotiation upon the basis of compromise, as a moral instrument to help, and not to hinder it, as it has been heretofore conducted by himself and his predecessors. And, yet, is there a Senator here to speak to us and say, that he is *authorized* to *undecieve* us;—if, indeed, we have been thus deceived? No answer? Then there is no one. Then the President has authorized nobody to speak for him, and confirm this senatorial interpretation of his Message, as made by the "true friends of Oregon." I do believe he would have done that, and more than that, rather than deceive and betray so many of this Senate. I am therefore friend enough to the President to doubt and to deny this false construction and faithfulness to my trust as a Senator compels me to do it, as from my heart I do this day, openly, before the American Senate. If any one here be now authorized to speak for him, let him speak.

I come to one other act of omission, which I mention without the slightest intentional discourtesy to the honorable Senator from Ohio, [MR. ALLEN,] but the facts are well known to the Senate; and the omission to which I allude bears too strongly upon the point before me to be altogether pretermitted. Mr. President, my subject is too important for me to sacrifice truth and argument to any false delicacy. It is no question of dollars and cents; but it is, as I regard it, and as this Senate looks at it, a question of peace or war—honor or dishonor to my country. The chairman of the Committee on Foreign Relations, then, has always been regarded, in the practice of legislative bodies, as a depository of the Executive purposes

and opinions, *private* as well as public, in so far as they are connected with our foreign relations. I do not say he is required or expected to tell the Senate anything *confidentially* entrusted to him. By no means. Not at all. But heretofore it has sufficed if he met imprudent inquiries by an *expressive silence*—by his simple unexplained waiver of unsafe interrogatories we could know what we were about. How is it in this matter? The honorable chairman, with most alarming emphasis, more than once, when he was stimulated by no question from others, but of his own head and imagination—I grant you, of his own "clear and unquestioned" right—has assumed to construe the Message for us, as a record by which the President had both pledged himself and *notified the Senate* that there would be no further negotiation for a compromise. I hoped he was mistaken, and I always believed he was. This has been iterated and reiterated in the Senate by the honorable chairman and other Senators; and it has gone to the world, where it will be hastily taken up by thousands, as though it had been an AUTHORIZED exposition of the views and intentions of the Administration. More recently, the Honorable Chairman proclaimed that the President's opinions and views had undergone "*no shadow of turning*;" but, in answer to a direct inquiry put to him on the floor of the Senate by the honorable Senator from Maryland, [MR. JOHNSON,] it was distinctly admitted by himself that the "*records*, and the records ALONE," were the sources from which he derived any authority thus to commit the President against negotiation. In a word: that the Honorable Chairman's speeches were but *inferences* of the Senator—not *authorized* interpretations by the chairman. From the "*records ALONE*." Mark that!

The Honorable Chairman of Foreign Affairs, then, it appears, has not obtained and does not possess, *confidentially*, the views and purposes of the President; and what he has given us was the logic of his mind, not an authorized dictum of his office. After his own declaration in the Senate, it would be doing him great injustice to insinuate or to suspect otherwise, or that he meant anything else.

Here then we see a Committee of Foreign Affairs in the Senate for more than two months in possession of a great subject, and with these identical "*records*" referred to them for consideration—early notice asked for—a resolution reported, and speeches delivered—but no communication has been made to the chairman intimating that his senatorial construction of the President's meaning is true or false! If the construction be *not true*, we see a reason for the President's silence. However painful to him personally, he owed it to all the proprieties of his own public station, and to the service of the Republic, not to speak beforehand of his future purposes in a *negotiation* through the Chairman or any body else. If the construction, however, be *true*, the duty of the President would be a plain one to himself, to the Senate, and to the Nation. He should have *authorized* that committee to set the country right at once, by confirming the Senator's interpretation to the letter, and bringing the Senate to one mind about what it is he means, and what it is he wants with a notice after having determined to go for "All of Oregon"—



“No compromise”—“No negotiation!” To my mind it appears, therefore, that this omission to make the customary *confidential* disclosures to the Chairman of Foreign Affairs, is pregnant with inferences. More especially as we know that Senator to be the personal and political friend of the President, but one who has committed himself, and would seem inclined, I must say, to carry the Administration with him, either before or behind, against all compromise, and, consequently, against all negotiation. I do not say, that these misconstructions are wilful. I never harbored a thought that they were.

But, again, Mr. President: If the Administration wished to stop *all negotiation, on their part*, nothing was easier than for the President of the United States to do all that without coming to Congress at all. By the general law of nations and of common sense, we know that this convention of 1827 might have been abrogated by the *mutual consent* of the parties to it. That is precisely the mode in which a new treaty annuls an existing convention. Beyond all controversy, the President, in virtue of his constitutional power to propose negotiation and to make treaties with foreign Governments, had authority, without the knowledge or consent of Congress, to make a proposition to the British Minister to annul the convention of 1827, by the mutual consent of both Governments, and there to stop. I think it is highly probable that this proposition might have been accepted. But what if it had not? Is there a Senator who doubts that such a proposition, whether agreed to or not by Great Britain, would have terminated and of itself have put an end to the *pending negotiation for a compromise*; and that the British Minister, if he had not taken leave of the country, would have been obliged to take short leave of this subject of Oregon?

Why, then, was it not done? Why was it not attempted “in that manner?” Why was that more ready and direct manner of terminating the *negotiation for a compromise* and abrogating the convention of 1827 omitted altogether? There is no answer consistent with the republican integrity and manly patriotism of our President, except that which I have already insisted upon:—That he did not wish to put a stop to negotiation on *his part*. That he stands upon the line of 49° as a *compromise*, by the side of the nation’s honor, as he understands it. That he stands there to-day, as he did last December, with the crown of *peace* upon his head, and he has not asked to be clothed in the panoply of *war*. That he wants peace, honorable peace—not war, dishonorable war!

Mr. President, I am very loth to trespass upon the patience of the Senate; and perhaps I might safely stop here. But your indulgent attention encourages me to proceed; and as I proposed at this point, so I invite you to look and see whether the *words* of the “record” are, alas! so plain, and their meaning so clear, as to exclude those inferences which the confidence of a generous friendship, the justice of a Senate, and even the ordinary charity of any man, might accord to the President of the United States, in a full view of that which I have already imperfectly reviewed. Before doing that, I remark, however, that when Senators talk about

making the inference from these “records” that the negotiation is at an end, they forget that the *fact* appears in their face directly opposite to their *inference*. The negotiation which begun in Mr. Tyler’s time, and which has been continued by President Polk, is, in reality, a pending negotiation this very day. It never has been *terminated*, on our part, up to the hour when I am addressing this Senate. Only discriminate for a moment between a *negotiation* and the *correspondence* of the Ministers, and the fact is at once palpably before you. A negotiation may be open, and continued, whilst the correspondence of the Ministers may be suspended, or delayed for a month or a year. This distinction needs but to be stated in so enlightened a body as this. Illustrations would be useless and unprofitable HERE. Yet may I not be pardoned for reminding you that a negotiation, in the proper sense, is a business between two Governments, as Governments—opened by their *mutual consent* as Governments to treat with one another upon State affairs; and which once opened, cannot be amicably concluded without a like *mutual consent*, (as by a treaty or a convention,) except one of the parties shall first *directly notify* the other of its intention to close it.

I think this definition, if not precisely accurate, is enough so to answer the purpose of presenting this point to the mind of the Senate distinctly, and that is all I shall aim to do, making no references to dictionaries or authorities. With this distinction in our minds, it will be seen that if the President had said to Congress in so many words, “Negotiation has terminated;” it would have been nothing but the mistaken statement of a fact, so long as a reference to the “whole correspondence” clearly showed the fact to be otherwise. The President’s own direct statement could not alter the fact. If it would be so, were the statement unequivocal and direct, what is to be said of a mere INFERENCE by his “friends,” from equivocal language, but that it is a FALSE INFERENCE? Now, then, this whole correspondence does show clearly that the negotiation was regularly *opened*; but it nowhere appears that the President has *notified* the British Minister, or that the British Minister has *notified* the President, of any unwillingness to pursue it, nor that they have *mutually* agreed to terminate it; and therefore it is still open. On the contrary, the British Minister was informed by the President (page 85) that he earnestly “hoped that this long pending controversy may yet be finally adjusted in such a manner as not to disturb the peace or interrupt the harmony now so happily subsisting between the two nations.” That hope is again expressed upon the occasion of our refusal to ARBITRATE. Great Britain so understands it: and accordingly we see her Ministers daily in our streets, and our intercourse with Great Britain is as friendly as it ever was.

The assertion or the inference, therefore, that this negotiation has been concluded, is thus shown to be directly contrary to an *ascertained FACT*; and every attempt to prove it is a most absurd, may I say a ridiculous, attempt to prove before an American Senate that, which we both see and know, from the “record itself,” to be UNTRUE.

Negotiation, then, in its proper sense, is pending. What negotiation? What negotiation is it? That same uncompleted negotiation which, by the first protocol, our Government agreed, in writing, to approach "in the spirit of compromise," (page 36.) That same uncompleted negotiation which President Polk declared to the British Minister he had "determined to pursue to its conclusion, upon the principle of compromise," (page 62.) That same negotiation in which President Polk admitted to the British Minister that this Government was "committed" to "a compromise" which he offered to Great Britain, (page 62.) That same negotiation in which the President said to Congress that he was "committed" by the conduct of his predecessors to offer the line of 49° as a compromise, and that he had therefore superadded his own offer of it to their precedents, (pages 10, 11.) That same negotiation whereof he declared to Congress that the "British proposition" to us is "wholly inadmissible and cannot be entertained," with a due regard to our honor, were it re-offered; but in which he has NEVER said that he would refuse to entertain the American proposition if it should be returned upon him again. But he does admit, and by his conduct he has confirmed the truth of it, that the American proposition for compromise was consistent with our honor and demanded by his regard for the national character. Yet, Mr. President, have you been constrained to sit here and listen to a long and (I fear it will be) a tedious speech from me, to prove, to demonstrate, that the President has not terminated negotiation on HIS PART, and that he has not resolved not to compromise this controversy, almost upon his own terms, should Great Britain ask him to do it.

One or two general remarks upon the character of the Message, I must make, before I dissect those particular sentences which, by being separated from their context and improperly associated and identified with the opinions of Mr. Polk upon our paper title, have misled so many people.

If for the sake of being understood I should be guilty of occasional repetitions, I pray the Senate to excuse me. I will be as brief as I can. So far as the President's Message touches upon OREGON, it is not and was not designed to be a disclosure of his purposes and opinions in the future progress of negotiation, but of his past action only. What is said in the Message, from the beginning to the end of it, about negotiation, is nothing more than a narrative of the President's ACTION up to that time; and the whole correspondence is attached to let Congress see and know for themselves what he had DONE—with perhaps an occasional introduction (as if by way of parenthesis) of the motives and opinions by which he had been influenced to deviate in that ACTION from an assertion of our extreme claim to all of Oregon. Now it is chiefly from the unfortunate sticking-in of these parenthetical excuses to satisfy the ultraism of the President's "true friends of Oregon" that the mis-construction of his Message has arisen—stimulated, I know, by external causes; and to which I will allude no further at present. I speak of the Message as I read it, and according to my own mind and judgment upon it; not BY AUTHORITY. In concluding this narrative, and precisely

where it concluded, (page 11,) the President did proceed to express his opinion, upon "evidence" referred to as "satisfactory," that "no compromise which we ought to accept can be effected."

If he alluded to the future, he might or might not be mistaken in his conclusion; but if to that time—the time present—it is a harmless fact, as if he had said, none has been effected. I commend to your consideration either one of these alternatives.

His reasons for it are given; and they consist altogether of these facts:

1st. That the British Minister had made a proposition that was "inadmissible."

2d. That he had rejected one which our Government had made, "without submitting any other proposition, and had suffered the negotiation, ON HIS PART, to stop." The Senate can judge of their sufficiency.

At all events, it was "WITH THIS CONVICTION," continues the Message, that the American offer, which had been made and rejected, was withdrawn, (p. 11)—THAT IS ALL! Whether a fact or an opinion, for the future or the present, it was made the basis of his WITHDRAWING THE REJECTED OFFER, AND NOTHING MORE. And now what becomes of all the inferences made from this single sentence?

Again: it is to be observed that he did not express any determination of his own mind in respect to his future course; but the fair inferences to be made from the words of the Message are, that, without "this conviction," the American proposition would not have been withdrawn at all; and upon the supposition or contingency of a change of "this conviction," by the British Minister ceasing "on his part to stop," he did not declare nor intimate that his own offer had become also inadmissible. It seems to me the inference by us ought to be precisely the other way; and that the constructions given to these oft quoted words are illogical and untrue. There the narrative ended, concluding, I again repeat, by assigning "this conviction" upon his mind as his reason for withdrawing his proposition after it had been rejected! But nothing more—nothing more.

He does not expressly ask for the notice as an instrument of negotiation at all. That is left for Congress to see and decide upon. He asks Congress for a LAW that will show the concurrence of the two Departments of the Government in one conclusion, and that is, that the old convention of 1827 is to be no more, after a year's notice. We see for ourselves—we know for ourselves, that such a concurrence will strengthen his hands, and therefore we will give him the authority at once, and whilst negotiation is pending. In that form and to that extent he asked it, and in no other.

It is true, Mr. President, that the Message recommending certain measures of legislation—all of them, however, entirely consistent with further negotiation—contained this general declaration: "All attempts at compromise having failed, it becomes the duty of Congress to CONSIDER what measures it MAY be proper to adopt," &c., (page 11.) And, after remarking that a year's notice must be given before either party can rightfully assert or exercise "exclusive" jurisdiction over "any portion" of the territory, the President said: "This

'notice it would, in my judgment, be proper to give; and I recommend that provision be made by law for giving it accordingly, and terminating in this manner the convention of the 6th August, 1827." "All attempts" are very general words. I admit that; and I am not complaining against Senators for their first impressions; but surely it is not illogical nor unreasonable for me to insist that, with the light of his past conduct now before us—his acts of omission and commission,—with the words "consider" and "may" in the same sentence—not "enact" and "is," or the like,—with the already ascertained fact that negotiation was and is still pending,—with the knowledge that JAMES K. POLK is not an imperious MILITARY CHIEFTAIN, but a CHRISTIAN STATESMAN, to whom politically there is no expectation of a future at the close of his Presidential term,—with the very strong fact that, unless the President desired to have this legislative action as a merely moral instrument to aid him in his executive duties, and to pursue the negotiation to a conclusion, (if such should be the will of Congress,) he could have no use for it that is honorable to him or to his Administration,—with all these things as a key to their true meaning, it will not be said (at least, not by his "friends") that "all efforts to effect a compromise" meant anything more than "all the efforts made anterior to the date of the Message"—"all the efforts made up to that period." So interpreted, how harmless the sentence was! How unjust, how false the deductions made from it!

But the Message said: "*At the end of the year's notice, we shall have reached a period when the national rights in Oregon must either be abandoned or firmly maintained. That they can not be abandoned without a sacrifice of both national honor and interest is too clear to admit of doubt,*" (page 13.) A great deal has been attempted to be made of this by the "true friends of Oregon." Now observe, that "*at the end of the year's notice,*" not before it, in the view of that part of the Message, will that period be reached. But it is as clear as a sunbeam that the period cannot be delayed "a year" unless negotiation is to be pursued. If the President's mind had been made up to compromise nothing and to negotiate no longer, it was little less than a deception and a mockery to tell Congress that the period for abandoning or asserting our rights will be reached a year after notice to Great Britain! In such a case, the period had come already. It is now here!—NOW!—TODAY!—and he would have told us to prepare for asserting "*our clear and unquestionable title to all of Oregon.*" This ought to have been his language, if such had been his meaning. But if, indeed, negotiation was to be "pursued to a conclusion in a spirit of compromise," the period for asserting or abandoning our "national rights" must be delayed, and cannot be reached until the negotiation is concluded; and if the notice is passed, it may continue a year, but no longer.

If, therefore, Mr. President, I am not most grievously mistaken in the man and the officer—if I have not been altogether deceived by his past conduct and by these "records," the President has not shut the door to a peaceable and honorable adjustment of the OREGON controversy by a COMPROMISE;

but, with noble reliance upon his own good purposes and a just regard for Congress as the constitutional interpreters and representatives of the public will, he has only paused to see whether the Representatives of the States and the People will stand by him or not. Standing in the halls of negotiation, with the door of conciliation as open as before, he but turns to receive from Congress this law to aid his progress. He invites their sanction as a legislative body to a law for notice to terminate the existing convention of 1827. But he stands there with dignity, moderation, and discretion, ready to hear his constitutional advisers, should they bid him to forbear, and if that indeed be the will of the People constitutionally expressed. That is his exact position as defined by his past conduct, and in no way contradicted by the records fairly interpreted. You see what the President's position is, if I understand it, and I believe that I do. I have no fear—no doubt—no distrust of it or of him. WHAT WILL NOW BE YOURS? What shall we do?

If you think the President has done wrong, as some of "the true friends of Oregon" do, and that he has "committed" himself to surrender *too much* for honor, compromise, and peace,—then close the halls of the Senate, and let those Senators meet the responsibility of advising him to put an end to negotiation; and until you have told him that, and he has obeyed it, do not give him this law to authorize the notice; and then you will be *not voting*—something towards "All of Oregon or none." That course would be manly; and less than that will not be just to yourselves, nor to the President, nor to the country. He will then see and understand your position truly, and he will know how to use your notice. He will know how to advise you for a preparation for consequences. He will understand that you have given it to him as a sword, and not as an olive branch.

If you think he has proposed *too little*—and I fear there may be some here who do, although no one has yet declared so—that more concession ought to be made to the demands of Great Britain than the offered *compromise line at 49°*; that because the President has not, and probably may not, make that concession, it were better to remit both countries to their ancient condition of a perpetual feud and a joint occupancy under the existing convention of 1827; and that this can be safely done in full view of coming events, then it is certain—I admit it without hesitation—that the notice ought to be REFUSED by you.

But if this Senate have made up their minds that the line of compromise at 49° is substantially all that we ought to yield, or can yield—and if they are willing to strengthen the arm of the Executive in his efforts to settle this dispute THERE, and by a COMPROMISE, to preserve the honor and peace of our country, satisfied as we must be that now or never is the time to prevent demagogues of our land from converting this difference into a dispute—this negotiation into a war—they will then give him what he asks for—give it to him promptly, confidently, by passing some sort of law for a notice, while he stands in his present position, that he may terminate the convention of 1827.

Mr. President, I hope I have not decided with-



out a just consideration of my responsibility, both here and hereafter, upon the position I shall take. But after much reflection, long and anxious thought, a conscientious effort to determine the point with justice to other nations, but with unflinching faithfulness to the honorable obligations and lasting interests of my own country, I have come to the conclusion, as a Senator of the United States, that we cannot, ought not, must not compromise this controversy in any manner very materially different from that to which the President, as I understand his position and these records, stands himself committed, and **RIGHTLY COMMITTED**;—and I shall therefore vote to give him the notice, and with it all the moral weight of an **AMERICAN SENATE'S SETTLED OPINION**, that if Great Britain will not, or if she cannot, consent to do us justice, by yielding her pretensions of dominion over the territory below that line of 49° as a compromise, then **WE WILL HAVE TO FIGHT**. I repeat it, **WE MUST THEN FIGHT FOR IT**. If my mind had not settled down into a determination to concede no more than a compromise at 49°, with the qualifications already stated, I would vote against the notice; for without that determination of the Senate the notice would have no moral weight whatever, and be worthless, worse than worthless, in the negotiation. It would be a temporizing pretence—a species of legislative diplomacy, an empty bravado, of which we have had quite enough already, unsuited to the dignity of this body or the gravity of the subject, and rather embarrassing than helpful to the Administration in pursuing the negotiation. In a word, we ought to refuse the notice unless there is a solemn determination to make the compromise line of 49° our **FIGHTING LINE**—*if it must be so*.

But, Mr. President, there are some other topics that have been introduced into this discussion, which I feel obliged to notice. We have been told that the **PEOPLE** have decided this question, and all Democrats are called to obey the voice of the people at the peril of consequences. I am a Democrat, and upon *party* questions a *party* man. Of this, I make no concealment; and at home I have never been suspected, I think, but once, and that did not last long. But I am not a slave to dictation, nor a tame follower of any man's lead, especially upon questions likely to involve my party in danger, or my country in ruin. I am Democrat enough not to shrink from speaking the *truth* boldly to the people, as they shall hear who hear me at all. I had rather *serve* them than *please* them, though I have found in my own experience that honest service is the best avenue to their confidence. I do not know nor believe that the people are opposed to an honorable compromise of this controversy. That they might be made so by wilful appliances, I have no doubt. But I do not shrink from meeting such an issue directly—not I. I should hold myself no Democrat if I did. By the Constitution of the United States, the **MAKING OF TREATIES** is confided to the **PRESIDENT**, under the advice of the Senate. I talk of *treaties*; not ordinary laws. In treaty-making, we act in private, and upon information we cannot disclose. We deny to

foreign Ministers the right to discuss the cause of their Governments to our **PEOPLE**. Should one undertake it, he would be driven from the country, as he ought to be. We represent **STATES**; and Senators are presumed to be statesmen of some learning and great judgment. We generally ratify a treaty before the **PEOPLE** are permitted to know anything of it, or of the reasons for its ratification. If we were cautious to observe the rules, this would always be the case. How absurd, therefore, to assert that the **PEOPLE** have retained, or that they wish to exert, or that they can rightfully exercise, the power to *instruct* the *Senate* upon the making of a treaty. How execrable and revolutionary would be the doctrine that a President should seek to set aside his *constitutional* advisers, and go before the people, whether it were the honest "masses," or Baltimore Conventions, or town and county meetings, wherein factions are first formed, and then led by demagogues, who called them together. Oh, my country!—my country! when that shall be our fate, if, in the providence of God, it shall ever be!

Sir, hear what the Father of his Country said, a half a century ago. Let the People hear him. Let an American Senate hear him. Let **PRESIDENT POLK** hear **PRESIDENT WASHINGTON**, and stand to his position! How precious will be his reward!

"There had been a public meeting in Philadelphia for the purpose of passing resolves against Jay's treaty. After the business of the meeting was closed, a copy of the treaty was suspended on a pole and carried about the streets by a company of people, who at length stopped in front of the British Minister's house, and there burnt the treaty; and also before the door of the British Consul, amidst the huzzas and acclamations of the multitude!" In Boston the same sort of thing was done, and a town meeting addressed to the President a protest. This was his reply to all:

"To Ezekiel Price, Thomas Walley, William Boardman, Ebenezer Scaver, Thomas Crafts, Thomas Edwards, William Little, William Scollay, and Jesse Putnam—Selectmen of the town of Boston.

"UNITED STATES, July 28, 1795.

"GENTLEMEN: In every act of my Administration, I have sought the happiness of my fellow-citizens. My system for the attainment of this object has uniformly been to overlook all personal, local, and partial considerations; to contemplate the United States as one great whole; to confide that sudden impressions, when erroneous, would yield to candid reflection; and to consult only the substantial and permanent interests of our country.

"Nor have I departed from this line of conduct on the occasion which has produced the resolutions contained in your letter of the 13th instant. Without a predilection for my own judgment, I have weighed with attention every argument which has at any time been brought into view. But the **CONSTITUTION** is the guide, which I never can abandon. It has assigned to the **PRESIDENT** the power of making treaties, with the advice and consent of the **SENATE**. It was doubtless supposed that these two branches of

Government would combine, without passion, and with the best means of information, those facts and principles upon which the success of our foreign relations will always depend; that they ought not to substitute for their own conviction the opinions of others, or to seek truth through any channel but that of a temperate and well-informed investigation.

“Under this persuasion, I have resolved on the manner of executing the duty before me. To the high responsibility attached to it, I freely submit; and you, gentlemen, are at liberty to make these sentiments known as the grounds of my procedure. While I feel the most lively gratitude for the many instances of approbation from my country, I can no otherwise DESERVE it than by obeying the dictates of my CONSCIENCE.”

“With due respect, I am, gentlemen, &c.,  
[SIGNED] “GEORGE WASHINGTON.”

Who does not know the history of that party denunciation and violence which disturbed this nation even under Washington’s Administration, when GENET appealed to the PEOPLE of the States in behalf of France and against Great Britain, and how PRESIDENT WASHINGTON’S celebrated Proclamation of Neutrality saved the PEACE OF AMERICA. In taking leave of the duties and cares of public station, hear what WASHINGTON said of it to the people:

“After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound in duty and interest to take, a NEUTRAL position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance, and firmness.”

And, oh, how like a patriot and father, did he, still yearning over his country, warn us by his FAREWELL ADDRESS to beware of all self-constituted combinations to overawe and control this Senate! It is Washington who speaks to us from the grave; let Senators listen!

“The basis of our political systems is the right of the people to make and to alter their constitutions of Government. But the constitution which at any time exists, till changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power and the right of the people to establish government presupposes the duty of every individual to obey the established government.”

“All obstructions to the execution of the laws, all combinations and associations, under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberation and action of the CONSTITUTED AUTHORITIES, are destructive of this fundamental principle, and of fatal tendency. They serve to organize faction, to give it an artificial and extraordinary force, to put in the place of the delegated will of the nation the will of a party—often a small but artful and enterprising minority of the community—and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill-concerted and incongruous projects of faction, rather than the organ

of consistent and wholesome plans, digested by common counsels, and modified by mutual interests.

“However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men will be enabled to subvert the power of the PEOPLE, and to usurp for THEMSELVES the reins of Government, destroying afterwards the very engines which have lifted them to unjust dominion.”—*Farewell Address.*

What words of wisdom and of truth are these! They are the principles of liberty, well-regulated liberty; of freedom, constitutional freedom.

Methinks I see the coming storm. The press may be already charged; but no matter. This is my country’s question, not a mere party strife. These are the sentiments my head and my heart approve, and I will not withhold them. The President may peril his Administration—some of you believe he will—if he or his friends should dare to think like WASHINGTON—to act like WASHINGTON. But he will violate his duty and peril his country if he does not. So did WASHINGTON peril his Administration; but, the people, the DEMOCRACY, came to the rescue, and all was well. A much humbler victim (like him who addresses you) must expect to be marked as a disturber of our party harmony. But shall I preach harmony when there is no concord, upon such questions as these? It would be political hypocrisy. I read to an American Senate the lessons which Washington taught, and upon which Washington ACTED; and if “that be treason, make the most of it.”

But, before you strike, the PEOPLE shall hear. Are not these the true principles of the Constitution, upon which every Administration of this Government, from WASHINGTON down—Federal and DEMOCRATIC—have ACTED,—have ACTED, I say—in the management of our foreign affairs? I challenge a refutation by their ACTS—not mere words. It is southern Democracy, Mr. President, beyond all dispute. It is that sort which I have always professed; not like a potato, that grows under ground at the root; but which blooms and bears its fruit in the open air of heaven, and then ripens and is FIT FOR USE.

I say nothing about LEGISLATIVE INSTRUCTIONS: not a word. I have not time to speak upon that point, so as to express myself in a manner to avoid misrepresentations; and it is not necessary I should raise that question before I shall be instructed. Suffice it to say, that NORTH CAROLINA has not instructed her Senators. I esteem it a jewel in the crown of my State, that North Carolina never did, in any party mutations or political excitements, instruct her Senators upon a TREATY of TREATY-MAKING, so far as I know. I presume it will not so much as be pretended that I ought to pay obedience to the mandates of any other State.

[At this stage of his remarks, Mr. HAYWOOD gave an amusing account of the game of politics to be played with this OREGON question in President-making. The substance was, that the great Western Democratic statesman, (Mr. BENTON,)—[he had seen ever since last summer,]—was to be drum-

med out of the party, with the false label upon his back, of "traitor to Oregon!" The great Southern Democratic statesman, [MR. CALHOUN,] was to be dismissed, falsely labelled with the cry of "Punic faith to Oregon." The Senator from Arkansas, [MR. SEVIER,] another eloquent and early friend of Oregon, would find himself marched out for his want of foresight—because, in the last Congress, he made a speech for the notice, but instead of going for "all or none," "fight or no fight," he had got for his reward a vulgar patch to his back, of "notice for the sake of negotiation." The Secretary of State, [MR. BUCHANAN,] and all the Cabinet, would probably be dismissed, in a body, from the party, branded as "British compromisers." And as that left the Governor of New York still in the party, Mr. H. asked, "what of him? How is he to be got rid of?" "Oh, that will be a small job, provided the indignation against the WASHINGTON TREATY can be kept up to a white heat long enough, as he voted for its ratification." [Then turning to MR. WEBSTER,]—"The Senator from Massachusetts may see a more amiable excuse for certain state strictures upon the "Washington treaty" than malice towards the negotiator. GOVERNOR WRIGHT, as a Senator, voted for its ratification; and he happens not to be here to vote upon Oregon. So "Ratification of the Ashburton treaty," will be his badge upon his dismissal. During this part of the speech there was much laughter, and the picture, although drawn seriously, was exhibited in good humor. He then proceeded as follows:]

Why, in the name of all that is safe to my party, where do the Democrats expect to find a Presidential candidate? Who will be our President after we have expelled all our biggest men? Sir, I am sure I do not know.

[MR. HANNEGAN remarked; "Take him from amongst the people, where we got one before."]

Oh! Ay, then he IS to be taken from among the people, is he—without resorting to such statesmen as those I have named? We shall see, however, whether the people agree to have this game played after a three year's notice.

There is a mistake, however, Mr. President, in what the Senator from Indiana exclaimed, at his first sight of my imperfect picture. In my State, let me tell that Senator, when Democrats talk of "the people," we mean "the masses"—the "bone and sinew" of the land, as distinguished from the statesmen, lawyers, politicians, and such like. In that sense, I deny that President Polk was got for a candidate from among "the people." He has been a politician all his life, and we knew it when he was nominated. Thank God for it!—he has now proved himself to have been more—one of the STATESMEN of this great country. And if he will only stand up by the side of Washington, as he has done, and I hope he will do, he will be entitled to our lasting admiration. That sort of flattery to the people would not take at all with "the people" in my part of the world, and I should be sorry to think it would tickle the people very much anywhere. A man is no worse, as a man, because he does not possess the learning and political experience which are requisite to fit him for the station of Chief Magistrate of the United

States. Nobody pretends to that. But it is a great evil when everybody thinks he is fit to be the President; and if my friend from Indiana should stand up before a crowd of honest Democrats in my State and talk to "the people," the "real people," the "masses," there—the men who drive their own ploughs, make their own carts, &c., and quietly pursue their occupation at home—about NOMINATING ONE OF THEM FOR PRESIDENT, they would do what I will not—laugh in his face, and tell him that he might as well talk of getting a blacksmith to mend watches.

But let me ask the attention of Senators whilst I give to the Baltimore resolution a more particular notice. It has been often referred to in the Senate, and no one has answered. I believe the Senator from Illinois [MR. BREESE] is entitled to the distinction of having first read it in the Senate. He did not have the Secretary to read it, but read it himself: Next year for the next step! The Senate, having no wish to misrepresent me, need not be asked to remember that I shall have nothing to say against the convention or its members. The resolution which has been gravely read, and often relied upon as deserving great weight and consideration in our deliberations, is my subject; not the convention. The resolution on Oregon is simply this: The declaration of opinions by a party convention recommending those opinions to the people which were unanimously adopted by the convention. That is its precise character. They are before me:

"Resolved, That our title to the whole of Oregon 'is clear and unquestionable; that no portion of 'the same ought to be ceded to England or any 'other Power; and that the re-occupation of Oregon, and the re-annexation of Texas, at the earliest practicable period, are great American measures, which this convention recommends to the 'cordial support of the Democratic party of this 'Union.'"

It is remarkable how this resolution has acquired so much importance now, when it was not even thought worthy of being communicated to Mr. Polk at that time by its authors. I have before me, in Niles's Register, the letter informing him of his nomination, and expecting to elect him; and his reply accepts the nomination, hoping they may. That is about the whole of it. In good taste, and enough said. If any Senator wishes it, I will read the letters. Here they are. But not a word about Oregon—not a syllable. No pledges made, and none required. In truth, we all know that the Baltimore Convention was not called to instruct or to express opinions for the party, but simply to choose a DEMOCRATIC CANDIDATE. So you come round again to Mr. Polk's opinion voluntarily expressed before he was a candidate for President, and which he has not changed to this day. Of that I have already spoken.

Then whom does this resolution bind? Why brought into this Senate? But before you answer me, recollect there were two Baltimore conventions. [Some person said—"three."] I know, but I don't count the Tyler Convention. [A good deal of laughter took place at this remark, and Mr. H. said, "I mean no sneer—no offence to any one."] The Whig Senators, I suppose it will be admitted,

are not bound by the Democratic Convention resolution. [Mr. DICKINSON, of New York, and others said, "Of course not." Then that is settled. How is it with a Democratic Senator, whose State voted for Mr. Clay, and repudiated the Democratic Convention? That is my case. My State adopted the Constitution many years ago; and besides that, they refused to vote for Mr. Polk, or to approve this resolution in 1844. What is it expected of ME to do? To obey the Constitution, and follow the people of my State; or this resolution of a convention sent to Baltimore to NOMINATE A CANDIDATE FOR PRESIDENT, but not to make CREEDS for the party? [Some one remarked, "Of course you are not bound as a SENATOR."] Very well; it is as a Senator I talk here, as a Senator I vote here, and as a Senator I heard these resolutions read here; and yet as a Senator I am not bound to heed them. That is a strange result after all we have heard of this matter. And in behalf of my Democratic neighbors, the Senators from South Carolina, I would respectfully inquire whether they were bound, and how far?—since South Carolina would not join the convention, and had no delegates in it. [Several voices: "Oh, yes; her delegates came in after."] I understand it: South Carolina delegates came into the nomination. However, I suspect that much of all this, intended or not intended, will be used to aid the cry of "Panic faith"—"Panic faith," of which I shall speak hereafter.

But in the next place, Mr. President, I presume to tell my Democratic associates who thrust this new CREED upon me as a test of orthodoxy in the party, that they seem to me not to understand it themselves, and it were as well to look to that before any cry of treason shall be got up, either against the President, or against the Senate, or against an humble individual like myself. I charge the Senator from Illinois, and all other Senators who subscribe this as a CREED, and yet go for 54° 40', with insisting upon more than the Baltimore Convention have recommended the party to believe and do; and here is my proof. It truly says that Texas and Oregon are "great American" questions! You insist that Oregon is a "Western" question; and sometimes it is treated by you as a "party" question; and I am afraid that, by bringing it here, you will soon induce other persons (without Senators intending it) to convert it into a very dangerous presidential—sectional—anti-democratic, anti-administration question, and teach others to PROSCRIBE those who cannot lay aside our original faith as we do our clothes; and, therefore, still believe that this is an "American" question, and that, like Texas, the "twin-sister to Oregon," the boundaries of Oregon ought to be left to a settlement by negotiation through the President and Senate of the United States—the only constitutional organs for treating with foreign Governments.

But more than that, Mr. President: this CREED is in favor of the "RE-OCCUPATION OF OREGON." And that is what it recommended to our party. Ah! "re-occupation"—that's the word; not occupation, but *re-occupation*. Now, we cannot "re-occupy" what we never "occupied" before. We never occupied the Oregon that lies north of the compromise line of 49° before, but the Oregon

on this side of that line we have heretofore occupied. Therefore we cannot re-occupy north of 49°, but we can re-occupy all south of that line! And that is exactly what the President has been endeavoring to do, and exactly what I am in favor of doing—"fight or no fight." Sir, if a Democrat thus comes fully up to this creed by his action, what gave Senators here the privilege to denounce him as untrue to the Democratic faith? This construction of the CREED is not hypercritical. What is "OREGON?" The country on the Columbia river and south of it—all lying below the line of 49°—used to be Oregon. The old historians, maps, and geographers all had it so. It is a thing of modern origin to call any part of the territory north of 49° "OREGON." There is, then, an old Oregon and a modern Oregon. The old Oregon was once occupied by us. Outside of that we have never occupied any portion of the modern Oregon; and therefore, if this CREED had gone for an occupation of Oregon, it might well be construed "all of Oregon," old and new. But as it only went for a "RE-OCCUPATION," it is as clear as day that the CREED must be interpreted to mean the old Oregon up to 49°; that same Oregon which we once occupied; that same Oregon which lies south of 49°; that same Oregon which the DEMOCRATS all go for still;—only some of us are not anxious to fight for ANY MORE! If we stand to the faith, and keep the bond as it was written for us, will not that suffice? I think, Mr. President, I have disposed of the Baltimore resolution generally and specially.

With unaffected pain did I hear a charge of "PUNIC FAITH" brought and repeated against the SOUTH, in this Senate, with respect to this Oregon notice, &c., and in a way that challenged a reply to it.

Personally I care nothing about it, as I voted for the Oregon bill last session; and some Senators know that my reason for voting against notice the session before was, that its form appeared to me to violate the Constitution. [Mr. H. here explained at length his objections to the form of that notice. He also excused himself for voting to take up the Oregon bill last session, by stating that if he had known at the time (as he does now) how the negotiation then stood, he would not have voted for so much of that bill as proposed to take jurisdiction. But the Senate did not know the facts at that time, and they had not been told to him. He did not wonder at the offence that was taken by the British Parliament, who, no doubt, believed that we knew it all, at the time the bill passed the other House.] But I do not feel myself at liberty to let such an accusation grow into a *proverb* against the SOUTH. The SOUTH is my HOME; and such accusations have a baleful influence in kindling and preserving sectional feelings: I shall, therefore, expose its injustice, and then forbear. I shall do that by the Journals of the Senate now before me. I will read from the books, if any of my statements should be questioned. This charge of "Panic faith," the Senate will remember, was introduced here some days ago, when the honorable Senator from Georgia, [Mr. COLQUHOUN] had spoken of the course of the Senator from Indiana [Mr. HANNEGAN] upon the Texas question. The honorable Senator from Indiana said, in substance, as



I understood him. I have not his words before me) — that he had for some time desired a fit occasion to explain his vote against Texas, and now he had it; and that it was simply because he had forgotten "Panic faith—Panic faith!" Then, or at some other time, he more than intimated that he had found that Panic faith in the South. Other Senators were habitually called to the floor to vindicate that Senator, by their statements, showing that he really was suspicious of the South, of which I do not complain. Alas! that the complexion given to this matter before the public eye was, that this "Panic faith" had been practiced by one of our Southern Senators of the Democratic party, and the sincerity of the honorable Senator, if honest, enabled him to see it before-hand. In that way he explained his vote against Texas.

Now, Mr. President, there is a *grave* mistake in all this. In the first place, the Senator's memory deceived him as to the fact of his own vote. *He did not vote against Texas! Upon the treaty he did not vote at all!* For the Texas Resolutions, the next session, he voted *ay!* The *Foundations*, before me, and these are facts. If contradicted, I will read the votes.

[Mr. HAYWARD remarked: "I was present, and did not vote on the treaty."]

No doubt of it; but present or absent was all the same. No single vote was worth having upon the treaty, but everybody knew in the Senate, at least from the beginning, that the treaty could not pass. The Senator will admit that. Then what basis for his charge is left?

In the second place, Mr. President, the resolution for notice, &c., on Oregon was rejected at that session—before the *Baltimore Convention act!* It was rejected by *yes* and *no* on the 21st of March! The convention met on 27th May! Now, what does the Senator think of his charge of "Panic faith, Panic faith!"

In the third place, every Democratic Senator *save two*—the two from South Carolina, [Messrs. HENRY and McDONALD]—voted for the Oregon bill upon the 23d vote in the Senate at the session when Texas was passed through by the Senator's vote. The Senator from Indiana at that session held Texas in his hand—*in his very hand!* Without his vote, it could not have passed! Oregon lacked one vote to save it, Texas but one vote to kill it. What claim will he set up for *seniority*, and upon what grounds can he make this charge against the South, when he had only to have made the passage of the Oregon bill a *simple question* to his vote by Texas; and the thing would have been done,—both would have passed, or neither. The Oregon bill must have passed—always provided, he could have got a *few friends* necessary to make such a bargain with him! He had but two Senators to trade with, for all the rest of us voted for the Oregon bill without a pause. That he did not deliver a bargain for Oregon is no occasion of notice.

[Mr. HAYWARD here spoke of Mr. HENRY as an absent friend, whom he loved too well not to vindicate, as most unjust aspersions, and was about to proceed, when

Mr. HANCOCK at once interrupted him by expressing the highest admiration and respect for Mr. HENRY, and disavowed all sort of intimation to

impute to him an act, or even a thought of the slightest dishonor as a man or a Senator.]

Mr. HAYWARD continued: "That is enough, Mr. President. The other honorable Senator from South Carolina [Mr. McDONALD] is here, and very able to vindicate himself, if he thinks it is required. But I turn to higher topics. This is not a pleasant one."

Mr. President, in coming to the conclusion I have, and a high one, been expressed to the Senate without evasion or disguise, and in taking my stand, as I believe, abundantly of the Executive department of the Government, I took no counsel of Great Britain's strength to make me *creak* from the extreme claim of my own country. Were it MORTON, or any still weaker and more distracted Government, if I knew my own heart, I would demand no more from it than I would insist upon against Great Britain, our rights, our honorable rights, generally and in law. From neither, and from no other Government in the world, would I take what was not honorable for my own to demand; nor go to war with any nation for either a profitable or an unprofitable wrong. I must be pardoned, therefore, for giving utterance to the sentiment, that an accusation of this kind against our own Government was neither just nor politic nor patriotic. The rest of the world will be easy to persuade, with American threats to threaten them, that our country is mean enough to oppress the weak, and too covarily to assert our rights against the strong. Great Britain will hardly find in that (if she believed it) a motive for surrendering "all of Oregon" without a flint, even if it should become necessary for her to fight us single-handed for it.

But, before God and the Senate, I do abjure and repudiate the sentiment of hatred to my nation as a motive for going back no further than the official compromise.

The venerated man whose image hangs conspicuously before us, and whose name should ever be his glory in an American Senate—GEORGE WASHINGTON—in his last words to the country, taught us "*that the union which unites us needs neither habitual wars nor is in some degree necessary*" and the Declaration of American Independence has constituted it as a political maxim of this republic, "*to hold Great Britain, as we hold the rest of mankind, in reason's [only] in war, but in peace forever*." There is nothing that has tempted us to forget, and nothing shall drive us to violate, the counsel of my country's father, nor this bodily mental maxim of the American institutions. No! this will I teach the people to do it. Good men could not applaud the *excuse* for it. Heaven would not require its practical application, useful, perhaps, to visit the consequences upon the nation itself.

Without going into any title to the Territory, (which, if the Senate chooses, can be done hereafter and whenever the bill for taking jurisdiction over Oregon, or "any portion of it," comes up for consideration,) I will tell you, in very few words, the ground of right upon which (if there were no other) I would put my vindication. There is it in the political RIGHT of my country to stretch itself without any interruption by foreign

*Government from the Atlantic to the Pacific*—from sea to sea on this continent—according to our ourdies shall judge it expedient or not. That was said by the RIGHT HONORABLE LORDS, and our ENDEAVOR, DEUCE, was search'd, subject only to the proviso, that we must not do it—as to deny the like privilege to our neighbors, nor interfere with settlements permanently made before our Independence was established, nor with ancient rights belonging from aqur by them, nor act with respect to the *Aborigines*. What we claim a right to do, we must not deny to the U.S.A.S. It is a sort of *Radical* presumption right to both. Great Britain cannot rightly complain as long as we do not deny to her, as the mother country of the U.S.A.S., the same right equally with ourselves. She cannot rightfully interrupt our enjoyment of that right. And if she does, then we CAN NOT HELP IT. Our dividing line is at PE on this side of the mountains, and if it is straightened to the Pacific on the other, in harmony, we ought to be satisfied. In getting that line between the two Governments, the great law of "love and good will to man" requires concessions for equidists, to be agreed for by mutual consent, and they should be mutually made for the convenience of each other; and these are fit subjects for friendly negotiation.

This Senate, Mr. President, are more fondly with the doctrine and the learning of books about *continuity* and *continuity* than I profess to be; and they might well complain of me if I colored upon those topics. My constituents are a plain republic people, who generally do not care to be enlightened by such treatises. As many of them do, will read for themselves. By the Constitution they have entrusted the making of TREATIES with the President and Senate. They are invested with the *Constitution as it is*, and patriotically disposed in all parties to take sides with their country. I am "the People's" eye. They will feel and understand that assertion of our right to grow and multiply when the providence of God the country wants to do it, and I doubt not it will vindicate me. At any rate, they put me in this Senate to get on questions of this sort, *questions of treaty-making*, and to advise the President according to my best judgment, upon the responsibility of my own conscience, and I shall govern myself accordingly, accountable to God that my motives are good, to my constituents that my speech be frank, to the people only that I DO RIGHT.

What the end of these things may be, if the Senate shall come to the same conclusion with me, must depend upon the course Great Britain may pursue, or may not put me, upon the subject of a compromise. Of that I know nothing. I only know what she ought to do, and that I trust in God she will do. One thing is certain—it will bring us to the end. If it does not and in addition it will not hinder it.

I believe Great Britain desires peace, because it is her interest to do so. Her Minister is still here—the Minister of Peace—the Minister of Peace from a Christian people and a Christian Government. Why should we doubt the result? He will be led by leave before he leaves to tell us what is then—**FURTHER PROPOSAL MORE CONSIST-**

**ENT WITH FAIRNESS AND EQUITY,"** which he trust if the American Government would make so him, (pp. 11, 63) So, the civilized world would be into the Ministers of both Governments if this negotiation should be terminated upon any point of personal or diplomatic etiquette. Christian lands are not to be involved in war at the day for the personal *pique* of their agents. Ministers of peace do not seek occasion for a quarrel, but, if really inclined to compromise, they would be looked upon as miserable bunglers, when either or both of them cannot find in their own correspondence, or elsewhere, a reason or a pretext for making any offer that would prove acceptable to both. If either at any such, leave all that to them, and there let the responsibility rest, undivided by us.

This matter can be compromised, if the two Governments are willing to do it. If Great Britain does not intend to compromise, we ought to know it, let her not have the excuse for it that the President was against "all compromise," but in favor of "all Oregon or none." She shall not be permitted to say that that misconstruction of the American President, although proclaimed in the American Senate by some Senators, was neither refuted nor contradicted by any other.

This notice is no threat at all; and I do not expect it is either to intimidate Great Britain or to offend her. But hitherto neither of the two Governments seems to have fully realized the necessity of terminating this long cause of dispute between them, and of opening the way wider for the cultivation of a permanent national concord.

Whatever may be *their course or their condition*, it is now to me that WE are no longer left at liberty to postpone a final settlement of this whole controversy about Oregon. The public will, expressed through their immediate delegates in the other House, is very conclusive upon that point. Another Presidential election, and every other question will be made subordinate to this one for "Our Right."

The public mind, already pre-occupied by unrelated arguments upon our title to the whole of Oregon, will be in no state to discuss it; the people will be excited and misled by denunciations against every man who has the moral courage hereafter to doubt it, and even taught to call him "British," the prejudice of age will be deemed as the counsellor of a foreign influence by a hired press; the wisdom of state men will be actuated by the clamors of selfish demagogues; the boys of peace and the boys of God denominated by factions, and vilified by self-constituted associations, as the cowardice of traitors and the affectation of hypocrisy. It will soon become the unholy work of an infuriated party spirit, guided by personal ambition, to create and produce in our happy country this, and much more than this—all, as I apprehend, for the sake of putting great men down, and exalting little men to high places; more than it will be for the purpose of securing our national rights. Senators and others who would seem to play the game are manfully pushing the cards—"All of Oregon, or none"—Our title is "clear and unquestionable"—"The Administration is with us"—"Down with the traitorous Democrat or British"—"Who who opens his mouth for compromise?" These cries will be

so many obstacles to *Peace!*—honorable peace. As we would keep the power over this subject in the hands to which the CONSTITUTION has entrusted it; as we would protect the trust committed to the SENATE, and do our whole duty to the cause of LIBERTY REGULATED BY LAW, to God, and to our consciences—I think the Senate should aid to bring this controversy to a conclusion, in some way or other, as soon as possible. Another year, and it may be too late to settle it in peace. Another *three years' delay*, and it will not be settled without a dreadful conflict of political agitations at home, and perhaps a desperate war between two Christian nations. God deliver us from both!

If the trusts of this body under the Constitution must be carried for discussion beforehand to the court-houses and party caucuses of the land—if we must encounter the agitations and perils and bitterness of a popular ordeal, in our foreign affairs—will not the Senate agree that it is safer and wiser to take care that the pleadings shall be made up so as to present the TRUE ISSUES? Notice or no notice is an old question—predetermined and prejudged; and the peace of the country can hardly be preserved if we suffer that to be the issue which goes before the country. Let us give the notice, then, to the President's hands, before the negotiation is closed, and, if there is a compromise, the question will go to the people upon that. The result is, to my mind, neither doubtful nor fearful. If no compromise that we can accept with honor shall be offered now, it never will be offered; and then we shall soon have the whole subject before us, and can take such steps as will protect our rights and carry this question into our popular elections upon fair and true issues. But there has been a doubt excited lest the President might abuse the notice after we have authorized it, and you hesitate. Is there not more danger from our delay, than in any trust we may repose in the Executive by giving him the use of this notice, even if he should abuse it? Friends of the Administration—**DEMOCRATS**—surely WE can confide it to him, else we ought not to be his friends. Confidence is not to be expected with so much alacrity from those who have been his political opponents, especially when some of ourselves have misconstrued the President. But, **WINGS** of the Senate, do you still doubt his position? Do you fear he may abuse this notice after it is given to him, (as it has been said he would,) by abruptly closing negotiation, and even refusing his own offer for a compromise at 49°, should it be returned to him? To such as are resolved to stand by him **AT THAT LINE OF COMPROMISE**, and to **NO OTHERS**, do I appeal. I have said already that if you do not mean to stop concession at that line, you do right in refusing the notice. He cannot speak upon that point; official propriety forbids it, as I have already said and proved. But here is a guaranty. Let him but venture to occupy that position contrary to your hopes and expectations. Let him only attempt to betray the confidence you put in his *conduct*. (Oh! he will not do it. I feel like I was defending a friend's honor, when I say again, and again, and again, that this construction **CANNOT** be true.) But what if he should attempt it? The country will

yet be safe. He might embarrass the Senate, but he would destroy himself. The moment he does it, the whole subject will, by the Constitution, pass out of his hands, and fall **EXCLUSIVELY INTO OURS**. The *Legislative*, and not the Executive department, will thenceforth have it in charge; with no change but the abrogation of a convention that it were rashness in us to continue longer in force. We have a majority here for peace, and for every honorable means of preserving it—no more, but all that—men who, I am sure, would defy faction, and laugh at demagogism in the crisis of their country's fate—**Democrats** and **Whigs**, all patriots and together upon an "**AMERICAN**" question. And the bill for extending our jurisdiction over Oregon need not to be, as it ought not to be, adopted, until we see what more the President will do, and what *Great Britain means to do*. And this Senate ought not to adjourn until we know whether we are to have **PEACE** or a **SWORD**. **IT SHALL NOT BY MY VOTE**. It would not be becoming in me to undertake to advise how we ought to act in such a case upon subsequent measures. Though I do not admire the common use of Scripture quotations in political speeches, the subject and the occasion appear to be solemn and impressive enough to excuse me for saying upon that point, "**Sufficient unto the day is the evil thereof.**"

I come now to invite the attention of the Senate to some of the several forms in which it has been proposed that this notice shall be authorized. The resolution reported from the Committee on Foreign Affairs was not at all objectionable to my mind in the outset. For nothing on its face do I now think that resolution objectionable. But other Senators were not satisfied with it, and preferred to pursue a different form of words; and I have held myself ready at all times to adopt any form that might be more acceptable to others, so long as the substance was not sacrificed. If I could desire to put Senators of any party in a false position upon a question of this kind, I should despise myself. The resolution and preamble offered by the Senator from Kentucky, [Mr. **CRITTENDEN**,] when it was proposed, seemed to me to arrive at the object, substantially, by another form of words, perhaps better, perhaps not; any way, I was, at the beginning, and I am now, contented to take that. I like it—I approve it. But I should like to see it altered by striking out the *proviso* which delays the notice until after the present session of Congress. My reasons have been already stated. Should they make no impression upon the judgment of the Senate, I do not expect to make that *proviso* a reason for voting against that amendment. The preamble, although not originally necessary, was, perhaps, expedient, on account of the course of the debates which sprung up in the Senate, and connected themselves with **OREGON**; and the introduction of the proposition of the Senator from Kentucky [Mr. **CRITTENDEN**] was at once a wise and patriotic movement, to check the progress of unnecessary alarm in the country. With the lights at that time before us, I think it was so. Though I knew nothing of it until it was proposed by him, in my heart I thanked him for it. That Senator is a better judge than I am, whether all the valuable and patriotic purposes designed by him have not



been fully accomplished. The difference between authorizing the President to give the notice *at his discretion*, and a law annulling the treaty and directing him to give the notice, does not seem to me to be very material; and if it were, I would suggest that the House resolution leaves it to his discretion, as well as the resolution of the Senator of Kentucky. I am willing to vote for either of the three, as may be most agreeable to others.

The amendment suggested by the honorable Senator from Georgia, [Mr. COLBERT] I cannot vote for—the last resolution. I sat down to examine it, with a sincere desire to approve, if I could; but I cannot, and I regret it on many accounts. The words are as follows:

“Sec. 2. *And be it further resolved*, That it is earnestly desired that the long-standing controversy respecting limits in the Oregon territory, be speedily settled, by negotiation and compromise, in order to tranquilize the public mind, and to preserve the friendly relations of the two countries.”

I object to this, because, although circumstances may make it proper or excusable in a Senator or Senators to express his or their individual opinions upon a negotiation in a debate, yet this Senate as a Senate ought not to do it, and we ought not to take charge of a negotiation pending at the Executive Department. The Constitution has left all that to the President, unless he asks the Senate for advice; and that advice should then proceed from the Senate alone, acting in Executive session, not from Congress. This Senate may be more competent to conduct a negotiation than President Polk, but the CONSTITUTION has determined that matter otherwise; and, “by the Constitution,” President Polk is the wiser and safer negotiator. We must not gainsay that by our resolutions as a Senate. If it be our right, I should question the expediency of giving any advice *unasked*. If we were ever so competent by the Constitution to give the advice unasked, and it were not inexpedient to do it for other reasons, yet it is entirely unnecessary in this case. The negotiation is pending upon the basis of “*compromise*,” and we have the President’s declaration to the British Minister that he has “determined to pursue it to a conclusion” upon that basis. Indeed, Senators know that after the basis was once arranged by mutual consent, it was not in the power of one of them to change that basis, without the consent of the other, or else terminating the negotiation.

I object to it further, because if the SENATE has a right to advise, and it would be prudent and wise to give the advice, still it cannot be pretended that CONGRESS has such a power under the Constitution; and it is one of the first and highest duties of the Senate to protect the peculiar trusts which, under the Constitution, appertain to it, and not to admit, much less to invite, the House of Representatives into partnership for *advising* the President upon our foreign affairs. By adding this amendment to a *joint resolution*, we violate that duty ourselves, and consent to and invite an encroachment upon the Senate; and that forms to my mind a conclusive objection. Were there no other, it ought to prevail.

I object to it further, because, if it is intended

as a declaration of our “earnest desire” made to a foreign Government, and addressed to it; then it is very unusual, if it be not a reflection upon our Chief Magistrate. He is the “only mouth” of this Government to speak to other nations; and he has already told Great Britain that he “desires” a compromise. Once is enough. I would give no room for an inference that we distrusted him or his peaceful purposes. It is proper that we should give him the moral weight of our Legislative opinion by act or resolution for notice, and leave him to use it the best way he can, but still responsible for any abuse of it. There I hope we shall stop. Give all the aid he asks, but offer no impediments. Thenceforth I would make no more calls for correspondence, but leave the Ministers to carry through the negotiation. Our calls may be embarrassing to both of them. They are not calculated to aid our own.

There is another objection to this resolution, that is conclusive to my own mind, and I ask particular attention to it. If I interpret it aright, it advises a compromise between 49° and the Columbia river. Now to that I cannot agree. In the 6th protocol are these words: The British Minister said “that he did not feel authorized to enter into a discussion respecting the territory north of the 49th parallel of latitude, which was understood by the British Government to form the basis of negotiation on the side of the United States, as the line of the Columbia formed that on the side of Great Britain.”

To this, I apprehend, our Government assented by signing the protocol, and Mr. Pakenham has ever since treated the matter accordingly. Then the “pending controversy” respecting limits is understood to be a controversy whether those limits shall be settled at 49°, or at the Columbia river; and our advice to settle it by compromise would be advice to compromise, viz: to give and take for a line between these two. I do not say it was so intended; I am sure it was not. But see how much difficulty there is in agreeing upon our construction of the Message. Shall we not multiply embarrassment by every step of our interference with negotiation?

Suppose that mine was not the proper interpretation of this resolution. It must be admitted not to be free of doubt. That is sufficient to condemn it; for it may mislead Great Britain. Her Minister may understand it as I do, and the consequence will be that no offer that we can accept will be made.

Upon the whole, I submit to the Senate that the House resolutions, under all the circumstances now surrounding this subject, had better be adopted by the Senate. Their second resolution is but a proviso excluding any inference that that House designed by the first one to obtrude into a subject belonging to the President and Senate. It was perhaps right for them to say so. It was but saying to us and to the President, “As a negotiation is pending, and this House claims no right to interrupt it, we have taken care to declare that negotiation is a matter with which the people’s Representatives in the House do not hereby interpose.” And, at the same time, the vote on their part implied the absence of any hostility to negotiation. Upon this subject, and at this stage of it, negotiation means compromise. From that there is no escape.

The great reason why I would entreat the Senate to take the House resolutions, so free of objection as they are, is this:

The difference, if any, in favor of either of the other propositions over those from the House, is not to be compared to the inconvenience, using no stronger expression, which the sending of this discussion back to the other House will produce in the country, and the certain delay and probable embarrassments it will lead to in pursuing the negotiation. The whole subject is with the Senate—with the Senate I leave it.

Mr. President, I have now concluded what I had to say. I must be more or less than a man if I felt so indifferent to the kind and flattering attention of the Senate for two days, as not to express my gratitude for it. I have spoken plainly of principles and things—I hope not too much so. It is difficult, I know, to do that without an appearance of disrespect to those I answer. But an attack upon errors of opinion is no assault

upon the persons holding them. In my heart there is nothing of unkindness. If I had not been placed, most reluctantly, in an attitude where I must speak, or be misunderstood; if I had not been goaded by repeated declarations which I could not assent to, and which, if correct, I knew would force me to oppose the Administration, and to abandon a friend, and which, if not correct, it was my duty and my right as a Senator to refute in free debate—I should not have opened my mouth. If this performance of an unavoidable duty should leave me exposed to misrepresentation, I must bear it. My hands are clean—my heart is easy—my conscience is unburdened; and if I have done anything for good I shall rejoice—if not, I have tried to do it. And having confidence in God stronger than any “confidence in princes,” I pray that HE who rules the destiny of nations may guide our counsels so as to save the peace of my beloved country, and protect it forever by His mighty arm in the enjoyment *liberty and religion*.

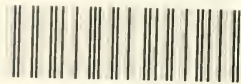
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